

As Reported by the Committee of Conference

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 68

**Representatives T. Patton, Calvert, Flowers, Martin, S. Patton, Buehrer,
Cassell, Collier, Daniels, DeBose, Domenick, C. Evans, Garrison, Gibbs,
Hagan, Hartnett, Hughes, Kearns, Key, Latta, Law, Mason, Redfern,
Reidelbach, Schlichter, Setzer, S. Smith, Williams, Yuko
Senators Armbruster, Gardner, Mallory, Spada, Harris, Hagan, Wilson, Dann,
Zurz, Roberts**

A B I L L

To amend sections 109.572, 122.14, 307.12, 315.08, 1
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, 4511.21, 9
4513.34, 4519.58, 4749.02, 4749.03, 4749.06, 10
4749.10, 5501.11, 5513.04, 5525.01, 5525.10, 11
5525.15, 5525.25, 5531.09, 5531.10, 5537.16, 12
5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 13
5735.27, 5735.28, and 5735.29; to enact sections 14
4503.85 and 4508.10; and to repeal sections 15
4501.12, 4501.35, 4506.02, and 4506.26 of the 16
Revised Code to make appropriations for programs 17
related to transportation and public safety for 18
the biennium beginning July 1, 2005, and ending 19

June 30, 2007, and to provide authorization and 20
conditions for the operation of those programs. 21

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

Section 101.01. That sections 109.572, 122.14, 307.12, 22
315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06, 4501.21, 23
4501.26, 4503.02, 4503.103, 4503.26, 4503.40, 4503.42, 4504.02, 24
4504.15, 4505.16, 4504.18, 4505.021, 4505.031, 4505.032, 4505.06, 25
4505.08, 4506.01, 4506.03, 4506.05, 4506.08, 4506.09, 4506.10, 26
4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 4506.17, 4506.20, 27
4506.23, 4506.25, 4507.02, 4508.06, 4509.27, 4511.21, 4513.34, 28
4519.58, 4749.02, 4749.03, 4749.06, 4749.10, 5501.11, 5513.04, 29
5525.01, 5525.10, 5525.15, 5525.25, 5531.09, 5531.10, 5537.16, 30
5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 31
5735.29 be amended and sections 4503.85 and 4508.10 of the Revised 32
Code be enacted to read as follows: 33

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 34
section 121.08, 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 35
5104.013, or 5153.111 of the Revised Code, a completed form 36
prescribed pursuant to division (C)(1) of this section, and a set 37
of fingerprint impressions obtained in the manner described in 38
division (C)(2) of this section, the superintendent of the bureau 39
of criminal identification and investigation shall conduct a 40
criminal records check in the manner described in division (B) of 41
this section to determine whether any information exists that 42
indicates that the person who is the subject of the request 43
previously has been convicted of or pleaded guilty to any of the 44
following: 45

(a) A violation of section 2903.01, 2903.02, 2903.03, 46
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 47

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 48
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 49
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 50
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 51
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 52
2925.06, or 3716.11 of the Revised Code, felonious sexual 53
penetration in violation of former section 2907.12 of the Revised 54
Code, a violation of section 2905.04 of the Revised Code as it 55
existed prior to July 1, 1996, a violation of section 2919.23 of 56
the Revised Code that would have been a violation of section 57
2905.04 of the Revised Code as it existed prior to July 1, 1996, 58
had the violation been committed prior to that date, or a 59
violation of section 2925.11 of the Revised Code that is not a 60
minor drug possession offense; 61

(b) A violation of an existing or former law of this state, 62
any other state, or the United States that is substantially 63
equivalent to any of the offenses listed in division (A)(1)(a) of 64
this section. 65

(2) On receipt of a request pursuant to section 5123.081 of 66
the Revised Code with respect to an applicant for employment in 67
any position with the department of mental retardation and 68
developmental disabilities, pursuant to section 5126.28 of the 69
Revised Code with respect to an applicant for employment in any 70
position with a county board of mental retardation and 71
developmental disabilities, or pursuant to section 5126.281 of the 72
Revised Code with respect to an applicant for employment in a 73
direct services position with an entity contracting with a county 74
board for employment, a completed form prescribed pursuant to 75
division (C)(1) of this section, and a set of fingerprint 76
impressions obtained in the manner described in division (C)(2) of 77
this section, the superintendent of the bureau of criminal 78
identification and investigation shall conduct a criminal records 79

check. The superintendent shall conduct the criminal records check 80
in the manner described in division (B) of this section to 81
determine whether any information exists that indicates that the 82
person who is the subject of the request has been convicted of or 83
pleaded guilty to any of the following: 84

(a) A violation of section 2903.01, 2903.02, 2903.03, 85
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 86
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 87
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 88
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 89
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 90
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 91
2925.03, or 3716.11 of the Revised Code; 92

(b) An existing or former municipal ordinance or law of this 93
state, any other state, or the United States that is substantially 94
equivalent to any of the offenses listed in division (A)(2)(a) of 95
this section. 96

(3) On receipt of a request pursuant to section 173.41, 97
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 98
form prescribed pursuant to division (C)(1) of this section, and a 99
set of fingerprint impressions obtained in the manner described in 100
division (C)(2) of this section, the superintendent of the bureau 101
of criminal identification and investigation shall conduct a 102
criminal records check with respect to any person who has applied 103
for employment in a position that involves providing direct care 104
to an older adult. The superintendent shall conduct the criminal 105
records check in the manner described in division (B) of this 106
section to determine whether any information exists that indicates 107
that the person who is the subject of the request previously has 108
been convicted of or pleaded guilty to any of the following: 109

(a) A violation of section 2903.01, 2903.02, 2903.03, 110
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 111

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 112
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 114
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 115
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 116
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 117
2925.22, 2925.23, or 3716.11 of the Revised Code; 118

(b) An existing or former law of this state, any other state, 119
or the United States that is substantially equivalent to any of 120
the offenses listed in division (A)(3)(a) of this section. 121

(4) On receipt of a request pursuant to section 3701.881 of 122
the Revised Code with respect to an applicant for employment with 123
a home health agency as a person responsible for the care, 124
custody, or control of a child, a completed form prescribed 125
pursuant to division (C)(1) of this section, and a set of 126
fingerprint impressions obtained in the manner described in 127
division (C)(2) of this section, the superintendent of the bureau 128
of criminal identification and investigation shall conduct a 129
criminal records check. The superintendent shall conduct the 130
criminal records check in the manner described in division (B) of 131
this section to determine whether any information exists that 132
indicates that the person who is the subject of the request 133
previously has been convicted of or pleaded guilty to any of the 134
following: 135

(a) A violation of section 2903.01, 2903.02, 2903.03, 136
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 137
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 138
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 139
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 140
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 141
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 142
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 143

violation of section 2925.11 of the Revised Code that is not a 144
minor drug possession offense; 145

(b) An existing or former law of this state, any other state, 146
or the United States that is substantially equivalent to any of 147
the offenses listed in division (A)(4)(a) of this section. 148

(5) On receipt of a request pursuant to section 5111.95 or 149
5111.96 of the Revised Code with respect to an applicant for 150
employment with a waiver agency participating in a department of 151
job and family services administered home and community-based 152
waiver program or an independent provider participating in a 153
department administered home and community-based waiver program in 154
a position that involves providing home and community-based waiver 155
services to consumers with disabilities, a completed form 156
prescribed pursuant to division (C)(1) of this section, and a set 157
of fingerprint impressions obtained in the manner described in 158
division (C)(2) of this section, the superintendent of the bureau 159
of criminal identification and investigation shall conduct a 160
criminal records check. The superintendent shall conduct the 161
criminal records check in the manner described in division (B) of 162
this section to determine whether any information exists that 163
indicates that the person who is the subject of the request 164
previously has been convicted of or pleaded guilty to any of the 165
following: 166

(a) A violation of section 2903.01, 2903.02, 2903.03, 167
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 168
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 169
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 170
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 171
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 172
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 173
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 174
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 175

25.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 176
Revised Code, felonious sexual penetration in violation of former 177
section 2907.12 of the Revised Code, a violation of section 178
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 179
violation of section 2919.23 of the Revised Code that would have 180
been a violation of section 2905.04 of the Revised Code as it 181
existed prior to July 1, 1996, had the violation been committed 182
prior to that date; 183

(b) An existing or former law of this state, any other state, 184
or the United States that is substantially equivalent to any of 185
the offenses listed in division (A)(5)(a) of this section. 186

(6) On receipt of a request pursuant to section 3701.881 of 187
the Revised Code with respect to an applicant for employment with 188
a home health agency in a position that involves providing direct 189
care to an older adult, a completed form prescribed pursuant to 190
division (C)(1) of this section, and a set of fingerprint 191
impressions obtained in the manner described in division (C)(2) of 192
this section, the superintendent of the bureau of criminal 193
identification and investigation shall conduct a criminal records 194
check. The superintendent shall conduct the criminal records check 195
in the manner described in division (B) of this section to 196
determine whether any information exists that indicates that the 197
person who is the subject of the request previously has been 198
convicted of or pleaded guilty to any of the following: 199

(a) A violation of section 2903.01, 2903.02, 2903.03, 200
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 201
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 202
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 203
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 204
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 205
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 206
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 207

2925.22, 2925.23, or 3716.11 of the Revised Code; 208

(b) An existing or former law of this state, any other state, 209
or the United States that is substantially equivalent to any of 210
the offenses listed in division (A)(6)(a) of this section. 211

(7) When conducting a criminal records check upon a request 212
pursuant to section 3319.39 of the Revised Code for an applicant 213
who is a teacher, in addition to the determination made under 214
division (A)(1) of this section, the superintendent shall 215
determine whether any information exists that indicates that the 216
person who is the subject of the request previously has been 217
convicted of or pleaded guilty to any offense specified in section 218
3319.31 of the Revised Code. 219

(8) On a request pursuant to section 2151.86 of the Revised 220
Code, a completed form prescribed pursuant to division (C)(1) of 221
this section, and a set of fingerprint impressions obtained in the 222
manner described in division (C)(2) of this section, the 223
superintendent of the bureau of criminal identification and 224
investigation shall conduct a criminal records check in the manner 225
described in division (B) of this section to determine whether any 226
information exists that indicates that the person who is the 227
subject of the request previously has been convicted of or pleaded 228
guilty to any of the following: 229

(a) A violation of section 2903.01, 2903.02, 2903.03, 230
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 231
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 232
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 233
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 234
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 235
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 236
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 237
violation of section 2905.04 of the Revised Code as it existed 238
prior to July 1, 1996, a violation of section 2919.23 of the 239

Revised Code that would have been a violation of section 2905.04 240
of the Revised Code as it existed prior to July 1, 1996, had the 241
violation been committed prior to that date, a violation of 242
section 2925.11 of the Revised Code that is not a minor drug 243
possession offense, or felonious sexual penetration in violation 244
of former section 2907.12 of the Revised Code; 245

(b) A violation of an existing or former law of this state, 246
any other state, or the United States that is substantially 247
equivalent to any of the offenses listed in division (A)(8)(a) of 248
this section. 249

(9) When conducting a criminal records check on a request 250
pursuant to section 5104.013 of the Revised Code for a person who 251
is an owner, licensee, or administrator of a child day-care center 252
or type A family day-care home or an authorized provider of a 253
certified type B family day-care home, the superintendent, in 254
addition to the determination made under division (A)(1) of this 255
section, shall determine whether any information exists that 256
indicates that the person has been convicted of or pleaded guilty 257
to any of the following: 258

(a) A violation of section 2913.02, 2913.03, 2913.04, 259
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 260
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 261
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 262
2921.13, or 2923.01 of the Revised Code, a violation of section 263
2923.02 or 2923.03 of the Revised Code that relates to a crime 264
specified in this division or division (A)(1)(a) of this section, 265
or a second violation of section 4511.19 of the Revised Code 266
within five years of the date of application for licensure or 267
certification. 268

(b) A violation of an existing or former law of this state, 269
any other state, or the United States that is substantially 270
equivalent to any of the offenses or violations described in 271

division (A)(9)(a) of this section. 272

(10) On receipt of a request for a criminal records check 273
from an individual pursuant to section 4749.03 or 4749.06 of the 274
Revised Code, accompanied by a completed copy of the form 275
prescribed in division (C)(1) of this section and a set of 276
fingerprint impressions obtained in a manner described in division 277
(C)(2) of this section, the superintendent of the bureau of 278
criminal identification and investigation shall conduct a criminal 279
records check in the manner described in division (B) of this 280
section to determine whether any information exists indicating 281
that the person who is the subject of the request has been 282
convicted of or pleaded guilty to a felony in this state or in any 283
other state. If the individual indicates that a firearm will be 284
carried in the course of business, the superintendent shall 285
require information from the federal bureau of investigation as 286
described in division (B)(2) of this section. The superintendent 287
shall report the findings of the criminal records check and any 288
information the federal bureau of investigation provides to the 289
director of public safety. 290

(11) Not later than thirty days after the date the 291
superintendent receives the request, completed form, and 292
fingerprint impressions, the superintendent shall send the person, 293
board, or entity that made the request any information, other than 294
information the dissemination of which is prohibited by federal 295
law, the superintendent determines exists with respect to the 296
person who is the subject of the request that indicates that the 297
person previously has been convicted of or pleaded guilty to any 298
offense listed or described in division (A)(1), (2), (3), (4), 299
(5), (6), (7), (8), ~~or (9)~~, or (10) of this section, as 300
appropriate. The superintendent shall send the person, board, or 301
entity that made the request a copy of the list of offenses 302
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 303

~~or~~ (9), or (10) of this section, as appropriate. If the request 304
was made under section 3701.881 of the Revised Code with regard to 305
an applicant who may be both responsible for the care, custody, or 306
control of a child and involved in providing direct care to an 307
older adult, the superintendent shall provide a list of the 308
offenses specified in divisions (A)(4) and (6) of this section. 309

(B) The superintendent shall conduct any criminal records 310
check requested under section 121.08, 173.41, 2151.86, 3301.32, 311
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 312
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 313
5126.281, or 5153.111 of the Revised Code as follows: 314

(1) The superintendent shall review or cause to be reviewed 315
any relevant information gathered and compiled by the bureau under 316
division (A) of section 109.57 of the Revised Code that relates to 317
the person who is the subject of the request, including any 318
relevant information contained in records that have been sealed 319
under section 2953.32 of the Revised Code; 320

(2) If the request received by the superintendent asks for 321
information from the federal bureau of investigation, the 322
superintendent shall request from the federal bureau of 323
investigation any information it has with respect to the person 324
who is the subject of the request and shall review or cause to be 325
reviewed any information the superintendent receives from that 326
bureau. 327

(3) The superintendent or the superintendent's designee may 328
request criminal history records from other states or the federal 329
government pursuant to the national crime prevention and privacy 330
compact set forth in section 109.571 of the Revised Code. 331

(C)(1) The superintendent shall prescribe a form to obtain 332
the information necessary to conduct a criminal records check from 333
any person for whom a criminal records check is required by 334

section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 335
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 336
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 337
5153.111 of the Revised Code. The form that the superintendent 338
prescribes pursuant to this division may be in a tangible format, 339
in an electronic format, or in both tangible and electronic 340
formats. 341

(2) The superintendent shall prescribe standard impression 342
sheets to obtain the fingerprint impressions of any person for 343
whom a criminal records check is required by section 121.08, 344
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 345
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 346
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 347
Code. Any person for whom a records check is required by any of 348
those sections shall obtain the fingerprint impressions at a 349
county sheriff's office, municipal police department, or any other 350
entity with the ability to make fingerprint impressions on the 351
standard impression sheets prescribed by the superintendent. The 352
office, department, or entity may charge the person a reasonable 353
fee for making the impressions. The standard impression sheets the 354
superintendent prescribes pursuant to this division may be in a 355
tangible format, in an electronic format, or in both tangible and 356
electronic formats. 357

(3) Subject to division (D) of this section, the 358
superintendent shall prescribe and charge a reasonable fee for 359
providing a criminal records check requested under section 121.08, 360
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 361
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 362
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 363
Code. The person making a criminal records request under section 364
121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 365
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 366

5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 367
Revised Code shall pay the fee prescribed pursuant to this 368
division. A person making a request under section 3701.881 of the 369
Revised Code for a criminal records check for an applicant who may 370
be both responsible for the care, custody, or control of a child 371
and involved in providing direct care to an older adult shall pay 372
one fee for the request. 373

(4) The superintendent of the bureau of criminal 374
identification and investigation may prescribe methods of 375
forwarding fingerprint impressions and information necessary to 376
conduct a criminal records check, which methods shall include, but 377
not be limited to, an electronic method. 378

(D) A determination whether any information exists that 379
indicates that a person previously has been convicted of or 380
pleaded guilty to any offense listed or described in division 381
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 382
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 383
or (A)(9)(a) or (b) of this section that is made by the 384
superintendent with respect to information considered in a 385
criminal records check in accordance with this section is valid 386
for the person who is the subject of the criminal records check 387
for a period of one year from the date upon which the 388
superintendent makes the determination. During the period in which 389
the determination in regard to a person is valid, if another 390
request under this section is made for a criminal records check 391
for that person, the superintendent shall provide the information 392
that is the basis for the superintendent's initial determination 393
at a lower fee than the fee prescribed for the initial criminal 394
records check. 395

(E) As used in this section: 396

(1) "Criminal records check" means any criminal records check 397
conducted by the superintendent of the bureau of criminal 398

identification and investigation in accordance with division (B) 399
of this section. 400

(2) "Home and community-based waiver services" and "waiver 401
agency" have the same meanings as in section 5111.95 of the 402
Revised Code. 403

(3) "Independent provider" has the same meaning as in section 404
5111.96 of the Revised Code. 405

(4) "Minor drug possession offense" has the same meaning as 406
in section 2925.01 of the Revised Code. 407

(5) "Older adult" means a person age sixty or older. 408

Sec. 122.14. There is hereby created in the state treasury 409
the roadwork development fund. The fund shall consist of the 410
investment earnings of the security deposit fund created by 411
section 4509.27 of the Revised Code and revenue transferred to it 412
by the director of budget and management from the highway 413
operating fund created in section 5735.291 of the Revised Code 414
~~and~~. The fund shall be used by the department of development in 415
accordance with Section 5a of Article XII, Ohio Constitution, to 416
make road improvements associated with retaining or attracting 417
business for this state. All investment earnings of the fund shall 418
be credited to the fund. 419

Sec. 307.12. (A) Except as otherwise provided in divisions 420
(D), (E), and (G) of this section, when the board of county 421
commissioners finds, by resolution, that the county has personal 422
property, including motor vehicles acquired for the use of county 423
officers and departments, and road machinery, equipment, tools, or 424
supplies, which is not needed for public use, is obsolete, or is 425
unfit for the use for which it was acquired, and when the fair 426
market value of the property to be sold or donated under this 427
division is, in the opinion of the board, in excess of two 428

thousand five hundred dollars, the board may do either of the 429
following: 430

(1) Sell the property at public auction or by sealed bid to 431
the highest bidder. Notice of the time, place, and manner of the 432
sale shall be published in a newspaper of general circulation in 433
the county at least ten days prior to the sale, and a typewritten 434
or printed notice of the time, place, and manner of the sale shall 435
be posted at least ten days before the sale in the offices of the 436
county auditor and the board of county commissioners. 437

If a board conducts a sale of property by sealed bid, the 438
form of the bid shall be as prescribed by the board, and each bid 439
shall contain the name of the person submitting it. Bids received 440
shall be opened and tabulated at the time stated in the notice. 441
The property shall be sold to the highest bidder, except that the 442
board may reject all bids and hold another sale, by public auction 443
or sealed bid, in the manner prescribed by this section. 444

(2) Donate any motor vehicle that does not exceed four 445
thousand five hundred dollars in value to a nonprofit organization 446
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 447
and (c)(3) for the purpose of meeting the transportation needs of 448
participants in the Ohio works first program established under 449
Chapter 5107. of the Revised Code and participants in the 450
prevention, retention, and contingency program established under 451
Chapter 5108. of the Revised Code. 452

(B) When the board of county commissioners finds, by 453
resolution, that the county has personal property, including motor 454
vehicles acquired for the use of county officers and departments, 455
and road machinery, equipment, tools, or supplies, which is not 456
needed for public use, is obsolete, or is unfit for the use for 457
which it was acquired, and when the fair market value of the 458
property to be sold or donated under this division is, in the 459
opinion of the board, two thousand five hundred dollars or less, 460

he board may do either of the following: 461

(1) Sell the property by private sale, without advertisement 462
or public notification; 463

(2) Donate the property to an eligible nonprofit organization 464
that is located in this state and is exempt from federal income 465
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 466
any property under this division, the board shall adopt a 467
resolution expressing its intent to make unneeded, obsolete, or 468
unfit-for-use county personal property available to these 469
organizations. The resolution shall include guidelines and 470
procedures the board considers necessary to implement a donation 471
program under this division and shall indicate whether the county 472
will conduct the donation program or the board will contract with 473
a representative to conduct it. If a representative is known when 474
the resolution is adopted, the resolution shall provide contact 475
information such as the representative's name, address, and 476
telephone number. 477

The resolution shall include within its procedures a 478
requirement that any nonprofit organization desiring to obtain 479
donated property under this division shall submit a written notice 480
to the board or its representative. The written notice shall 481
include evidence that the organization is a nonprofit organization 482
that is located in this state and is exempt from federal income 483
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 484
the organization's primary purpose; a description of the type or 485
types of property the organization needs; and the name, address, 486
and telephone number of a person designated by the organization's 487
governing board to receive donated property and to serve as its 488
agent. 489

After adoption of the resolution, the board shall publish, in 490
a newspaper of general circulation in the county, notice of its 491
intent to donate unneeded, obsolete, or unfit-for-use county 492

personal property to eligible nonprofit organizations. The notice 493
shall include a summary of the information provided in the 494
resolution and shall be published at least twice. The second and 495
any subsequent notice shall be published not less than ten nor 496
more than twenty days after the previous notice. A similar notice 497
also shall be posted continually in a conspicuous place in the 498
offices of the county auditor and the board of county 499
commissioners, and, if the county maintains a web site on the 500
internet, the notice shall be posted continually at that web site. 501

The board or its representative shall maintain a list of all 502
nonprofit organizations that notify the board or its 503
representative of their desire to obtain donated property under 504
this division and that the board or its representative determines 505
to be eligible, in accordance with the requirements set forth in 506
this section and in the donation program's guidelines and 507
procedures, to receive donated property. 508

The board or its representatives also shall maintain a list 509
of all county personal property the board finds to be unneeded, 510
obsolete, or unfit for use and to be available for donation under 511
this division. The list shall be posted continually in a 512
conspicuous location in the offices of the county auditor and the 513
board of county commissioners, and, if the county maintains a web 514
site on the internet, the list shall be posted continually at that 515
web site. An item of property on the list shall be donated to the 516
eligible nonprofit organization that first declares to the board 517
or its representative its desire to obtain the item unless the 518
board previously has established, by resolution, a list of 519
eligible nonprofit organizations that shall be given priority with 520
respect to the item's donation. Priority may be given on the basis 521
that the purposes of a nonprofit organization have a direct 522
relationship to specific public purposes of programs provided or 523
administered by the board. A resolution giving priority to certain 524

nonprofit organizations with respect to the donation of an item of 525
property shall specify the reasons why the organizations are given 526
that priority. 527

(C) Members of the board of county commissioners shall 528
consult with the Ohio ethics commission, and comply with the 529
provisions of Chapters 102. and 2921. of the Revised Code, with 530
respect to any sale or donation under division (A) or (B) of this 531
section to a nonprofit organization of which a county 532
commissioner, any member of the county commissioner's family, or 533
any business associate of the county commissioner is a trustee, 534
officer, board member, or employee. 535

(D) Notwithstanding anything to the contrary in division (A), 536
(B), or (E) of this section and regardless of the property's 537
value, the board of county commissioners may sell or donate county 538
personal property, including motor vehicles, to the federal 539
government, the state, or any political subdivision of the state 540
without advertisement or public notification. 541

(E) Notwithstanding anything to the contrary in division (A), 542
(B), or (G) of this section and regardless of the property's 543
value, the board of county commissioners may sell personal 544
property, including motor vehicles acquired for the use of county 545
officers and departments, and road machinery, equipment, tools, or 546
supplies, which is not needed for public use, is obsolete, or is 547
unfit for the use for which it was acquired, by internet auction. 548
The board shall adopt, during each calendar year, a resolution 549
expressing its intent to sell that property by internet auction. 550
The resolution shall include a description of how the auctions 551
will be conducted and shall specify the number of days for bidding 552
on the property, which shall be no less than fifteen days, 553
including Saturdays, Sundays, and legal holidays. The resolution 554
shall indicate whether the county will conduct the auction or the 555
board will contract with a representative to conduct the auction 556

and shall establish the general terms and conditions of sale. If a 557
representative is known when the resolution is adopted, the 558
resolution shall provide contact information such as the 559
representative's name, address, and telephone number. 560

After adoption of the resolution, the board shall publish, in 561
a newspaper of general circulation in the county, notice of its 562
intent to sell unneeded, obsolete, or unfit-for-use county 563
personal property by internet auction. The notice shall include a 564
summary of the information provided in the resolution and shall be 565
published at least twice. The second and any subsequent notice 566
shall be published not less than ten nor more than twenty days 567
after the previous notice. A similar notice also shall be posted 568
continually throughout the calendar year in a conspicuous place in 569
the offices of the county auditor and the board of county 570
commissioners, and, if the county maintains a web site on the 571
internet, the notice shall be posted continually throughout the 572
calendar year at that web site. 573

When property is to be sold by internet auction, the board or 574
its representative may establish a minimum price that will be 575
accepted for specific items and may establish any other terms and 576
conditions for the particular sale, including requirements for 577
pick-up or delivery, method of payment, and sales tax. This type 578
of information shall be provided on the internet at the time of 579
the auction and may be provided before that time upon request 580
after the terms and conditions have been determined by the board 581
or its representative. 582

(F) When a county officer or department head determines that 583
county-owned personal property under the jurisdiction of the 584
officer or department head, including motor vehicles, road 585
machinery, equipment, tools, or supplies, is not of immediate 586
need, the county officer or department head may notify the board 587
of county commissioners, and the board may lease that personal 588

operty to any municipal corporation, township, or other political 589
subdivision of the state. The lease shall require the county to be 590
reimbursed under terms, conditions, and fees established by the 591
board, or under contracts executed by the board. 592

593

(G) If the board of county commissioners finds, by 594
resolution, that the county has vehicles, equipment, or machinery 595
which is not needed, or is unfit for public use, and the board 596
desires to sell the vehicles, equipment, or machinery to the 597
person or firm from which it proposes to purchase other vehicles, 598
equipment, or machinery, the board may offer to sell the vehicles, 599
equipment, or machinery to that person or firm, and to have the 600
selling price credited to the person or firm against the purchase 601
price of other vehicles, equipment, or machinery. 602

(H) If the board of county commissioners advertises for bids 603
for the sale of new vehicles, equipment, or machinery to the 604
county, it may include in the same advertisement a notice of the 605
willingness of the board to accept bids for the purchase of 606
county-owned vehicles, equipment, or machinery which is obsolete 607
or not needed for public use, and to have the amount of those bids 608
subtracted from the selling price of the other vehicles, 609
equipment, or machinery as a means of determining the lowest 610
responsible bidder. 611

(I) If a board of county commissioners determines that county 612
personal property is not needed for public use, or is obsolete or 613
unfit for the use for which it was acquired, and that the property 614
has no value, the board may discard or salvage that property. 615

(J) A county engineer, in the engineer's discretion, may 616
dispose of scrap construction materials on such terms as the 617
engineer determines reasonable, including disposal without 618
recovery of costs, if the total value of the materials does not 619
exceed twenty-five thousand dollars. The engineer shall maintain 620
records of all dispositions made under this division, including 621
identification of the origin of the materials, the final 622
disposition, and copies of all receipts resulting from the 623
dispositions. 624

As used in division (I) of this section, "scrap construction 625
materials" means construction materials that result from a road or 626
bridge improvement, remain after the improvement is completed, and 627
are not reusable. Construction material that is metal and that 628
results from a road or bridge improvement and remains after the 629
improvement is completed is scrap construction material only if it 630
cannot be used in any other road or bridge improvement or other 631
project in its current state. 632

Sec. 315.08. The county engineer shall perform for the county 633
all duties authorized or declared by law to be done by a 634
registered professional engineer or registered surveyor, except 635
those duties described in sections 307.37 and 307.38 and Chapters 636
343., 6103., and 6117. of the Revised Code. ~~He~~ The engineer shall 637
prepare all plans, specifications, details, estimates of cost, and 638
submit forms of contracts for the construction, maintenance, and 639
repair of all bridges, culverts, roads, drains, ditches, roads on 640
county fairgrounds, and other public improvements, except 641
buildings, constructed under the authority of any board within and 642
for the county. The engineer shall not be required to prepare 643
plans, specifications, details, estimates of costs, or forms of 644
contracts for emergency repairs authorized under section 315.13 of 645
the Revised Code, unless ~~he deems~~ the engineer determines them 646

necessary. 647

Sec. 315.14. The county engineer shall be responsible for the 648
inspection of all public improvements made under authority of the 649
board of county commissioners. The engineer shall keep in suitable 650
books a complete record of all estimates and summaries of bids 651
received and contracts for the various improvements, together with 652
the record of all estimates made for payments on that work. The 653
engineer shall make all surveys required by law, shall perform all 654
necessary services to be performed by a registered surveyor or 655
registered professional engineer in connection with the 656
construction, repair, or opening of all county roads or ditches 657
constructed under the authority of the board, and shall perform 658
other duties as the board requires, provided that the duties 659
described in sections 307.37 and 307.38 and Chapters 343., 6103., 660
and 6117. of the Revised Code shall be performed only pursuant to 661
an agreement between the county engineer and the board; ~~an.~~ An 662
agreement of that type may provide for the county engineer's 663
performance of duties described in one or more of those sections 664
or chapters, and may provide for the county engineer's performance 665
of all duties imposed upon a county sanitary engineer under 666
Chapters 6103. and 6117. of the Revised Code or only the duties 667
imposed upon a county sanitary engineer under Chapter 6117. of the 668
Revised Code in relation to drainage. The board shall determine 669
the compensation for performance of the relevant duties described 670
in sections 307.37 and 307.38 and Chapters 343., 6103., and 6117. 671
of the Revised Code and shall pay the county engineer from funds 672
available under the applicable section or chapter ~~or chapters~~ or 673
from the general fund of the county. The performance of the 674
relevant duties described in sections 307.37 and 307.38 and 675
Chapters 343., 6103., and 6117. of the Revised Code shall not 676
constitute engaging in the private practice of engineering or 677
surveying. 678

Sec. 315.18. On the application of any person producing to 679
the county engineer a certificate from the proper officer, ~~such~~ 680
~~the~~ engineer or ~~his~~ the engineer's deputy ~~shall~~ may survey all 681
lands ~~which~~ that have been sold for taxes, which lie within ~~his~~ 682
the engineer's county. When a portion of any land or lot has been 683
sold for taxes, and, after ~~such~~ the sale and before a survey 684
~~thereof of the land or lot,~~ ~~such~~ the land or lot is set off to 685
another county by the erection of a new county or change of county 686
lines, the engineer of the county in which the sale was made ~~shall~~ 687
may make the survey, and the county auditor of the same county 688
shall make the deed. 689

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 690
deputy marshal, municipal police officer, township constable, 691
police officer of a township or joint township police district, 692
member of a police force employed by a metropolitan housing 693
authority under division (D) of section 3735.31 of the Revised 694
Code, member of a police force employed by a regional transit 695
authority under division (Y) of section 306.35 of the Revised 696
Code, state university law enforcement officer appointed under 697
section 3345.04 of the Revised Code, veterans' home police officer 698
appointed under section 5907.02 of the Revised Code, special 699
police officer employed by a port authority under section 4582.04 700
or 4582.28 of the Revised Code, or a special police officer 701
employed by a municipal corporation at a municipal airport, or 702
other municipal air navigation facility, that has scheduled 703
operations, as defined in section 119.3 of Title 14 of the Code of 704
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 705
required to be under a security program and is governed by 706
aviation security rules of the transportation security 707
administration of the United States department of transportation 708
as provided in Parts 1542. and 1544. of Title 49 of the Code of 709

Federal Regulations, as amended, shall arrest and detain, until a 710
warrant can be obtained, a person found violating, within the 711
limits of the political subdivision, metropolitan housing 712
authority housing project, regional transit authority facilities 713
or areas of a municipal corporation that have been agreed to by a 714
regional transit authority and a municipal corporation located 715
within its territorial jurisdiction, college, university, 716
veterans' home operated under Chapter 5907. of the Revised Code, 717
port authority, or municipal airport or other municipal air 718
navigation facility, in which the peace officer is appointed, 719
employed, or elected, a law of this state, an ordinance of a 720
municipal corporation, or a resolution of a township. 721

(2) A peace officer of the department of natural resources or 722
an individual designated to perform law enforcement duties under 723
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 724
arrest and detain, until a warrant can be obtained, a person found 725
violating, within the limits of the peace officer's or 726
individual's territorial jurisdiction, a law of this state. 727

(3) The house sergeant at arms if the house sergeant at arms 728
has arrest authority pursuant to division (E)(1) of section 729
101.311 of the Revised Code and an assistant house sergeant at 730
arms shall arrest and detain, until a warrant can be obtained, a 731
person found violating, within the limits of the sergeant at 732
arms's or assistant sergeant at arms's territorial jurisdiction 733
specified in division (D)(1)(a) of section 101.311 of the Revised 734
Code or while providing security pursuant to division (D)(1)(f) of 735
section 101.311 of the Revised Code, a law of this state, an 736
ordinance of a municipal corporation, or a resolution of a 737
township. 738

(B)(1) When there is reasonable ground to believe that an 739
offense of violence, the offense of criminal child enticement as 740
defined in section 2905.05 of the Revised Code, the offense of 741

public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

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

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

(b) A written statement by the administrator of the

interstate compact on mental health appointed under section 774
5119.51 of the Revised Code alleging that a person who had been 775
hospitalized, institutionalized, or confined in any facility under 776
an order made pursuant to or under authority of section 2945.37, 777
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 778
Revised Code has escaped from the facility, from confinement in a 779
vehicle for transportation to or from the facility, or from 780
supervision by an employee of the facility that is incidental to 781
hospitalization, institutionalization, or confinement in the 782
facility and that occurs outside of the facility, in violation of 783
section 2921.34 of the Revised Code; 784

(c) A written statement by the administrator of any facility 785
in which a person has been hospitalized, institutionalized, or 786
confined under an order made pursuant to or under authority of 787
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 788
2945.402 of the Revised Code alleging that the person has escaped 789
from the facility, from confinement in a vehicle for 790
transportation to or from the facility, or from supervision by an 791
employee of the facility that is incidental to hospitalization, 792
institutionalization, or confinement in the facility and that 793
occurs outside of the facility, in violation of section 2921.34 of 794
the Revised Code. 795

(3)(a) For purposes of division (B)(1) of this section, a 796
peace officer described in division (A) of this section has 797
reasonable grounds to believe that the offense of domestic 798
violence or the offense of violating a protection order has been 799
committed and reasonable cause to believe that a particular person 800
is guilty of committing the offense if any of the following 801
occurs: 802

(i) A person executes a written statement alleging that the 803
person in question has committed the offense of domestic violence 804
or the offense of violating a protection order against the person 805

who executes the statement or against a child of the person who 806
executes the statement. 807

(ii) No written statement of the type described in division 808
(B)(3)(a)(i) of this section is executed, but the peace officer, 809
based upon the peace officer's own knowledge and observation of 810
the facts and circumstances of the alleged incident of the offense 811
of domestic violence or the alleged incident of the offense of 812
violating a protection order or based upon any other information, 813
including, but not limited to, any reasonably trustworthy 814
information given to the peace officer by the alleged victim of 815
the alleged incident of the offense or any witness of the alleged 816
incident of the offense, concludes that there are reasonable 817
grounds to believe that the offense of domestic violence or the 818
offense of violating a protection order has been committed and 819
reasonable cause to believe that the person in question is guilty 820
of committing the offense. 821

(iii) No written statement of the type described in division 822
(B)(3)(a)(i) of this section is executed, but the peace officer 823
witnessed the person in question commit the offense of domestic 824
violence or the offense of violating a protection order. 825

(b) If pursuant to division (B)(3)(a) of this section a peace 826
officer has reasonable grounds to believe that the offense of 827
domestic violence or the offense of violating a protection order 828
has been committed and reasonable cause to believe that a 829
particular person is guilty of committing the offense, it is the 830
preferred course of action in this state that the officer arrest 831
and detain that person pursuant to division (B)(1) of this section 832
until a warrant can be obtained. 833

If pursuant to division (B)(3)(a) of this section a peace 834
officer has reasonable grounds to believe that the offense of 835
domestic violence or the offense of violating a protection order 836
has been committed and reasonable cause to believe that family or 837

household members have committed the offense against each other, 838
it is the preferred course of action in this state that the 839
officer, pursuant to division (B)(1) of this section, arrest and 840
detain until a warrant can be obtained the family or household 841
member who committed the offense and whom the officer has 842
reasonable cause to believe is the primary physical aggressor. 843
There is no preferred course of action in this state regarding any 844
other family or household member who committed the offense and 845
whom the officer does not have reasonable cause to believe is the 846
primary physical aggressor, but, pursuant to division (B)(1) of 847
this section, the peace officer may arrest and detain until a 848
warrant can be obtained any other family or household member who 849
committed the offense and whom the officer does not have 850
reasonable cause to believe is the primary physical aggressor. 851

(c) If a peace officer described in division (A) of this 852
section does not arrest and detain a person whom the officer has 853
reasonable cause to believe committed the offense of domestic 854
violence or the offense of violating a protection order when it is 855
the preferred course of action in this state pursuant to division 856
(B)(3)(b) of this section that the officer arrest that person, the 857
officer shall articulate in the written report of the incident 858
required by section 2935.032 of the Revised Code a clear statement 859
of the officer's reasons for not arresting and detaining that 860
person until a warrant can be obtained. 861

(d) In determining for purposes of division (B)(3)(b) of this 862
section which family or household member is the primary physical 863
aggressor in a situation in which family or household members have 864
committed the offense of domestic violence or the offense of 865
violating a protection order against each other, a peace officer 866
described in division (A) of this section, in addition to any 867
other relevant circumstances, should consider all of the 868
following: 869

(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 caused by a person acting in self-defense;

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

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

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

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's

wishes, shall consider all facts and circumstances that are 901
relevant to the offense, including, but not limited to, the 902
statements and observations of the peace officers who responded to 903
the incident that resulted in the arrest or filing of the charges 904
and of all witnesses to that incident. 905

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 906
this section whether to arrest a person pursuant to division 907
(B)(1) of this section, a peace officer described in division (A) 908
of this section shall not consider as a factor any possible 909
shortage of cell space at the detention facility to which the 910
person will be taken subsequent to the person's arrest or any 911
possibility that the person's arrest might cause, contribute to, 912
or exacerbate overcrowding at that detention facility or at any 913
other detention facility. 914

(g) If a peace officer described in division (A) of this 915
section intends pursuant to divisions (B)(3)(a) to (g) of this 916
section to arrest a person pursuant to division (B)(1) of this 917
section and if the officer is unable to do so because the person 918
is not present, the officer promptly shall seek a warrant for the 919
arrest of the person. 920

(h) If a peace officer described in division (A) of this 921
section responds to a report of an alleged incident of the offense 922
of domestic violence or an alleged incident of the offense of 923
violating a protection order and if the circumstances of the 924
incident involved the use or threatened use of a deadly weapon or 925
any person involved in the incident brandished a deadly weapon 926
during or in relation to the incident, the deadly weapon that was 927
used, threatened to be used, or brandished constitutes contraband, 928
and, to the extent possible, the officer shall seize the deadly 929
weapon as contraband pursuant to section 2933.43 of the Revised 930
Code. Upon the seizure of a deadly weapon pursuant to division 931
(B)(3)(h) of this section, section 2933.43 of the Revised Code 932

shall apply regarding the treatment and disposition of the deadly 933
weapon. For purposes of that section, the "underlying criminal 934
offense" that was the basis of the seizure of a deadly weapon 935
under division (B)(3)(h) of this section and to which the deadly 936
weapon had a relationship is any of the following that is 937
applicable: 938

(i) The alleged incident of the offense of domestic violence 939
or the alleged incident of the offense of violating a protection 940
order to which the officer who seized the deadly weapon responded; 941

(ii) Any offense that arose out of the same facts and 942
circumstances as the report of the alleged incident of the offense 943
of domestic violence or the alleged incident of the offense of 944
violating a protection order to which the officer who seized the 945
deadly weapon responded. 946

(4) If, in the circumstances described in divisions (B)(3)(a) 947
to (g) of this section, a peace officer described in division (A) 948
of this section arrests and detains a person pursuant to division 949
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 950
this section, a peace officer described in division (A) of this 951
section seizes a deadly weapon, the officer, to the extent 952
described in and in accordance with section 9.86 or 2744.03 of the 953
Revised Code, is immune in any civil action for damages for 954
injury, death, or loss to person or property that arises from or 955
is related to the arrest and detention or the seizure. 956

(C) When there is reasonable ground to believe that a 957
violation of division (A)(1), (2), ~~or (3)~~, (4), or (5) of section 958
4506.15 or a violation of section 4511.19 of the Revised Code has 959
been committed by a person operating a motor vehicle subject to 960
regulation by the public utilities commission of Ohio under Title 961
XLIX of the Revised Code, a peace officer with authority to 962
enforce that provision of law may stop or detain the person whom 963
the officer has reasonable cause to believe was operating the 964

tor vehicle in violation of the division or section and, after 965
investigating the circumstances surrounding the operation of the 966
vehicle, may arrest and detain the person. 967

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 968
municipal police officer, member of a police force employed by a 969
metropolitan housing authority under division (D) of section 970
3735.31 of the Revised Code, member of a police force employed by 971
a regional transit authority under division (Y) of section 306.35 972
of the Revised Code, special police officer employed by a port 973
authority under section 4582.04 or 4582.28 of the Revised Code, 974
special police officer employed by a municipal corporation at a 975
municipal airport or other municipal air navigation facility 976
described in division (A) of this section, township constable, 977
police officer of a township or joint township police district, 978
state university law enforcement officer appointed under section 979
3345.04 of the Revised Code, peace officer of the department of 980
natural resources, individual designated to perform law 981
enforcement duties under section 511.232, 1545.13, or 6101.75 of 982
the Revised Code, the house sergeant at arms if the house sergeant 983
at arms has arrest authority pursuant to division (E)(1) of 984
section 101.311 of the Revised Code, or an assistant house 985
sergeant at arms is authorized by division (A) or (B) of this 986
section to arrest and detain, within the limits of the political 987
subdivision, metropolitan housing authority housing project, 988
regional transit authority facilities or those areas of a 989
municipal corporation that have been agreed to by a regional 990
transit authority and a municipal corporation located within its 991
territorial jurisdiction, port authority, municipal airport or 992
other municipal air navigation facility, college, or university in 993
which the officer is appointed, employed, or elected or within the 994
limits of the territorial jurisdiction of the peace officer, a 995
person until a warrant can be obtained, the peace officer, outside 996
the limits of that territory, may pursue, arrest, and detain that 997

person until a warrant can be obtained if all of the following 998
apply: 999

(1) The pursuit takes place without unreasonable delay after 1000
the offense is committed; 1001

(2) The pursuit is initiated within the limits of the 1002
political subdivision, metropolitan housing authority housing 1003
project, regional transit authority facilities or those areas of a 1004
municipal corporation that have been agreed to by a regional 1005
transit authority and a municipal corporation located within its 1006
territorial jurisdiction, port authority, municipal airport or 1007
other municipal air navigation facility, college, or university in 1008
which the peace officer is appointed, employed, or elected or 1009
within the limits of the territorial jurisdiction of the peace 1010
officer; 1011

(3) The offense involved is a felony, a misdemeanor of the 1012
first degree or a substantially equivalent municipal ordinance, a 1013
misdemeanor of the second degree or a substantially equivalent 1014
municipal ordinance, or any offense for which points are 1015
chargeable pursuant to section 4510.036 of the Revised Code. 1016

(E) In addition to the authority granted under division (A) 1017
or (B) of this section: 1018

(1) A sheriff or deputy sheriff may arrest and detain, until 1019
a warrant can be obtained, any person found violating section 1020
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1021
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1022
portion of any street or highway that is located immediately 1023
adjacent to the boundaries of the county in which the sheriff or 1024
deputy sheriff is elected or appointed. 1025

(2) A member of the police force of a township police 1026
district created under section 505.48 of the Revised Code, a 1027
member of the police force of a joint township police district 1028

created under section 505.481 of the Revised Code, or a township 1029
constable appointed in accordance with section 509.01 of the 1030
Revised Code, who has received a certificate from the Ohio peace 1031
officer training commission under section 109.75 of the Revised 1032
Code, may arrest and detain, until a warrant can be obtained, any 1033
person found violating any section or chapter of the Revised Code 1034
listed in division (E)(1) of this section, other than sections 1035
4513.33 and 4513.34 of the Revised Code, on the portion of any 1036
street or highway that is located immediately adjacent to the 1037
boundaries of the township police district or joint township 1038
police district, in the case of a member of a township police 1039
district or joint township police district police force, or the 1040
unincorporated territory of the township, in the case of a 1041
township constable. However, if the population of the township 1042
that created the township police district served by the member's 1043
police force, or the townships that created the joint township 1044
police district served by the member's police force, or the 1045
township that is served by the township constable, is sixty 1046
thousand or less, the member of the township police district or 1047
joint police district police force or the township constable may 1048
not make an arrest under division (E)(2) of this section on a 1049
state highway that is included as part of the interstate system. 1050

(3) A police officer or village marshal appointed, elected, 1051
or employed by a municipal corporation may arrest and detain, 1052
until a warrant can be obtained, any person found violating any 1053
section or chapter of the Revised Code listed in division (E)(1) 1054
of this section on the portion of any street or highway that is 1055
located immediately adjacent to the boundaries of the municipal 1056
corporation in which the police officer or village marshal is 1057
appointed, elected, or employed. 1058

(4) A peace officer of the department of natural resources or 1059
an individual designated to perform law enforcement duties under 1060

section 511.232, 1545.13, or 6101.75 of the Revised Code may 1061
arrest and detain, until a warrant can be obtained, any person 1062
found violating any section or chapter of the Revised Code listed 1063
in division (E)(1) of this section, other than sections 4513.33 1064
and 4513.34 of the Revised Code, on the portion of any street or 1065
highway that is located immediately adjacent to the boundaries of 1066
the lands and waters that constitute the territorial jurisdiction 1067
of the peace officer. 1068

(F)(1) A department of mental health special police officer 1069
or a department of mental retardation and developmental 1070
disabilities special police officer may arrest without a warrant 1071
and detain until a warrant can be obtained any person found 1072
committing on the premises of any institution under the 1073
jurisdiction of the particular department a misdemeanor under a 1074
law of the state. 1075

A department of mental health special police officer or a 1076
department of mental retardation and developmental disabilities 1077
special police officer may arrest without a warrant and detain 1078
until a warrant can be obtained any person who has been 1079
hospitalized, institutionalized, or confined in an institution 1080
under the jurisdiction of the particular department pursuant to or 1081
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1082
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1083
found committing on the premises of any institution under the 1084
jurisdiction of the particular department a violation of section 1085
2921.34 of the Revised Code that involves an escape from the 1086
premises of the institution. 1087

(2)(a) If a department of mental health special police 1088
officer or a department of mental retardation and developmental 1089
disabilities special police officer finds any person who has been 1090
hospitalized, institutionalized, or confined in an institution 1091
under the jurisdiction of the particular department pursuant to or 1092

under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1093
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1094
violation of section 2921.34 of the Revised Code that involves an 1095
escape from the premises of the institution, or if there is 1096
reasonable ground to believe that a violation of section 2921.34 1097
of the Revised Code has been committed that involves an escape 1098
from the premises of an institution under the jurisdiction of the 1099
department of mental health or the department of mental 1100
retardation and developmental disabilities and if a department of 1101
mental health special police officer or a department of mental 1102
retardation and developmental disabilities special police officer 1103
has reasonable cause to believe that a particular person who has 1104
been hospitalized, institutionalized, or confined in the 1105
institution pursuant to or under authority of section 2945.37, 1106
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1107
Revised Code is guilty of the violation, the special police 1108
officer, outside of the premises of the institution, may pursue, 1109
arrest, and detain that person for that violation of section 1110
2921.34 of the Revised Code, until a warrant can be obtained, if 1111
both of the following apply: 1112

(i) The pursuit takes place without unreasonable delay after 1113
the offense is committed; 1114

(ii) The pursuit is initiated within the premises of the 1115
institution from which the violation of section 2921.34 of the 1116
Revised Code occurred. 1117

(b) For purposes of division (F)(2)(a) of this section, the 1118
execution of a written statement by the administrator of the 1119
institution in which a person had been hospitalized, 1120
institutionalized, or confined pursuant to or under authority of 1121
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1122
2945.402 of the Revised Code alleging that the person has escaped 1123
from the premises of the institution in violation of section 1124

2921.34 of the Revised Code constitutes reasonable ground to 1125
believe that the violation was committed and reasonable cause to 1126
believe that the person alleged in the statement to have committed 1127
the offense is guilty of the violation. 1128

(G) As used in this section: 1129

(1) A "department of mental health special police officer" 1130
means a special police officer of the department of mental health 1131
designated under section 5119.14 of the Revised Code who is 1132
certified by the Ohio peace officer training commission under 1133
section 109.77 of the Revised Code as having successfully 1134
completed an approved peace officer basic training program. 1135

(2) A "department of mental retardation and developmental 1136
disabilities special police officer" means a special police 1137
officer of the department of mental retardation and developmental 1138
disabilities designated under section 5123.13 of the Revised Code 1139
who is certified by the Ohio peace officer training council under 1140
section 109.77 of the Revised Code as having successfully 1141
completed an approved peace officer basic training program. 1142

(3) "Deadly weapon" has the same meaning as in section 1143
2923.11 of the Revised Code. 1144

(4) "Family or household member" has the same meaning as in 1145
section 2919.25 of the Revised Code. 1146

(5) "Street" or "highway" has the same meaning as in section 1147
4511.01 of the Revised Code. 1148

(6) "Interstate system" has the same meaning as in section 1149
5516.01 of the Revised Code. 1150

(7) "Peace officer of the department of natural resources" 1151
means an employee of the department of natural resources who is a 1152
natural resources law enforcement staff officer designated 1153
pursuant to section 1501.013 of the Revised Code, a forest officer 1154

designated pursuant to section 1503.29 of the Revised Code, a 1155
preserve officer designated pursuant to section 1517.10 of the 1156
Revised Code, a wildlife officer designated pursuant to section 1157
1531.13 of the Revised Code, a park officer designated pursuant to 1158
section 1541.10 of the Revised Code, or a state watercraft officer 1159
designated pursuant to section 1547.521 of the Revised Code. 1160

Sec. 4501.04. All moneys paid into the auto registration 1161
distribution fund under section 4501.03 of the Revised Code, 1162
except moneys received under ~~sections~~ section 4504.09 of the 1163
Revised Code and moneys received under section 4503.02 of the 1164
Revised Code in accordance with section 4501.13 of the Revised 1165
Code, and except moneys paid for costs of audits under section 1166
4501.03 of the Revised Code, after receipt by the treasurer of 1167
state of certifications from the commissioners of the sinking fund 1168
certifying, as required by sections 5528.15 and 5528.35 of the 1169
Revised Code, that there are sufficient moneys to the credit of 1170
the highway improvement bond retirement fund created by section 1171
5528.12 of the Revised Code to meet in full all payments of 1172
interest, principal, and charges for the retirement of bonds and 1173
other obligations issued pursuant to Section 2g of Article VIII, 1174
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1175
Code, due and payable during the current calendar year, and that 1176
there are sufficient moneys to the credit of the highway 1177
obligations bond retirement fund created by section 5528.32 of the 1178
Revised Code to meet in full all payments of interest, principal, 1179
and charges for the retirement of highway obligations issued 1180
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1181
sections 5528.30 and 5528.31 of the Revised Code due and payable 1182
during the current calendar year, shall be distributed as follows: 1183

(A) Thirty-four per cent of all such moneys are for the use 1184
of the municipal corporation or county which constitutes the 1185
district of registration. The portion of such money due to the 1186

municipal corporation shall be paid into its treasury forthwith 1187
upon receipt by the county auditor, and shall be used to plan, 1188
construct, reconstruct, repave, widen, maintain, repair, clear, 1189
and clean public highways, roads, and streets; to maintain and 1190
repair bridges and viaducts; to purchase, erect, and maintain 1191
street and traffic signs and markers; to purchase, erect, and 1192
maintain traffic lights and signals; to pay the principal, 1193
interest, and charges on bonds and other obligations issued 1194
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1195
to section 5531.09 of the Revised Code for the purpose of 1196
acquiring or constructing roads, highways, bridges, or viaducts, 1197
or acquiring or making other highway improvements for which the 1198
municipal corporation may issue bonds; and to supplement revenue 1199
already available for such purposes. 1200

The county portion of such funds shall be retained in the 1201
county treasury and shall be used for the planning, maintenance, 1202
repair, construction, and repaving of public streets, and 1203
maintaining and repairing bridges and viaducts; the payment of 1204
principal, interest, and charges on bonds and other obligations 1205
issued pursuant to Chapter 133. of the Revised Code or incurred 1206
pursuant to section 5531.09 of the Revised Code for the purpose of 1207
acquiring or constructing roads, highways, bridges, or viaducts or 1208
acquiring or making other highway improvements for which the board 1209
of county commissioners may issue bonds under such chapter; and 1210
for no other purpose. 1211

(B) Five per cent of all such moneys, together with interest 1212
earned by the treasurer of state as provided in section 4501.03 of 1213
the Revised Code, shall constitute a fund for the use of the 1214
several counties for the purposes specified in division (C) of 1215
this section. The moneys shall be divided equally among all the 1216
counties in the state and shall be paid out by the registrar of 1217
motor vehicles in equal proportions to the county auditor of each 1218

county within the state. 1219

(C) Forty-seven per cent of all such moneys shall be for the 1220
use of the county in which the owner resides or in which the place 1221
is located at which the established business or branch business in 1222
connection with which the motor vehicle registered is used, for 1223
the planning, construction, reconstruction, improvement, 1224
maintenance, and repair of roads and highways; maintaining and 1225
repairing bridges and viaducts; and the payment of principal, 1226
interest, and charges on bonds and other obligations issued 1227
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1228
to section 5531.09 of the Revised Code for the purpose of 1229
acquiring or constructing roads, highways, bridges, or viaducts or 1230
acquiring or making other highway improvements for which the board 1231
of county commissioners may issue bonds under such chapter. 1232

(D) Nine per cent of all such moneys shall be for the use of 1233
the several counties for the purposes specified in division (C) of 1234
this section and shall be distributed to the several counties in 1235
the ratio which the total number of miles of county roads under 1236
the jurisdiction of each board of county commissioners in each 1237
county bears to the total number of miles of county roads in the 1238
state, as determined by the director of transportation. Before 1239
such distribution is made each board of county commissioners shall 1240
certify in writing to the director the actual number of miles 1241
under its statutory jurisdiction which are used by and maintained 1242
for the public. 1243

(E) Five per cent of all such moneys shall be for the use of 1244
the several townships and shall be distributed to the several 1245
townships in the ratio which the total number of miles of township 1246
roads under the jurisdiction of each board of township trustees in 1247
each township bears to the total number of miles of township roads 1248
in the state, as determined by the director of transportation. 1249
Before such distribution is made each board of township trustees 1250

shall certify in writing to the director the actual number of 1251
miles under its statutory jurisdiction which are used by and 1252
maintained for the public. 1253

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1254
referred to in division (C)(1) of section 4503.10, division (D) of 1255
section 4503.182, division (A) of section 4508.06, and sections 1256
4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, 1257
and 5502.12 of the Revised Code, unless otherwise designated by 1258
law, shall be deposited in the state treasury to the credit of the 1259
state highway safety fund, which is hereby created, and shall, 1260
after receipt of certifications from the commissioners of the 1261
sinking fund certifying, as required by sections 5528.15 and 1262
5528.35 of the Revised Code, that there are sufficient moneys to 1263
the credit of the highway improvement bond retirement fund created 1264
by section 5528.12 of the Revised Code to meet in full all 1265
payments of interest, principal, and charges for the retirement of 1266
bonds and other obligations issued pursuant to Section 2g of 1267
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 1268
of the Revised Code due and payable during the current calendar 1269
year, and that there are sufficient moneys to the credit of the 1270
highway obligations bond retirement fund created by section 1271
5528.32 of the Revised Code to meet in full all payments of 1272
interest, principal, and charges for the retirement of highway 1273
obligations issued pursuant to Section 2i of Article VIII, Ohio 1274
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1275
due and payable during the current calendar year, be used for the 1276
purpose of enforcing and paying the expenses of administering the 1277
law relative to the registration and operation of motor vehicles 1278
on the public roads or highways. Amounts credited to the fund may 1279
also be used to pay the expenses of administering and enforcing 1280
the laws under which such fees were collected. All investment 1281
earnings of the state highway safety fund shall be credited to the 1282

fund. 1283

Sec. 4501.21. (A) There is hereby created in the state 1284
treasury the license plate contribution fund. The fund shall 1285
consist of all contributions paid by motor vehicle registrants and 1286
collected by the registrar of motor vehicles pursuant to sections 1287
4503.491, 4503.50, 4503.501, 4503.502, 4503.51, 4503.522, 1288
4503.545, 4503.55, 4503.551, 4503.552, 4503.561, 4503.562, 1289
4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 1290
4503.73, 4503.74, ~~and~~ 4503.75, and 4503.85 of the Revised Code. 1291

(B) The registrar shall ~~disburse~~ pay the contributions the 1292
registrar collects in the fund as follows: 1293

(1) The registrar shall pay the contributions received 1294
pursuant to section 4503.491 of the Revised Code to the breast 1295
cancer fund of Ohio, which shall use that money only to pay for 1296
programs that provide assistance and education to Ohio breast 1297
cancer patients and that improve access for such patients to 1298
quality health care and clinical trials and shall not use any of 1299
the money for abortion information, counseling, services, or other 1300
abortion-related activities. 1301

(2) The registrar shall pay the contributions the registrar 1302
receives pursuant to section 4503.50 of the Revised Code to the 1303
future farmers of America foundation, which shall deposit the 1304
contributions into its general account to be used for educational 1305
and scholarship purposes of the future farmers of America 1306
foundation. 1307

(3) The registrar shall pay the contributions the registrar 1308
receives pursuant to section 4503.501 of the Revised Code to the 1309
4-H youth development program of the Ohio state university 1310
extension program, which shall use those contributions to pay the 1311
expenses it incurs in conducting its educational activities. 1312

(4) The registrar shall pay the contributions received 1313
pursuant to section 4503.502 of the Revised Code to the Ohio 1314
cattlemen's foundation, which shall use those contributions for 1315
scholarships and other educational activities. 1316

(5) The registrar shall pay each contribution the registrar 1317
receives pursuant to section 4503.51 of the Revised Code to the 1318
university or college whose name or marking or design appears on 1319
collegiate license plates that are issued to a person under that 1320
section. A university or college that receives contributions from 1321
the fund shall deposit the contributions into its general 1322
scholarship fund. 1323

(6) The registrar shall pay the contributions the registrar 1324
receives pursuant to section 4503.522 of the Revised Code to the 1325
"friends of Perry's victory and international peace memorial, 1326
incorporated," a nonprofit corporation organized under the laws of 1327
this state, to assist that organization in paying the expenses it 1328
incurs in sponsoring or holding charitable, educational, and 1329
cultural events at the monument. 1330

(7) The registrar shall pay the contributions the registrar 1331
receives pursuant to section 4503.55 of the Revised Code to the 1332
pro football hall of fame, which shall deposit the contributions 1333
into a special bank account that it establishes and which shall be 1334
separate and distinct from any other account the pro football hall 1335
of fame maintains, to be used exclusively for the purpose of 1336
promoting the pro football hall of fame as a travel destination. 1337

(8) The registrar shall pay the contributions that are paid 1338
to the registrar pursuant to section 4503.545 of the Revised Code 1339
to the national rifle association foundation, which shall use the 1340
money to pay the costs of the educational activities and programs 1341
the foundation holds or sponsors in this state. 1342

(9) In accordance with section 955.202 of the Revised Code, 1343

the registrar shall pay to the pets program funding board created 1344
by that section the contributions the registrar receives pursuant 1345
to section 4503.551 of the Revised Code and any other money from 1346
any other source, including donations, gifts, and grants, that is 1347
designated by the source to be paid to the pets program funding 1348
board. The board shall use the moneys it receives under this 1349
section only to support programs for the sterilization of dogs and 1350
cats and for educational programs concerning the proper veterinary 1351
care of those animals. 1352

(10) The registrar shall pay the contributions the registrar 1353
receives pursuant to section 4503.552 of the Revised Code to the 1354
rock and roll hall of fame and museum, incorporated. 1355

(11) The registrar shall pay the contributions the registrar 1356
receives pursuant to section 4503.561 of the Revised Code to the 1357
state of Ohio chapter of ducks unlimited, inc., which shall 1358
deposit the contributions into a special bank account that it 1359
establishes. The special bank account shall be separate and 1360
distinct from any other account the state of Ohio chapter of ducks 1361
unlimited, inc., maintains and shall be used exclusively for the 1362
purpose of protecting, enhancing, restoring, and managing wetlands 1363
and conserving wildlife habitat. The state of Ohio chapter of 1364
ducks unlimited, inc., annually shall notify the registrar in 1365
writing of the name, address, and account to which payments are to 1366
be made under division (B)(11) of this section. 1367

(12) The registrar shall pay the contributions the registrar 1368
receives pursuant to section 4503.562 of the Revised Code to the 1369
Mahoning river consortium, which shall use the money to pay the 1370
expenses it incurs in restoring and maintaining the Mahoning river 1371
watershed. 1372

(13)(a) The registrar shall pay to a sports commission 1373
created pursuant to section 4503.591 of the Revised Code each 1374
contribution the registrar receives under that section that an 1375

applicant pays to obtain license plates that bear the logo of a 1376
professional sports team located in the county of that sports 1377
commission and that is participating in the license plate program 1378
pursuant to division (E) of that section, irrespective of the 1379
county of residence of an applicant. 1380

(b) The registrar shall pay to a community charity each 1381
contribution the registrar receives under section 4503.591 of the 1382
Revised Code that an applicant pays to obtain license plates that 1383
bear the logo of a professional sports team that is participating 1384
in the license plate program pursuant to division (G) of that 1385
section. 1386

(14) The registrar shall pay the contributions the registrar 1387
receives pursuant to section 4503.67 of the Revised Code to the 1388
Dan Beard council of the boy scouts of America. The council shall 1389
distribute all contributions in an equitable manner throughout the 1390
state to regional councils of the boy scouts. 1391

(15) The registrar shall pay the contributions the registrar 1392
receives pursuant to section 4503.68 of the Revised Code to the 1393
great river council of the girl scouts of the United States of 1394
America. The council shall distribute all contributions in an 1395
equitable manner throughout the state to regional councils of the 1396
girl scouts. 1397

(16) The registrar shall pay the contributions the registrar 1398
receives pursuant to section 4503.69 of the Revised Code to the 1399
Dan Beard council of the boy scouts of America. The council shall 1400
distribute all contributions in an equitable manner throughout the 1401
state to regional councils of the boy scouts. 1402

(17) The registrar shall pay the contributions the registrar 1403
receives pursuant to section 4503.71 of the Revised Code to the 1404
fraternal order of police of Ohio, incorporated, which shall 1405
deposit the fees into its general account to be used for purposes 1406

of the fraternal order of police of Ohio, incorporated. 1407

(18) The registrar shall pay the contributions the registrar 1408
receives pursuant to section 4503.711 of the Revised Code to the 1409
fraternal order of police of Ohio, incorporated, which shall 1410
deposit the contributions into an account that it creates to be 1411
used for the purpose of advancing and protecting the law 1412
enforcement profession, promoting improved law enforcement 1413
methods, and teaching respect for law and order. 1414

(19) The registrar shall pay the contributions the registrar 1415
receives pursuant to section 4503.72 of the Revised Code to the 1416
organization known on March 31, 2003, as the Ohio CASA/GAL 1417
association, a private, nonprofit corporation organized under 1418
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 1419
shall use these contributions to pay the expenses it incurs in 1420
administering a program to secure the proper representation in the 1421
courts of this state of abused, neglected, and dependent children, 1422
and for the training and supervision of persons participating in 1423
that program. 1424

(20) The registrar shall pay the contributions the registrar 1425
receives pursuant to section 4503.73 of the Revised Code to Wright 1426
B. Flyer, incorporated, which shall deposit the contributions into 1427
its general account to be used for purposes of Wright B. Flyer, 1428
incorporated. 1429

(21) The registrar shall pay the contributions the registrar 1430
receives pursuant to section 4503.74 of the Revised Code to the 1431
Columbus zoological park association, which shall disburse the 1432
moneys to Ohio's major metropolitan zoos, as defined in section 1433
4503.74 of the Revised Code, in accordance with a written 1434
agreement entered into by the major metropolitan zoos. 1435

(22) The registrar shall pay the contributions the registrar 1436
receives pursuant to section 4503.75 of the Revised Code to the 1437

rotary foundation, located on March 31, 2003, in Evanston, 1438
Illinois, to be placed in a fund known as the permanent fund and 1439
used to endow educational and humanitarian programs of the rotary 1440
foundation. 1441

(23) The registrar shall pay the contributions the registrar 1442
receives pursuant to section 4503.85 of the Revised Code to the 1443
Ohio sea grant college program to be used for Lake Erie area 1444
research projects. 1445

(C) All investment earnings of the license plate contribution 1446
fund shall be credited to the fund. Not later than the first day 1447
of May of every year, the registrar shall distribute to each 1448
entity described in divisions (B)(1) to ~~(22)~~(23) of this section 1449
the investment income the fund earned the previous calendar year. 1450
The amount of such a distribution paid to an entity shall be 1451
proportionate to the amount of money the entity received from the 1452
fund during the previous calendar year. 1453

Sec. 4501.26. The unidentified ~~motor vehicle~~ public safety 1454
receipts fund is hereby created in the state treasury. The fund 1455
shall consist of money received by the ~~bureau of motor vehicles~~ 1456
department of public safety that is provisional in nature or for 1457
which proper identification or disposition cannot immediately be 1458
determined. Refunds and other disbursements from the fund shall be 1459
made once proper identification and disposition is determined. All 1460
investment earnings of the fund shall be credited to the fund. 1461

Sec. 4503.02. An annual license tax is hereby levied upon the 1462
operation of motor vehicles on the public roads or highways, for 1463
the purpose of enforcing and paying the expense of administering 1464
the law relative to the registration and operation of such 1465
vehicles; planning, constructing, maintaining, and repairing 1466
public roads, highways, and streets; maintaining and repairing 1467

bridges and viaducts; paying the counties' proportion of the cost 1468
and expenses of cooperating with the department of transportation 1469
in the planning, improvement, and construction of state highways; 1470
paying the counties' portion of the compensation, damages, cost, 1471
and expenses of planning, constructing, reconstructing, improving, 1472
maintaining, and repairing roads; paying the principal, interest, 1473
and charges on county bonds and other obligations issued pursuant 1474
to Chapter 133. of the Revised Code or incurred pursuant to 1475
section 5531.09 of the Revised Code for highway improvements; for 1476
the purpose of providing motorcycle safety and education 1477
instruction; enabling municipal corporations to plan, construct, 1478
reconstruct, repave, widen, maintain, repair, clear, and clean 1479
public highways, roads, and streets; paying the principal, 1480
interest, and other charges on municipal bonds and other 1481
obligations issued pursuant to Chapter 133. of the Revised Code or 1482
incurred pursuant to section 5531.09 of the Revised Code for 1483
highway improvements; to maintain and repair bridges and viaducts; 1484
to purchase, erect, and maintain street and traffic signs and 1485
markers; to purchase, erect, and maintain traffic lights and 1486
signals; to supplement revenue already available for such 1487
purposes; to pay the interest, principal, and charges on bonds and 1488
other obligations issued pursuant to Section 2i of Article VIII, 1489
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 1490
Code. Such tax shall be at the rates specified in sections 4503.04 1491
and 4503.042 of the Revised Code. Under section 4503.04 of the 1492
Revised Code, the tax shall be paid to and collected by the 1493
registrar of motor vehicles or deputy registrar at the time of 1494
making application for registration. Under section 4503.042 of the 1495
Revised Code, the tax shall be paid to and collected by the 1496
registrar at the time and manner set forth by ~~him~~ the registrar by 1497
rule. 1498

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 1499

may adopt rules to permit any person or lessee, other than a 1500
person receiving an apportioned license plate under the 1501
international registration plan, who owns or leases one or more 1502
motor vehicles to file a written application for registration for 1503
no more than five succeeding registration years. The rules adopted 1504
by the registrar may designate the classes of motor vehicles that 1505
are eligible for such registration. At the time of application, 1506
all annual taxes and fees shall be paid for each year for which 1507
the person is registering. 1508

(ii) The registrar shall adopt rules to permit any person or 1509
lessee who owns or leases two or more trailers or semitrailers 1510
that are subject to the tax rates prescribed in section 4503.042 1511
of the Revised Code for such trailers or semitrailers to file a 1512
written application for registration for not more than five 1513
succeeding registration years. At the time of application, all 1514
annual taxes and fees shall be paid for each year for which the 1515
person is registering. 1516

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 1517
section, the registrar shall adopt rules to permit any person who 1518
owns a motor vehicle to file an application for registration for 1519
the next two succeeding registration years. At the time of 1520
application, the person shall pay the annual taxes and fees for 1521
each registration year, calculated in accordance with division (C) 1522
of section 4503.11 of the Revised Code. A person who is 1523
registering a vehicle under division (A)(1)(b) of this section 1524
shall pay for each year of registration the additional fee 1525
established under division (C)(1) of section 4503.10 of the 1526
Revised Code. The person shall also pay one and one-half times the 1527
amount of the deputy registrar service fee specified in division 1528
(D) of section 4503.10 of the Revised Code or the bureau of motor 1529
vehicles service fee specified in division (G) of that section, as 1530
applicable. 1531

(ii) Division (A)(1)(b)(i) of this section does not apply to 1532
a person receiving an apportioned license plate under the 1533
international registration plan, or the owner of a commercial car 1534
used solely in intrastate commerce, or the owner of a bus as 1535
defined in section 4513.50 of the Revised Code. 1536

(2) No person applying for a multi-year registration under 1537
division (A)(1) of this section is entitled to a refund of any 1538
taxes or fees paid. 1539

(3) The registrar shall not issue to any applicant who has 1540
been issued a final, nonappealable order under division (B) of 1541
this section a multi-year registration or renewal thereof under 1542
this division or rules adopted under it for any motor vehicle that 1543
is required to be inspected under section 3704.14 of the Revised 1544
Code the district of registration of which, as determined under 1545
section 4503.10 of the Revised Code, is or is located in the 1546
county named in the order. 1547

(B) Upon receipt from the director of environmental 1548
protection of a notice issued under division (J) of section 1549
3704.14 of the Revised Code indicating that an owner of a motor 1550
vehicle that is required to be inspected under that section who 1551
obtained a multi-year registration for the vehicle under division 1552
(A) of this section or rules adopted under that division has not 1553
obtained an inspection certificate for the vehicle in accordance 1554
with that section in a year intervening between the years of 1555
issuance and expiration of the multi-year registration in which 1556
the owner is required to have the vehicle inspected and obtain an 1557
inspection certificate for it under division (F)(1)(a) of that 1558
section, the registrar in accordance with Chapter 119. of the 1559
Revised Code shall issue an order to the owner impounding the 1560
certificate of registration and identification license plates for 1561
the vehicle. The order also shall prohibit the owner from 1562
obtaining or renewing a multi-year registration for any vehicle 1563

that is required to be inspected under that section, the district 1564
of registration of which is or is located in the same county as 1565
the county named in the order during the number of years after 1566
expiration of the current multi-year registration that equals the 1567
number of years for which the current multi-year registration was 1568
issued. 1569

An order issued under this division shall require the owner 1570
to surrender to the registrar the certificate of registration and 1571
license plates for the vehicle named in the order within five days 1572
after its issuance. If the owner fails to do so within that time, 1573
the registrar shall certify that fact to the county sheriff or 1574
local police officials who shall recover the certificate of 1575
registration and license plates for the vehicle. 1576

(C) Upon the occurrence of either of the following 1577
circumstances, the registrar in accordance with Chapter 119. of 1578
the Revised Code shall issue to the owner a modified order 1579
rescinding the provisions of the order issued under division (B) 1580
of this section impounding the certificate of registration and 1581
license plates for the vehicle named in that original order: 1582

(1) Receipt from the director of environmental protection of 1583
a subsequent notice under division (J) of section 3704.14 of the 1584
Revised Code that the owner has obtained the inspection 1585
certificate for the vehicle as required under division (F)(1)(a) 1586
of that section; 1587

(2) Presentation to the registrar by the owner of the 1588
required inspection certificate for the vehicle. 1589

(D) The owner of a motor vehicle for which the certificate of 1590
registration and license plates have been impounded pursuant to an 1591
order issued under division (B) of this section, upon issuance of 1592
a modified order under division (C) of this section, may apply to 1593
the registrar for their return. A fee of two dollars and fifty 1594

cents shall be charged for the return of the certificate of 1595
registration and license plates for each vehicle named in the 1596
application. 1597

Sec. 4503.26. As used in this section, "registration 1598
information" means information in license plate applications on 1599
file with the bureau of motor vehicles. 1600

The director of public safety may advertise for and accept 1601
sealed bids for the preparation of lists containing registration 1602
information in such form as the director authorizes. Where the 1603
expenditure is more than five hundred dollars, the director shall 1604
give notice to bidders as provided in section 5513.01 of the 1605
Revised Code as for purchases by the department of transportation. 1606
The notice shall include the latest date, as determined by the 1607
director, on which bids will be accepted and the date, also 1608
determined by the director, on which bids will be opened by the 1609
director at the central office of the department of public safety. 1610
The contract to prepare the list shall be awarded to the lowest 1611
responsive and responsible bidder, in accordance with section 1612
9.312 of the Revised Code, provided there is compliance with the 1613
specifications. Such contract shall not extend beyond twenty-four 1614
consecutive registration periods as provided in section 4503.101 1615
of the Revised Code. The successful bidder shall furnish without 1616
charge a complete list to the bureau of motor vehicles, and shall 1617
also furnish without charge to the county sheriffs or chiefs of 1618
police in cities, at such times and in such manner as the director 1619
determines necessary, lists of registration information for the 1620
county in which they are situated. The registrar shall provide to 1621
the successful bidder all necessary information for the 1622
preparation of such lists. 1623

The registrar may, upon application of any person and payment 1624
of the proper fee, search the records of the bureau and make 1625

reports thereof, and make photographic copies of the bureau 1626
records and attestations thereof. 1627

Fees therefor are as follows: 1628

(A) For searches of the records and written reports thereof, 1629
~~one dollar and fifty cents~~ two dollars for each name, number, or 1630
fact searched or reported on; 1631

(B) For photographic copies of records and attestations 1632
thereof, under the signature and seal of the registrar, two 1633
dollars a copy. Such copy is prima-facie evidence of the facts 1634
therein stated, in any court. 1635

The registrar shall receive these fees and deposit them into 1636
the state treasury to the credit of the state bureau of motor 1637
vehicles ~~safety~~ fund established in section 4501.25 of the Revised 1638
Code. 1639

Sec. 4503.40. The registrar of motor vehicles shall be 1640
allowed a fee, not to exceed ten dollars, for each application 1641
received by the registrar for special state reserved license plate 1642
numbers and the issuing of such licenses, and validation stickers, 1643
in the several series as the registrar may designate. The fee 1644
shall be in addition to the license tax established by this 1645
chapter and, where applicable, Chapter 4504. of the Revised Code. 1646
Seven dollars and fifty cents of the fee shall be for the purpose 1647
of compensating the bureau of motor vehicles for additional 1648
services required in the issuing of such licenses, and the 1649
remaining two dollars and fifty cents shall be ~~transmitted~~ 1650
deposited by the registrar ~~to the treasurer of state for deposit~~ 1651
~~in the highway operating~~ into the state treasury to the credit of 1652
the state highway safety fund created by section ~~5735.291~~ 4501.06 1653
of the Revised Code. The types of motor vehicles for which special 1654
state reserved license plates may be issued in accordance with 1655
this section shall include at least motorcycles, buses, passenger 1656

cars, and noncommercial motor vehicles. 1657

Sec. 4503.42. The registrar of motor vehicles shall be 1658
allowed a fee of not to exceed thirty-five dollars, which shall be 1659
in addition to the regular license fee for tags as prescribed 1660
under section 4503.04 of the Revised Code and any tax levied under 1661
section 4504.02 or 4504.06 of the Revised Code, for each 1662
application received by the registrar for special reserved license 1663
plate numbers containing more than three letters or numerals, and 1664
the issuing of such licenses and validation stickers in the 1665
several series as the registrar may designate. Five dollars of the 1666
fee shall be for the purpose of compensating the bureau of motor 1667
vehicles for additional services required in the issuing of such 1668
licenses and validation stickers, and the remaining thirty dollars 1669
shall be ~~transmitted~~ deposited by the registrar ~~to the treasurer~~ 1670
~~of state for deposit in the highway operating~~ into the state 1671
treasury to the credit of the state highway safety fund created by 1672
section ~~5735.291~~ 4501.06 of the Revised Code. 1673

This section does not apply to the issuance of reserved 1674
license plates as authorized by sections 4503.14, 4503.15, and 1675
4503.40 of the Revised Code. The types of motor vehicles for which 1676
license plate numbers containing more than three letters or 1677
numerals may be issued in accordance with this section shall 1678
include at least buses, passenger cars, and noncommercial motor 1679
vehicles. 1680

Sec. 4503.85. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, motor home, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "Fish Lake Erie" license plates. The application for "Fish Lake Erie" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration, 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.

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.

(B) "Fish Lake Erie" license plates and a validation sticker 1701
or, when applicable, a validation sticker alone shall be issued 1702
upon receipt of an application for registration of a motor vehicle 1703
submitted under this section and a contribution as provided in 1704
division (C) of this section, payment of the regular license tax 1705
as prescribed under section 4503.04 of the Revised Code, any 1706
applicable motor vehicle tax levied under Chapter 4504. of the 1707
Revised Code, and an additional fee of ten dollars, and compliance 1708
with all other applicable laws relating to the registration of 1709
motor vehicles. If the application for "Fish Lake Erie" license 1710
plates is combined with a request for a special reserved license 1711
plate under section 4503.40 or 4503.42 of the Revised Code, the 1712
license plates and validation sticker or validation sticker alone 1713
shall be issued upon payment of the fees and taxes referred to or 1714
established in this division plus the additional fee prescribed in 1715
section 4503.40 or 4503.42 of the Revised Code. 1716

(C) For each application for registration and registration 1717
renewal that the registrar receives under this section, the 1718
registrar shall collect a contribution of fifteen dollars. The 1719
registrar shall deposit this contribution into the state treasury 1720
to the credit of the license plate contribution fund created in 1721
section 4501.21 of the Revised Code. 1722

The additional fee of ten dollars described in division (B) 1723
of this section shall be for the purpose of compensating the 1724
bureau of motor vehicles for additional services required in 1725
issuing license plates under this section. The registrar shall 1726
deposit that fee into the state treasury to the credit of the 1727
state bureau of motor vehicles fund created by section 4501.25 of 1728
the Revised Code. 1729

Sec. 4504.02. For the purpose of paying the costs of 1730
enforcing and administering the tax provided for in this section; 1731

and for planning, constructing, improving, maintaining, and 1732
repairing public roads, highways, and streets; maintaining and 1733
repairing bridges and viaducts; paying the county's portion of the 1734
costs and expenses of cooperating with the department of 1735
transportation in the planning, improvement, and construction of 1736
state highways; paying the county's portion of the compensation, 1737
damages, cost, and expenses of planning, constructing, 1738
reconstructing, improving, maintaining, and repairing roads; 1739
paying any costs apportioned to the county under section 4907.47 1740
of the Revised Code; paying debt service charges on notes or bonds 1741
of the county issued for such purposes; paying all or part of the 1742
costs and expenses of municipal corporations in planning, 1743
constructing, reconstructing, improving, maintaining, and 1744
repairing highways, roads, and streets designated as necessary or 1745
conducive to the orderly and efficient flow of traffic within and 1746
through the county pursuant to section 4504.03 of the Revised 1747
Code; purchasing, erecting, and maintaining street and traffic 1748
signs and markers; purchasing, erecting, and maintaining traffic 1749
lights and signals; and to supplement revenue already available 1750
for such purposes, any county by resolution adopted by its board 1751
of county commissioners may levy an annual license tax, in 1752
addition to the tax levied by sections 4503.02, 4503.07, and 1753
4503.18 of the Revised Code, upon the operation of motor vehicles 1754
on the public roads or highways. Such tax shall be at the rate of 1755
five dollars per motor vehicle on all motor vehicles the district 1756
of registration of which, as defined in section 4503.10 of the 1757
Revised Code, is located in the county levying the tax and shall 1758
be in addition to the taxes at the rates specified in sections 1759
4503.04 and 4503.16 of the Revised Code, subject to reductions in 1760
the manner provided in section 4503.11 of the Revised Code and the 1761
exemptions provided in sections 4503.16, 4503.17, 4503.171, 1762
4503.173, 4503.41, ~~and~~ 4503.43, and 4503.46 of the Revised Code. 1763
Prior to the adoption of any resolution ~~levying a county~~ 1764

~~motor vehicle license tax~~ under this section, the board of county 1765
commissioners shall conduct two public hearings thereon, the 1766
second hearing to be not less than three nor more than ten days 1767
after the first. Notice of the date, time, and place of such 1768
hearings shall be given by publication in a newspaper of general 1769
circulation in the county once a week on the same day of the week 1770
for two consecutive weeks, the second publication being not less 1771
than ten nor more than thirty days prior to the first hearing. 1772

No resolution ~~levying a county motor vehicle license tax~~ 1773
under this section shall become effective sooner than thirty days 1774
following its adoption, and such resolution is subject to a 1775
referendum as provided in sections 305.31 to 305.41 of the Revised 1776
Code, unless such resolution is adopted as an emergency measure 1777
necessary for the immediate preservation of the public peace, 1778
health, or safety, in which case it shall go into immediate 1779
effect. Such emergency measure must receive an affirmative vote of 1780
all of the members of the board of county commissioners, and shall 1781
state the reasons for such necessity. A resolution may direct the 1782
board of elections to submit the question of levying the tax to 1783
the electors of the county at the next primary or general election 1784
in the county occurring not less than seventy-five days after such 1785
resolution is certified to the board; no such resolution shall go 1786
into effect unless approved by a majority of those voting upon it. 1787

Sec. 4504.15. For the purpose of paying the costs of 1788
enforcing and administering the tax provided for in this section; 1789
for the various purposes stated in section 4504.02 of the Revised 1790
Code; and to supplement revenue already available for those 1791
purposes, any county may, by resolution adopted by its board of 1792
county commissioners, levy an annual license tax, that shall be in 1793
addition to the tax levied by sections 4503.02, 4503.07, and 1794
4503.18 of the Revised Code, upon the operation of motor vehicles 1795
upon the public roads and highways. The tax shall be at the rate 1796

of five dollars per motor vehicle on all motor vehicles the 1797
district of registration of which, as defined in section 4503.10 1798
of the Revised Code, is located in the county levying the tax but 1799
is not located within any municipal corporation levying the tax 1800
authorized by section 4504.17 of the Revised Code, and shall be in 1801
addition to the taxes at the rates specified in sections 4503.04 1802
and 4503.16 of the Revised Code, subject to reductions in the 1803
manner provided in section 4503.11 of the Revised Code and the 1804
exemptions provided in sections 4503.16, 4503.17, 4503.171, 1805
4503.41, and 4503.43 of the Revised Code. 1806

Prior to the adoption of any resolution ~~levying a county~~ 1807
~~motor vehicle license tax~~ under this section, the board of county 1808
commissioners shall conduct two public hearings thereon, the 1809
second hearing to be not less than three nor more than ten days 1810
after the first. Notice of the date, time, and place of such 1811
hearings shall be given by publication in a newspaper of general 1812
circulation in the county once a week for two consecutive weeks, 1813
the second publication being not less than ten nor more than 1814
thirty days prior to the first hearing. 1815

No resolution ~~levying a county motor vehicle license tax~~ 1816
under this section shall become effective sooner than thirty days 1817
following its adoption, and such resolution is subject to a 1818
referendum as provided in sections 305.31 to 305.41 of the Revised 1819
Code, unless the resolution is adopted as an emergency measure 1820
necessary for the immediate preservation of the public peace, 1821
health, or safety, in which case it shall go into immediate 1822
effect. The emergency measure must receive an affirmative vote of 1823
all of the members of the board of county commissioners, and shall 1824
state the reasons for the necessity. A resolution may direct the 1825
board of elections to submit the question of levying the tax to 1826
the electors of the county at the next primary or general election 1827
occurring not less than seventy-five days after the resolution is 1828

certified to the board; no such resolution shall go into effect 1829
unless approved by a majority of those voting upon it. A county is 1830
not required to enact the tax authorized by section 4504.02 of the 1831
Revised Code in order to levy the tax authorized by this section, 1832
but no county may have in effect the tax authorized by this 1833
section if it repeals the tax authorized by section 4504.02 of the 1834
Revised Code after April 1, 1987. 1835

Sec. 4504.16. For the purpose of paying the costs of 1836
enforcing and administering the tax provided for in this section; 1837
for the various purposes stated in section 4504.02 of the Revised 1838
Code; and to supplement revenue already available for those 1839
purposes, any county that currently levies the tax authorized by 1840
section 4504.15 of the Revised Code may, by resolution adopted by 1841
its board of county commissioners, levy an annual license tax, 1842
that shall be in addition to the tax levied by that section and by 1843
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 1844
the operation of motor vehicles upon the public roads and 1845
highways. The tax shall be at the rate of five ~~dollars~~ dollars per 1846
motor vehicle on all motor vehicles the district of registration 1847
of which, as defined in section 4503.10 of the Revised Code, is 1848
located in the county levying the tax but is not located within 1849
any municipal corporation levying the tax authorized by section 1850
4504.171 of the Revised Code, and shall be in addition to the 1851
taxes at the rates specified in sections 4503.04 and 4503.16 of 1852
the Revised Code, subject to reductions in the manner provided in 1853
section 4503.11 of the Revised Code and the exemptions provided in 1854
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 1855
Revised Code. 1856

Prior to the adoption of any resolution ~~levying a county~~ 1857
~~motor vehicle license tax~~ under this section, the board of county 1858
commissioners shall conduct two public hearings thereon, the 1859
second hearing to be not less than three nor more than ten days 1860

after the first. Notice of the date, time, and place of such 1861
hearings shall be given by publication in a newspaper of general 1862
circulation in the county once a week for two consecutive weeks, 1863
the second publication being not less than ten nor more than 1864
thirty days prior to the first hearing. 1865

No resolution ~~levying a county motor vehicle license tax~~ 1866
under this section shall become effective sooner than thirty days 1867
following its adoption, and such resolution is subject to a 1868
referendum as provided in sections 305.31 to 305.41 of the Revised 1869
Code, unless the resolution is adopted as an emergency measure 1870
necessary for the immediate preservation of the public peace, 1871
health, or safety, in which case it shall go into immediate 1872
effect. The emergency measure must receive an affirmative vote of 1873
all of the members of the board of county commissioners, and shall 1874
state the reasons for the necessity. A resolution may direct the 1875
board of elections to submit the question of levying the tax to 1876
the electors of the county at the next primary or general election 1877
occurring not less than seventy-five days after the resolution is 1878
certified to the board; no such resolution shall go into effect 1879
unless approved by a majority of those voting upon it. 1880

Nothing in this section or in section 4504.15 of the Revised 1881
Code shall be interpreted as preventing a county from levying the 1882
county motor vehicle license taxes authorized by such sections in 1883
a single resolution. 1884

Sec. 4504.18. For the purpose of paying the costs and 1885
expenses of enforcing and administering the tax provided for in 1886
this section; for the construction, reconstruction, improvement, 1887
maintenance, and repair of township roads, bridges, and culverts; 1888
for purchasing, erecting, and maintaining traffic signs, markers, 1889
lights, and signals; for purchasing road machinery and equipment, 1890
and planning, constructing, and maintaining suitable buildings to 1891

house such equipment; for paying any costs apportioned to the 1892
township under section 4907.47 of the Revised Code; and to 1893
supplement revenue already available for such purposes, the board 1894
of township trustees may levy an annual license tax, in addition 1895
to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the 1896
Revised Code, upon the operation of motor vehicles on the public 1897
roads and highways in the unincorporated territory of the 1898
township. The tax shall be at the rate of five dollars per motor 1899
vehicle on all motor vehicles the owners of which reside in the 1900
unincorporated area of the township and shall be in addition to 1901
the taxes at the rates specified in sections 4503.04 and 4503.16 1902
of the Revised Code, subject to reductions in the manner provided 1903
in section 4503.11 of the Revised Code and the exemptions provided 1904
in sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of 1905
the Revised Code. 1906

Prior to the adoption of any resolution ~~levying a township~~ 1907
~~motor vehicle license tax~~ under this section, the board of 1908
township trustees shall conduct two public hearings thereon, the 1909
second hearing to be not less than three nor more than ten days 1910
after the first. Notice of the date, time, and place of such 1911
hearings shall be given by publication in a newspaper of general 1912
circulation in the township once a week on the same day of the 1913
week for two consecutive weeks, the second publication being not 1914
less than ten nor more than thirty days prior to the first 1915
hearing. 1916

No resolution ~~levying a township motor vehicle license tax~~ 1917
under this section shall become effective sooner than thirty days 1918
following its adoption, and such resolution is subject to a 1919
referendum in the same manner, except as to the form of the 1920
petition, as provided in division (H) of section 519.12 of the 1921
Revised Code for a proposed amendment to a township zoning 1922
resolution. In addition, a petition under this section shall be 1923

governed by the rules specified in section 3501.38 of the Revised 1924
Code. No resolution levying a tax under this section for which a 1925
referendum vote has been requested shall go into effect unless 1926
approved by a majority of those voting upon it. 1927

A township license tax levied under this section shall 1928
continue in effect until repealed. 1929

Sec. 4505.021. The owner of a motor vehicle shall apply for a 1930
certificate of title for the vehicle when required by this 1931
chapter, but, except as otherwise specifically required in this 1932
chapter, the owner may elect whether or not to have the clerk of 1933
the court of common pleas to whom the certificate of title 1934
application is submitted issue a physical certificate of title for 1935
the motor vehicle, as provided in section 4505.08 of the Revised 1936
Code. In the case of a title application that is submitted 1937
electronically to the clerk, the clerk shall issue an electronic 1938
certificate of title unless the applicant requests the issuance of 1939
a physical certificate of title. 1940

Except as otherwise specifically provided in this chapter, 1941
any provision of this chapter relating to the cancellation, 1942
issuance, or surrender of a certificate of title, including, but 1943
not limited to, provisions that contain a phrase such as "when a 1944
certificate of title is issued," "the clerk shall issue a 1945
certificate of title," or "the person shall obtain a certificate 1946
of title to the motor vehicle," or another phrase of similar 1947
import, shall include those circumstances when a clerk enters 1948
certificate of title information into the automated title 1949
processing system, but does not take any further action relating 1950
to a physical certificate of title for the motor vehicle. 1951

Sec. 4505.031. (A) No minor under eighteen years of age shall 1952
sell or otherwise dispose of a motor vehicle or purchase or 1953

erwise acquire a motor vehicle unless the application for a 1954
certificate of title is accompanied by a form prescribed by the 1955
registrar of motor vehicles and signed in the presence of a clerk 1956
or deputy clerk of a court of common pleas or any notary public by 1957
one of the minor's parents, ~~his~~ the minor's guardian, or other 1958
person having custody of the minor authorizing the sale, 1959
disposition, purchase, or acquisition of the motor vehicle. At 1960

~~(B) At the time the application for certificate of title is~~ 1961
~~submitted, the adult who signed~~ signs the form authorizing the 1962
~~sale, disposition, purchase, or acquisition of the motor vehicle~~ 1963
~~by the minor shall be present and,~~ the adult shall provide 1964
identification establishing that ~~he~~ the adult is the individual 1965
whose signature appears on the form. ~~The registrar shall~~ 1966
~~prescribe, by rule, the types of identification that are~~ 1967
~~acceptable for the purposes of this section. If the adult who~~ 1968
~~signed the form does not provide identification as required by~~ 1969
~~this section, the application shall be refused.~~ 1970

~~(C)~~(B) No right, title, claim to or interest in a motor 1971
vehicle shall be acquired by or from a minor unless the 1972
application for a certificate of title is accompanied by the form 1973
required by this section. 1974

~~(D)~~(C) No clerk of a court of common pleas shall be held 1975
liable in any civil action that arises under the law of this state 1976
for injury or loss to persons or property caused when a person has 1977
obtained a certificate of title in violation of this section, 1978
unless the clerk failed to use reasonable diligence in 1979
ascertaining the age of the minor or the identity of the adult who 1980
signed the form authorizing the sale, disposition, purchase, or 1981
acquisition of the motor vehicle by the minor. 1982

Sec. 4505.032. (A)(1) If a person who is not an electronic 1983
motor vehicle dealer owns a motor vehicle for which a physical 1984

certificate of title has not been issued by a clerk of a court of
common pleas and the person sells the motor vehicle to a motor
vehicle dealer licensed under Chapter 4517. of the Revised Code,
the person is not required to obtain a physical certificate of
title to the motor vehicle in order to transfer ownership to the
dealer. The person shall present the dealer, in a manner approved
by the registrar of motor vehicles, with sufficient proof of the
person's identity and complete and sign a form prescribed by the
registrar attesting to the person's identity and assigning the
motor vehicle to the dealer. Except as otherwise provided in this
section, the motor vehicle dealer shall present the assignment
form to any clerk of a court of common pleas together with an
application for a certificate of title and payment of the fees
prescribed by section 4505.09 of the Revised Code.

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

(2) A clerk shall charge and collect from a dealer a fee of
five dollars for each motor vehicle ~~assigned to~~ assignment sent by
the dealer to the clerk under division (A)(1) of this section. The

fee shall be distributed in accordance with section 4505.09 of the Revised Code. 2017
2018

(B) If a person who is not an electronic motor vehicle dealer owns a motor vehicle for which a physical certificate of title has not been issued by a clerk of a court of common pleas and the person sells the motor vehicle to a person who is not a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, the person shall obtain a physical certificate of title to the motor vehicle in order to transfer ownership of the vehicle to that person. 2019
2020
2021
2022
2023
2024
2025
2026

Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds. 2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system. 2039
2040
2041
2042
2043
2044
2045
2046
2047

(3) If a certificate of title previously has been issued for 2048
a motor vehicle in this state, the application for a certificate 2049
of title also shall be accompanied by that certificate of title 2050
duly assigned, unless otherwise provided in this chapter. If a 2051
certificate of title previously has not been issued for the motor 2052
vehicle in this state, the application, unless otherwise provided 2053
in this chapter, shall be accompanied by a manufacturer's or 2054
importer's certificate or by a certificate of title of another 2055
state from which the motor vehicle was brought into this state. If 2056
the application refers to a motor vehicle last previously 2057
registered in another state, the application also shall be 2058
accompanied by the physical inspection certificate required by 2059
section 4505.061 of the Revised Code. If the application is made 2060
by two persons regarding a motor vehicle in which they wish to 2061
establish joint ownership with right of survivorship, they may do 2062
so as provided in section 2131.12 of the Revised Code. If the 2063
applicant requests a designation of the motor vehicle in 2064
beneficiary form so that upon the death of the owner of the motor 2065
vehicle, ownership of the motor vehicle will pass to a designated 2066
transfer-on-death beneficiary or beneficiaries, the applicant may 2067
do so as provided in section 2131.13 of the Revised Code. A person 2068
who establishes ownership of a motor vehicle that is transferable 2069
on death in accordance with section 2131.13 of the Revised Code 2070
may terminate that type of ownership or change the designation of 2071
the transfer-on-death beneficiary or beneficiaries by applying for 2072
a certificate of title pursuant to this section. The clerk shall 2073
retain the evidence of title presented by the applicant and on 2074
which the certificate of title is issued, except that, if an 2075
application for a certificate of title is filed electronically by 2076
an electronic motor vehicle dealer on behalf of the purchaser of a 2077
motor vehicle, the clerk shall retain the completed electronic 2078
record to which the dealer converted the certificate of title 2079
application and other required documents. The registrar, after 2080

consultation with the attorney general, shall adopt rules that 2081
govern the location at which, and the manner in which, are stored 2082
the actual application and all other documents relating to the 2083
sale of a motor vehicle when an electronic motor vehicle dealer 2084
files the application for a certificate of title electronically on 2085
behalf of the purchaser. 2086

The clerk shall use reasonable diligence in ascertaining 2087
whether or not the facts in the application for a certificate of 2088
title are true by checking the application and documents 2089
accompanying it or the electronic record to which a dealer 2090
converted the application and accompanying documents with the 2091
records of motor vehicles in the clerk's office. If the clerk is 2092
satisfied that the applicant is the owner of the motor vehicle and 2093
that the application is in the proper form, the clerk, within five 2094
business days after the application is filed and except as 2095
provided in section 4505.021 of the Revised Code, shall issue a 2096
physical certificate of title over the clerk's signature and 2097
sealed with the clerk's seal, unless the applicant specifically 2098
requests the clerk not to issue a physical certificate of title 2099
and instead to issue an electronic certificate of title. For 2100
purposes of the transfer of a certificate of title, if the clerk 2101
is satisfied that the secured party has duly discharged a lien 2102
notation but has not canceled the lien notation with a clerk, the 2103
clerk may cancel the lien notation on the automated title 2104
processing system and notify the clerk of the county of origin. 2105

(4) In the case of the sale of a motor vehicle to a general 2106
buyer or user by a dealer, by a motor vehicle leasing dealer 2107
selling the motor vehicle to the lessee or, in a case in which the 2108
leasing dealer subleased the motor vehicle, the sublessee, at the 2109
end of the lease agreement or sublease agreement, or by a 2110
manufactured home broker, the certificate of title shall be 2111
obtained in the name of the buyer by the dealer, leasing dealer, 2112

or manufactured home broker, as the case may be, upon application 2113
signed by the buyer. The certificate of title shall be issued, or 2114
the process of entering the certificate of title application 2115
information into the automated title processing system if a 2116
physical certificate of title is not to be issued shall be 2117
completed, within five business days after the application for 2118
title is filed with the clerk. If the buyer of the motor vehicle 2119
previously leased the motor vehicle and is buying the motor 2120
vehicle at the end of the lease pursuant to that lease, the 2121
certificate of title shall be obtained in the name of the buyer by 2122
the motor vehicle leasing dealer who previously leased the motor 2123
vehicle to the buyer or by the motor vehicle leasing dealer who 2124
subleased the motor vehicle to the buyer under a sublease 2125
agreement. 2126

In all other cases, except as provided in section 4505.032 2127
and division (D)(2) of section 4505.11 of the Revised Code, such 2128
certificates shall be obtained by the buyer. 2129

(5)(a)(i) If the certificate of title is being obtained in 2130
the name of the buyer by a motor vehicle dealer or motor vehicle 2131
leasing dealer and there is a security interest to be noted on the 2132
certificate of title, the dealer or leasing dealer shall submit 2133
the application for the certificate of title and payment of the 2134
applicable tax to a clerk within seven business days after the 2135
later of the delivery of the motor vehicle to the buyer or the 2136
date the dealer or leasing dealer obtains the manufacturer's or 2137
importer's certificate, or certificate of title issued in the name 2138
of the dealer or leasing dealer, for the motor vehicle. Submission 2139
of the application for the certificate of title and payment of the 2140
applicable tax within the required seven business days may be 2141
indicated by postmark or receipt by a clerk within that period. 2142

(ii) Upon receipt of the certificate of title with the 2143
security interest noted on its face, the dealer or leasing dealer 2144

shall forward the certificate of title to the secured party at the 2145
location noted in the financing documents or otherwise specified 2146
by the secured party. 2147

(iii) A motor vehicle dealer or motor vehicle leasing dealer 2148
is liable to a secured party for a late fee of ten dollars per day 2149
for each certificate of title application and payment of the 2150
applicable tax that is submitted to a clerk more than seven 2151
business days but less than twenty-one days after the later of the 2152
delivery of the motor vehicle to the buyer or the date the dealer 2153
or leasing dealer obtains the manufacturer's or importer's 2154
certificate, or certificate of title issued in the name of the 2155
dealer or leasing dealer, for the motor vehicle and, from then on, 2156
twenty-five dollars per day until the application and applicable 2157
tax are submitted to a clerk. 2158

(b) In all cases of transfer of a motor vehicle, the 2159
application for certificate of title shall be filed within thirty 2160
days after the assignment or delivery of the motor vehicle. If an 2161
application for a certificate of title is not filed within the 2162
period specified in division (A)(5)(b) of this section, the clerk 2163
shall collect a fee of five dollars for the issuance of the 2164
certificate, except that no such fee shall be required from a 2165
motor vehicle salvage dealer, as defined in division (A) of 2166
section 4738.01 of the Revised Code, who immediately surrenders 2167
the certificate of title for cancellation. The fee shall be in 2168
addition to all other fees established by this chapter, and shall 2169
be retained by the clerk. The registrar shall provide, on the 2170
certificate of title form prescribed by section 4505.07 of the 2171
Revised Code, language necessary to give evidence of the date on 2172
which the assignment or delivery of the motor vehicle was made. 2173

(6) As used in division (A) of this section, "lease 2174
agreement," "lessee," and "sublease agreement" have the same 2175
meanings as in section 4505.04 of the Revised Code. 2176

(B) The clerk, except as provided in this section, shall 2177
refuse to accept for filing any application for a certificate of 2178
title and shall refuse to issue a certificate of title unless the 2179
dealer or manufactured home broker or the applicant, in cases in 2180
which the certificate shall be obtained by the buyer, submits with 2181
the application payment of the tax levied by or pursuant to 2182
Chapters 5739. and 5741. of the Revised Code based on the 2183
purchaser's county of residence. Upon payment of the tax in 2184
accordance with division (E) of this section, the clerk shall 2185
issue a receipt prescribed by the registrar and agreed upon by the 2186
tax commissioner showing payment of the tax or a receipt issued by 2187
the commissioner showing the payment of the tax. When submitting 2188
payment of the tax to the clerk, a dealer shall retain any 2189
discount to which the dealer is entitled under section 5739.12 of 2190
the Revised Code. 2191

For receiving and disbursing such taxes paid to the clerk by 2192
a resident of the clerk's county, the clerk may retain a poundage 2193
fee of one and one one-hundredth per cent, and the clerk shall pay 2194
the poundage fee into the certificate of title administration fund 2195
created by section 325.33 of the Revised Code. The clerk shall not 2196
retain a poundage fee from payments of taxes by persons who do not 2197
reside in the clerk's county. 2198

A clerk, however, may retain from the taxes paid to the clerk 2199
an amount equal to the poundage fees associated with certificates 2200
of title issued by other clerks of courts of common pleas to 2201
applicants who reside in the first clerk's county. The registrar, 2202
in consultation with the tax commissioner and the clerks of the 2203
courts of common pleas, shall develop a report from the automated 2204
title processing system that informs each clerk of the amount of 2205
the poundage fees that the clerk is permitted to retain from those 2206
taxes because of certificates of title issued by the clerks of 2207
other counties to applicants who reside in the first clerk's 2208

unty. 2209

In the case of casual sales of motor vehicles, as defined in 2210
section 4517.01 of the Revised Code, the price for the purpose of 2211
determining the tax shall be the purchase price on the assigned 2212
certificate of title executed by the seller and filed with the 2213
clerk by the buyer on a form to be prescribed by the registrar, 2214
which shall be prima-facie evidence of the amount for the 2215
determination of the tax. 2216

(C)(1) If the transferor indicates on the certificate of 2217
title that the odometer reflects mileage in excess of the designed 2218
mechanical limit of the odometer, the clerk shall enter the phrase 2219
"exceeds mechanical limits" following the mileage designation. If 2220
the transferor indicates on the certificate of title that the 2221
odometer reading is not the actual mileage, the clerk shall enter 2222
the phrase "nonactual: warning - odometer discrepancy" following 2223
the mileage designation. The clerk shall use reasonable care in 2224
transferring the information supplied by the transferor, but is 2225
not liable for any errors or omissions of the clerk or those of 2226
the clerk's deputies in the performance of the clerk's duties 2227
created by this chapter. 2228

The registrar shall prescribe an affidavit in which the 2229
transferor shall swear to the true selling price and, except as 2230
provided in this division, the true odometer reading of the motor 2231
vehicle. The registrar may prescribe an affidavit in which the 2232
seller and buyer provide information pertaining to the odometer 2233
reading of the motor vehicle in addition to that required by this 2234
section, as such information may be required by the United States 2235
secretary of transportation by rule prescribed under authority of 2236
subchapter IV of the "Motor Vehicle Information and Cost Savings 2237
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 2238

(2) Division (C)(1) of this section does not require the 2239
giving of information concerning the odometer and odometer reading 2240

of a motor vehicle when ownership of a motor vehicle is being 2241
transferred as a result of a bequest, under the laws of intestate 2242
succession, to a survivor pursuant to section 2106.18, 2131.12, or 2243
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 2244
beneficiaries pursuant to section 2131.13 of the Revised Code, in 2245
connection with the creation of a security interest or for a 2246
vehicle with a gross vehicle weight rating of more than sixteen 2247
thousand pounds. 2248

(D) When the transfer to the applicant was made in some other 2249
state or in interstate commerce, the clerk, except as provided in 2250
this section, shall refuse to issue any certificate of title 2251
unless the tax imposed by or pursuant to Chapter 5741. of the 2252
Revised Code based on the purchaser's county of residence has been 2253
paid as evidenced by a receipt issued by the tax commissioner, or 2254
unless the applicant submits with the application payment of the 2255
tax. Upon payment of the tax in accordance with division (E) of 2256
this section, the clerk shall issue a receipt prescribed by the 2257
registrar and agreed upon by the tax commissioner, showing payment 2258
of the tax. 2259

For receiving and disbursing such taxes paid to the clerk by 2260
a resident of the clerk's county, the clerk may retain a poundage 2261
fee of one and one one-hundredth per cent. The clerk shall not 2262
retain a poundage fee from payments of taxes by persons who do not 2263
reside in the clerk's county. 2264

A clerk, however, may retain from the taxes paid to the clerk 2265
an amount equal to the poundage fees associated with certificates 2266
of title issued by other clerks of courts of common pleas to 2267
applicants who reside in the first clerk's county. The registrar, 2268
in consultation with the tax commissioner and the clerks of the 2269
courts of common pleas, shall develop a report from the automated 2270
title processing system that informs each clerk of the amount of 2271
the poundage fees that the clerk is permitted to retain from those 2272

taxes because of certificates of title issued by the clerks of 2273
other counties to applicants who reside in the first clerk's 2274
county. 2275

When the vendor is not regularly engaged in the business of 2276
selling motor vehicles, the vendor shall not be required to 2277
purchase a vendor's license or make reports concerning those 2278
sales. 2279

(E) The clerk shall accept any payment of a tax in cash, or 2280
by cashier's check, certified check, draft, money order, or teller 2281
check issued by any insured financial institution payable to the 2282
clerk and submitted with an application for a certificate of title 2283
under division (B) or (D) of this section. The clerk also may 2284
accept payment of the tax by corporate, business, or personal 2285
check, credit card, electronic transfer or wire transfer, debit 2286
card, or any other accepted form of payment made payable to the 2287
clerk. The clerk may require bonds, guarantees, or letters of 2288
credit to ensure the collection of corporate, business, or 2289
personal checks. Any service fee charged by a third party to a 2290
clerk for the use of any form of payment may be paid by the clerk 2291
from the certificate of title administration fund created in 2292
section 325.33 of the Revised Code, or may be assessed by the 2293
clerk upon the applicant as an additional fee. Upon collection, 2294
the additional fees shall be paid by the clerk into that 2295
certificate of title administration fund. 2296

The clerk shall make a good faith effort to collect any 2297
payment of taxes due but not made because the payment was returned 2298
or dishonored, but the clerk is not personally liable for the 2299
payment of uncollected taxes or uncollected fees. The clerk shall 2300
notify the tax commissioner of any such payment of taxes that is 2301
due but not made and shall furnish the information to the 2302
commissioner that the commissioner requires. The clerk shall 2303
deduct the amount of taxes due but not paid from the clerk's 2304

periodic remittance of tax payments, in accordance with procedures 2305
agreed upon by the tax commissioner. The commissioner may collect 2306
taxes due by assessment in the manner provided in section 5739.13 2307
of the Revised Code. 2308

Any person who presents payment that is returned or 2309
dishonored for any reason is liable to the clerk for payment of a 2310
penalty over and above the amount of the taxes due. The clerk 2311
shall determine the amount of the penalty, and the penalty shall 2312
be no greater than that amount necessary to compensate the clerk 2313
for banking charges, legal fees, or other expenses incurred by the 2314
clerk in collecting the returned or dishonored payment. The 2315
remedies and procedures provided in this section are in addition 2316
to any other available civil or criminal remedies. Subsequently 2317
collected penalties, poundage fees, and title fees, less any title 2318
fee due the state, from returned or dishonored payments collected 2319
by the clerk shall be paid into the certificate of title 2320
administration fund. Subsequently collected taxes, less poundage 2321
fees, shall be sent by the clerk to the treasurer of state at the 2322
next scheduled periodic remittance of tax payments, with 2323
information as the commissioner may require. The clerk may abate 2324
all or any part of any penalty assessed under this division. 2325

(F) In the following cases, the clerk shall accept for filing 2326
an application and shall issue a certificate of title without 2327
requiring payment or evidence of payment of the tax: 2328

(1) When the purchaser is this state or any of its political 2329
subdivisions, a church, or an organization whose purchases are 2330
exempted by section 5739.02 of the Revised Code; 2331

(2) When the transaction in this state is not a retail sale 2332
as defined by section 5739.01 of the Revised Code; 2333

(3) When the purchase is outside this state or in interstate 2334
commerce and the purpose of the purchaser is not to use, store, or 2335

consume within the meaning of section 5741.01 of the Revised Code;	2336
(4) When the purchaser is the federal government;	2337
(5) When the motor vehicle was purchased outside this state for use outside this state;	2338 2339
(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	2340 2341 2342 2343 2344 2345 2346
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.	2347 2348 2349 2350
(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."	2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362
(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	2363 2364 2365 2366

ithout requiring payment of any tax pursuant to section 5739.02, 2367
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 2368
issued by the tax commissioner showing payment of the tax. For 2369
sales of manufactured homes or mobile homes occurring on or after 2370
January 1, 2000, the applicant shall pay to the clerk an 2371
additional fee of five dollars for each certificate of title 2372
issued by the clerk for a manufactured or mobile home pursuant to 2373
division (H) of section 4505.11 of the Revised Code and for each 2374
certificate of title issued upon transfer of ownership of the 2375
home. The clerk shall credit the fee to the county certificate of 2376
title administration fund, and the fee shall be used to pay the 2377
expenses of archiving those certificates pursuant to division (A) 2378
of section 4505.08 and division (H)(3) of section 4505.11 of the 2379
Revised Code. The tax commissioner shall administer any tax on a 2380
manufactured or mobile home pursuant to Chapters 5739. and 5741. 2381
of the Revised Code. 2382

(I) Every clerk shall have the capability to transact by 2383
electronic means all procedures and transactions relating to the 2384
issuance of motor vehicle certificates of title that are described 2385
in the Revised Code as being accomplished by electronic means. 2386

Sec. 4505.08. (A) When the clerk of a court of common pleas 2387
issues a physical certificate of title, the clerk shall issue the 2388
certificate of title on a form and in a manner prescribed by the 2389
registrar of motor vehicles. The clerk shall file a copy of the 2390
physical evidence for the creation of the certificate of title in 2391
a manner prescribed by the registrar. A clerk may retain digital 2392
images of documents used as evidence for issuance of a certificate 2393
of title. Certified printouts of documents retained as digital 2394
images shall have the same evidentiary value as the original 2395
physical documents. The record of the issuance of the certificate 2396
of title shall be maintained in the automated title processing 2397
system. The clerk shall sign and affix the clerk's seal to the 2398

ginal certificate of title and, if there are no liens on the motor 2399
vehicle, shall deliver the certificate to the applicant or the 2400
selling dealer. If there are one or more liens on the motor 2401
vehicle, the certificate of title shall be delivered to the holder 2402
of the first lien or the selling dealer, who shall deliver the 2403
certificate of title to the holder of the first lien. 2404

The registrar shall prescribe a uniform method of numbering 2405
certificates of title, and such numbering shall be in such manner 2406
that the county of issuance is indicated. The clerk shall assign 2407
numbers to certificates of title in the manner prescribed by the 2408
registrar. The clerk shall file all certificates of title 2409
according to rules to be prescribed by the registrar, and the 2410
clerk shall maintain in the clerk's office indexes for the 2411
certificates of title. 2412

The clerk need not retain on file any current certificates of 2413
title, current duplicate certificates of title, current memorandum 2414
certificates of title, or current salvage certificates of title, 2415
or supporting evidence of them covering any motor vehicle or 2416
manufactured or mobile home for a period longer than seven years 2417
after the date of its filing; thereafter, the documents and 2418
supporting evidence may be destroyed. The clerk need not retain on 2419
file any inactive records, including certificates of title, 2420
duplicate certificates of title, or memorandum certificates of 2421
title, or supporting evidence of them, including the electronic 2422
record described in division (A) of section 4505.06 of the Revised 2423
Code, covering any motor vehicle or manufactured or mobile home 2424
for a period longer than five years after the date of its filing; 2425
thereafter, the documents and supporting evidence may be 2426
destroyed. 2427

The automated title processing system shall contain all 2428
active records and an index of the active records, a record and 2429
index of all inactive titles for ten years, and a record and index 2430

of all inactive titles for manufactured and mobile homes for 2431
thirty years. If the clerk provides a written copy of any 2432
information contained in the database, the copy shall be 2433
considered the original for purposes of the clerk certifying the 2434
record of the information for use in any legal proceeding. 2435

(B)(1) If the clerk issues a certificate of title for a motor 2436
vehicle that was last previously registered in another state, the 2437
clerk shall record verbatim, where practicable, in the space on 2438
the title described in division (B)(19) of section 4505.07 of the 2439
Revised Code, the words that appear as a notation to the vehicle 2440
on the title issued by the previous state. These notations may 2441
include, but are not limited to, words to the effect that the 2442
vehicle was considered or was categorized by the state in which it 2443
was last previously registered to be a law enforcement vehicle or 2444
a taxicab or was once in a flood. 2445

(2) If the clerk, while issuing a certificate of title for a 2446
motor vehicle that was last previously registered in another 2447
state, receives information from the automated title processing 2448
system indicating that a title to the vehicle previously was 2449
issued by this state and that the previous title contained 2450
notations that appeared in the space described in division (B)(19) 2451
or (20) of section 4505.07 of the Revised Code, the clerk shall 2452
enter the notations that appeared on the previous certificate of 2453
title issued by this state on the new certificate of title in the 2454
space described in division (B)(19) or (20) of section 4505.07 of 2455
the Revised Code, irrespective of whether the notations appear on 2456
the certificate of title issued by the state in which the vehicle 2457
was last previously registered. 2458

(3) If the clerk, while issuing a certificate of title for a 2459
motor vehicle that was last previously registered in another 2460
state, receives information from the automated title processing 2461
system indicating that the vehicle was previously issued a title 2462

by this state and that the previous title bore the notation 2463
"REBUILT SALVAGE" as required by division (E) of section 4505.11 2464
of the Revised Code, or the previous title to the vehicle issued 2465
by this state was a salvage certificate of title, the clerk shall 2466
cause the certificate of title the clerk issues to bear the 2467
notation "REBUILT SALVAGE" in the location prescribed by the 2468
registrar pursuant to that division. 2469

(C) When the clerk issues a certificate of title for a motor 2470
vehicle that was last previously registered in this state and was 2471
a law enforcement vehicle or a taxicab or was once in a flood, the 2472
clerk shall record that information in the space on the title 2473
described in division (B)(20) of section 4505.07 of the Revised 2474
Code. The registrar, by rule, may prescribe any additional uses of 2475
or happenings to a motor vehicle that the registrar has reason to 2476
believe should be noted on the certificate of title as provided in 2477
this division. 2478

(D) The clerk shall use reasonable care in recording or 2479
entering onto titles the clerk issues any notation and information 2480
the clerk is required by divisions (B) and (C) of this section to 2481
record or enter and in causing the titles the clerk issues to bear 2482
any notation required by those divisions, but the clerk is not 2483
liable for any of the clerk's errors or omissions or those of the 2484
clerk's deputies, or the automated title processing system, in the 2485
performance of the duties imposed on the clerk by this section. 2486

(E) The clerk may issue a duplicate title, when duly applied 2487
for, of any title that has been destroyed as herein provided. 2488

(F) The Except as provided in section 4505.021 of the Revised 2489
Code, the clerk shall issue a physical certificate of title to an 2490
applicant unless the applicant specifically requests the clerk not 2491
to issue a physical certificate of title and instead to issue an 2492
electronic certificate of title. The fact that a physical 2493
certificate of title is not issued for a motor vehicle does not 2494

affect ownership of the vehicle. In that case, when the clerk 2495
completes the process of entering certificate of title application 2496
information into the automated title processing system, the effect 2497
of the completion of the process is the same as if the clerk 2498
actually issued a physical certificate of title for the motor 2499
vehicle. 2500

(G) An electronic motor vehicle dealer who applies for a 2501
certificate of title on behalf of a customer who purchases a motor 2502
vehicle from the dealer may print a non-negotiable evidence of 2503
ownership for the customer if the customer so requests. The 2504
authorization to print the non-negotiable evidence of ownership 2505
shall come from the clerk with whom the dealer makes application 2506
for the certificate of title for the customer, but the printing by 2507
the dealer does not create an agency relationship of any kind 2508
between the dealer and the clerk. 2509

(H) The owner of a motor vehicle may apply at any time to a 2510
clerk of a court of common pleas for a non-negotiable evidence of 2511
ownership for the motor vehicle. 2512

Sec. 4506.01. As used in this chapter: 2513

(A) "Alcohol concentration" means the concentration of 2514
alcohol in a person's blood, breath, or urine. When expressed as a 2515
percentage, it means grams of alcohol per the following: 2516

(1) One hundred milliliters of whole blood, blood serum, or 2517
blood plasma; 2518

(2) Two hundred ten liters of breath; 2519

(3) One hundred milliliters of urine. 2520

(B) ~~"School bus" has the same meaning as in section 4511.01~~ 2521
~~of the Revised Code.~~ 2522

~~(C)~~ "Commercial driver's license" means a license issued in 2523
accordance with this chapter that authorizes an individual to 2524

drive a commercial motor vehicle. 2525

~~(D)~~(C) "Commercial driver license information system" means 2526
the information system established pursuant to the requirements of 2527
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 2528
3207-171, 49 U.S.C.A. App. 2701. 2529

~~(E)~~(D) Except when used in section 4506.25 of the Revised 2530
Code, "commercial motor vehicle" means any motor vehicle designed 2531
or used to transport persons or property that meets any of the 2532
following qualifications: 2533

(1) Any combination of vehicles with a combined gross vehicle 2534
weight rating of twenty-six thousand one pounds or more, provided 2535
the gross vehicle weight rating of the vehicle or vehicles being 2536
towed is in excess of ten thousand pounds; 2537

(2) Any single vehicle with a gross vehicle weight rating of 2538
twenty-six thousand one pounds or more, or any such vehicle towing 2539
a vehicle having a gross vehicle weight rating that is not in 2540
excess of ten thousand pounds; 2541

(3) Any single vehicle or combination of vehicles that is not 2542
a class A or class B vehicle, but ~~that either~~ is designed to 2543
transport sixteen or more passengers including the driver, ~~or is~~ 2544
~~placarded for hazardous materials;~~ 2545

(4) Any school bus with a gross vehicle weight rating of less 2546
than twenty-six thousand one pounds that is designed to transport 2547
fewer than sixteen passengers including the driver; 2548

(5) Is transporting hazardous materials for which placarding 2549
is required ~~by regulations adopted under the "Hazardous Materials~~ 2550
~~Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801~~ under 2551
subpart F of 49 C.F.R. part 172, as amended; 2552

(6) Any single vehicle or combination of vehicles that is 2553
designed to be operated and to travel on a public street or 2554

highway and is considered by the federal ~~highway~~ motor carrier 2555
safety administration to be a commercial motor vehicle, including, 2556
but not limited to, a motorized crane, a vehicle whose function is 2557
to pump cement, a rig for drilling wells, and a portable crane. 2558

~~(F)~~(E) "Controlled substance" means all of the following: 2559

(1) Any substance classified as a controlled substance under 2560
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 2561
802(6), as amended; 2562

(2) Any substance included in schedules I through V of 21 2563
C.F.R. part 1308, as amended; 2564

(3) Any drug of abuse. 2565

~~(G)~~(F) "Conviction" means an unvacated adjudication of guilt 2566
or a determination that a person has violated or failed to comply 2567
with the law in a court of original jurisdiction or an authorized 2568
administrative tribunal, an unvacated forfeiture of bail or 2569
collateral deposited to secure the person's appearance in court, a 2570
plea of guilty or nolo contendere accepted by the court, the 2571
payment of a fine or court cost, or violation of a condition of 2572
release without bail, regardless of whether or not the penalty is 2573
rebatated, suspended, or probated. 2574

~~(H)~~(G) "Disqualification" means any of the following: 2575

(1) The suspension, revocation, or cancellation of a person's 2576
privileges to operate a commercial motor vehicle; 2577

(2) Any withdrawal of the ~~privilege~~ a person's privileges to 2578
~~drive operate~~ a commercial motor vehicle as the result of a 2579
violation of state or local law relating to motor vehicle traffic 2580
control other than parking, vehicle weight, or vehicle defect 2581
violations; 2582

<u>(3) A determination by the federal motor carrier safety</u>	2583
<u>administration that a person is not qualified to operate a</u>	2584
<u>commercial motor vehicle under 49 C.F.R. 391.</u>	2585
(I) (H) "Drive" means to drive, operate, or be in physical	2586
control of a motor vehicle.	2587
(J) (I) "Driver" means any person who drives, operates, or is	2588
in physical control of a commercial motor vehicle or is required	2589
to have a commercial driver's license.	2590
(K) (J) "Driver's license" means a license issued by the	2591
bureau of motor vehicles that authorizes an individual to drive.	2592
(L) (K) "Drug of abuse" means any controlled substance,	2593
dangerous drug as defined in section 4729.01 of the Revised Code,	2594
or over-the-counter medication that, when taken in quantities	2595
exceeding the recommended dosage, can result in impairment of	2596
judgment or reflexes.	2597
(L) " <u>Eligible unit of local government</u> " means a village,	2598
<u>township, or county that has a population of not more than three</u>	2599
<u>thousand persons according to the most recent federal census.</u>	2600
(M) "Employer" means any person, including the federal	2601
government, any state, and a political subdivision of any state,	2602
that owns or leases a commercial motor vehicle or assigns a person	2603
to drive such a motor vehicle.	2604
(N) "Endorsement" means an authorization on a person's	2605
commercial driver's license that is required to permit the person	2606
to operate a specified type of commercial motor vehicle.	2607

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

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

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

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

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

~~(R)~~(T) "Hazardous materials" means ~~materials identified~~ any material that has been designated as ~~such~~ hazardous under

~~regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.~~ 2639
2640
2641
2642
2643

~~(S)(U) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.~~ 2644
2645
2646
2647
2648
2649
2650

~~(V) "Motor vehicle" has the same meaning as in section 4511.01 of the Revised Code.~~ 2651
2652

~~(T) Except when used in sections 4506.25 and 4506.26 of the Revised Code, "out of service means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.~~ 2653
2654
2655
2656
2657
2658

~~(W) "Out-of-service order" means a temporary prohibition against driving a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle issued under this chapter or a similar law of another state or of a foreign jurisdiction.~~ 2659
2660
2661
2662
2663
2664

~~(U), or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.~~ 2665
2666

~~(X) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.~~ 2667
2668

(Y) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. 2669
2670
2671
2672

(Z) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 2673
2674

(AA) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit. 2675
2676
2677
2678

(BB) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar. 2679
2680
2681

~~(V) "Temporary residence" means residence on a temporary basis as determined by the registrar in accordance with standards prescribed in rules adopted by the registrar.~~ 2682
2683
2684

~~(W)(CC) "School bus" has the same meaning as in section 4511.01 of the Revised Code.~~ 2685
2686

(DD) "Serious traffic violation" means a conviction arising from the operation a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code or a conviction arising from the operation of any motor vehicle that involves any of the following: 2687
2688
2689
2690
2691

(1) A single charge of any speed ~~that is~~ in excess of the posted speed limit by ~~an amount specified by the United States secretary of transportation and that the director of public safety designates as such by rule~~ fifteen miles per hour or more; 2692
2693
2694
2695

(2) Violation of section 4511.20~~7~~ or 4511.201~~, or 4511.202~~ of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another 2696
2697
2698

state;	2699
(3) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	2700 2701 2702 2703
(4) <u>Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;</u>	2704 2705 2706 2707 2708 2709 2710 2711
(5) <u>Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;</u>	2712 2713 2714 2715 2716 2717
(6) <u>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>	2718 2719 2720 2721 2722
(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.	2723 2724 2725 2726 2727
(X) (EE) "State" means a state of the United States and includes the District of Columbia.	2728 2729

~~(Y)~~(FF) "Tank vehicle" means any commercial motor vehicle 2730
that is designed to transport any liquid and has a maximum 2731
capacity greater than one hundred nineteen gallons or is designed 2732
to transport gaseous materials and has a water capacity greater 2733
than one thousand pounds within a tank that is either permanently 2734
or temporarily attached to the vehicle or its chassis. "Tank 2735
vehicle" does not include any of the following: 2736

(1) Any portable tank having a rated capacity of less than 2737
one thousand gallons; 2738

(2) Tanks used exclusively as a fuel tank for the motor 2739
vehicle to which it is attached; 2740

(3) An empty storage container tank that is not designed for 2741
transportation and that is readily distinguishable from a 2742
transportation tank; 2743

(4) Ready-mix concrete mixers. 2744

~~(Z)~~(GG) "Tester" means a person or entity acting pursuant to 2745
a valid agreement entered into pursuant to division (B) of section 2746
4506.09 of the Revised Code. 2747

(HH) "United States" means the fifty states and the District 2748
of Columbia. 2749

~~(AA)~~(II) "Vehicle" has the same meaning as in section 4511.01 2750
of the Revised Code. 2751

~~(BB)~~ "Peace officer" has the same meaning as in section 2752
2935.01 of the Revised Code. 2753

~~(CC)~~ "Portable tank" means a liquid or gaseous packaging 2754
designed primarily to be loaded on or temporarily attached to a 2755
vehicle and equipped with skids, mountings, or accessories to 2756
facilitate handling of the tank by mechanical means. 2757

Sec. 4506.03. (A) ~~On and after April 1, 1992~~ Except as 2758

provided in divisions (B) and (C) of this section, the following 2759
shall apply: 2760

(1) No person shall drive a commercial motor vehicle on a 2761
highway in this state unless the person holds, and has in the 2762
person's possession, a valid commercial driver's license with 2763
proper endorsements for the motor vehicle being driven, issued by 2764
the registrar of motor vehicles, a valid examiner's commercial 2765
driving permit issued under section 4506.13 of the Revised Code, a 2766
valid restricted commercial driver's license and waiver for 2767
farm-related service industries issued under section 4506.24 of 2768
the Revised Code, or a valid commercial driver's license temporary 2769
instruction permit issued by the registrar and is accompanied by 2770
an authorized state driver's license examiner or tester or a 2771
person who has been issued and has in the person's immediate 2772
possession a current, valid commercial driver's license with 2773
proper endorsements for the motor vehicle being driven. 2774

(2) No person shall be issued a commercial driver's license 2775
until the person surrenders to the registrar of motor vehicles all 2776
valid licenses issued to the person by another jurisdiction 2777
recognized by this state. ~~All surrendered licenses shall be~~ 2778
~~returned by the~~ The registrar shall report the surrender of a 2779
license to the issuing authority, together with information that a 2780
license is now issued in this state. The registrar shall destroy 2781
any such license that is not returned to the issuing authority. 2782

(3) No person who has been a resident of this state for 2783
thirty days or longer shall drive a commercial motor vehicle under 2784
the authority of a commercial driver's license issued by another 2785
jurisdiction. 2786

(B) ~~As used in this section and in section 4506.09 of the~~ 2787
~~Revised Code, "tester" means a person or entity acting pursuant to~~ 2788
~~a valid agreement entered into under division (B) of section~~ 2789
~~4506.09 of the Revised Code~~ Nothing in division (A) of this 2790

<u>section applies to any qualified person when engaged in the</u>	2791
<u>operation of any of the following:</u>	2792
<u>(1) A farm truck;</u>	2793
<u>(2) Fire equipment for a fire department, volunteer or</u>	2794
<u>nonvolunteer fire company, fire district, or joint fire district;</u>	2795
<u>(3) A public safety vehicle used to provide transportation or</u>	2796
<u>emergency medical service for ill or injured persons;</u>	2797
<u>(4) A recreational vehicle;</u>	2798
<u>(5) A commercial motor vehicle within the boundaries of an</u>	2799
<u>eligible unit of local government, if the person is employed by</u>	2800
<u>the eligible unit of local government and is operating the</u>	2801
<u>commercial motor vehicle for the purpose of removing snow or ice</u>	2802
<u>from a roadway by plowing, sanding, or salting, but only if either</u>	2803
<u>the employee who holds a commercial driver's license issued under</u>	2804
<u>this chapter and ordinarily operates a commercial motor vehicle</u>	2805
<u>for these purposes is unable to operate the vehicle, or the</u>	2806
<u>employing eligible unit of local government determines that a snow</u>	2807
<u>or ice emergency exists that requires additional assistance;</u>	2808
<u>(6) A vehicle operated for military purposes by any member or</u>	2809
<u>uniformed employee of the armed forces of the United States or</u>	2810
<u>their reserve components, including the Ohio national guard. This</u>	2811
<u>exception does not apply to United States reserve technicians.</u>	2812
<u>(7) A commercial motor vehicle that is operated for</u>	2813
<u>nonbusiness purposes. "Operated for nonbusiness purposes" means</u>	2814
<u>that the commercial motor vehicle is not used in commerce as</u>	2815
<u>"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not</u>	2816
<u>regulated by the public utilities commission pursuant to Chapter</u>	2817
<u>4919., 4921., or 4923. of the Revised Code.</u>	2818
<u>(8) A motor vehicle that is designed primarily for the</u>	2819
<u>transportation of goods and not persons, while that motor vehicle</u>	2820

is being used for the occasional transportation of personal 2821
property by individuals not for compensation and not in the 2822
furtherance of a commercial enterprise. 2823

(C) Nothing contained in division (B)(5) of this section 2824
shall be construed as preempting or superseding any law, rule, or 2825
regulation of this state concerning the safe operation of 2826
commercial motor vehicles. 2827

~~(C)~~(D) Whoever violates this section is guilty of a 2828
misdemeanor of the first degree. 2829

Sec. 4506.05. (A) Notwithstanding any other provision of law, 2830
a person may drive a commercial motor vehicle on a highway in this 2831
state if all of the following conditions are met: 2832

(1) The person has a valid commercial driver's license or 2833
commercial driver's license temporary instruction permit issued by 2834
any state or jurisdiction in accordance with the minimum standards 2835
adopted by the federal ~~highway~~ motor carrier safety administration 2836
under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 2837
3207-171, 49 U.S.C.A. App. for issuance of commercial drivers' 2838
licenses; 2839

(2) The person's commercial driver's license or permit is not 2840
suspended, revoked, or canceled; 2841

(3) The person is not disqualified from driving a commercial 2842
motor vehicle; 2843

(4) The person is not subject to an out-of-service order. 2844

(B) Whoever violates this section is guilty of a misdemeanor 2845
of the first degree. 2846

Sec. 4506.08. (A)(1) Each application for a commercial 2847
driver's license temporary instruction permit shall be accompanied 2848
by a fee of ten dollars; ~~except as provided in division (B) of~~ 2849

~~this section, each. Each~~ application for a commercial driver's 2850
license, restricted commercial driver's license, ~~or~~ renewal of 2851
such a license, or waiver for farm-related service industries 2852
shall be accompanied by a fee of twenty-five dollars; ~~and each,~~ 2853
except that an application for a commercial driver's license or 2854
restricted commercial driver's license received pursuant to 2855
division (A)(3) of section 4506.14 of the Revised Code shall be 2856
accompanied by a fee of eighteen dollars and seventy-five cents if 2857
the license will expire on the licensee's birthday three years 2858
after the date of issuance, a fee of twelve dollars and fifty 2859
cents if the license will expire on the licensee's birthday two 2860
years after the date of issuance, and a fee of six dollars and 2861
twenty-five cents if the license will expire on the licensee's 2862
birthday one year after the date of issuance. Each application for 2863
a duplicate commercial driver's license shall be accompanied by a 2864
fee of ten dollars. ~~In~~ 2865

(2) In addition, the registrar of motor vehicles or deputy 2866
registrar may collect and retain an additional fee of no more than 2867
two dollars and seventy-five cents commencing on July 1, 2001, 2868
three dollars and twenty-five cents commencing on January 1, 2003, 2869
and three dollars and fifty cents commencing on January 1, 2004, 2870
for each application for a commercial driver's license temporary 2871
instruction permit, commercial driver's license, renewal of a 2872
commercial driver's license, or duplicate commercial driver's 2873
license received by the registrar or deputy. ~~No fee shall be~~ 2874
~~charged for the annual issuance of a waiver for farm related~~ 2875
~~service industries pursuant to section 4506.24 of the Revised~~ 2876
~~Code.~~ 2877

(B) Each deputy registrar shall transmit the fees collected 2878
under division (A)(1) of this section to the registrar at the time 2879
and in the manner prescribed by the registrar by rule. The 2880
registrar shall pay the fees into the state highway safety fund 2881

established in section 4501.06 of the Revised Code. 2882

~~(B)~~(C) In addition to the fees imposed under division (A) of 2883
this section, the registrar of motor vehicles or deputy registrar 2884
shall collect a fee of twelve dollars commencing on October 1, 2885
2003, for each application for a commercial driver's license 2886
temporary instruction permit, commercial driver's license, or 2887
duplicate commercial driver's license and for each application for 2888
renewal of a commercial driver's license with an expiration date 2889
on or after that date received by the registrar or deputy 2890
registrar. The additional fee is for the purpose of defraying the 2891
department of public safety's costs associated with the 2892
administration and enforcement of the motor vehicle and traffic 2893
laws of Ohio. Each deputy registrar shall transmit the fees 2894
collected under division ~~(B)~~(C) of this section in the time and 2895
manner prescribed by the registrar. The registrar shall deposit 2896
all moneys received under division ~~(B)~~(C) of this section into the 2897
state highway safety fund established in section 4501.06 of the 2898
Revised Code. 2899

~~(C)~~(D) Information regarding the driving record of any person 2900
holding a commercial driver's license issued by this state shall 2901
be furnished by the registrar, upon request and payment of a fee 2902
of two dollars, to the employer or prospective employer of such a 2903
person and to any insurer. 2904

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 2905
approval by the director of public safety, shall adopt rules 2906
conforming with applicable standards adopted by the federal motor 2907
carrier safety administration as regulations under Pub. L. No. 2908
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 2909
31317. The rules shall establish requirements for the 2910
qualification and testing of persons applying for a commercial 2911
driver's license, which shall be in addition to other requirements 2912

established by this chapter. Except as provided in division (B) of 2913
this section, the highway patrol or any other employee of the 2914
department of public safety the registrar authorizes shall 2915
supervise and conduct the testing of persons applying for a 2916
commercial driver's license. 2917

(B) The director may adopt rules, in accordance with Chapter 2918
119. of the Revised Code and applicable requirements of the 2919
federal motor carrier safety administration, authorizing the 2920
skills test specified in this section to be administered by any 2921
person, by an agency of this or another state, or by an agency, 2922
department, or instrumentality of local government. Each party 2923
authorized under this division to administer the skills test may 2924
charge a maximum divisible fee of eighty-five dollars for each 2925
skills test given as part of a commercial driver's license 2926
examination. The fee shall consist of not more than twenty dollars 2927
for the pre-trip inspection portion of the test, not more than 2928
twenty dollars for the off-road maneuvering portion of the test, 2929
and not more than forty-five dollars for the on-road portion of 2930
the test. Each such party may require an appointment fee in the 2931
same manner provided in division (E)(2) of this section, except 2932
that the maximum amount such a party may require as an appointment 2933
fee is eighty-five dollars. The skills test administered by 2934
another party under this division shall be the same as otherwise 2935
would be administered by this state. The other party shall enter 2936
into an agreement with the director that, without limitation, does 2937
all of the following: 2938

(1) Allows the director or the director's representative and 2939
the federal motor carrier safety administration or its 2940
representative to conduct random examinations, inspections, and 2941
audits of the other party without prior notice; 2942

(2) Requires the director or the director's representative to 2943
conduct on-site inspections of the other party at least annually; 2944

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

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

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

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

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

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

the following apply:	2976
(a) The applicant has not had more than one license+.	2977
(b) The applicant has not had any license suspended, revoked, or canceled+.	2978 2979
(c) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code+.	2980 2981 2982
(d) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.	2983 2984 2985 2986 2987
<u>(e) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind-the-wheel in a representative vehicle for the applicant's commercial driver's license classification.</u>	2988 2989 2990 2991 2992
(2) Certifies and also provides evidence that the applicant is regularly employed in a job requiring operation of a commercial motor vehicle and that one of the following applies:	2993 2994 2995
(a) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind-the-wheel in a representative vehicle for the applicant's commercial driver's license classification+.	2996 2997 2998 2999 3000
(b) The applicant has regularly operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.	3001 3002 3003 3004
(E)(1) The department of public safety may charge and collect	3005

a divisible fee of fifty dollars for each skills test given as 3006
part of a commercial driver's license examination. The fee shall 3007
consist of ten dollars for the pre-trip inspection portion of the 3008
test, ten dollars for the off-road maneuvering portion of the 3009
test, and thirty dollars for the on-road portion of the test. 3010

(2) The director may require an applicant for a commercial 3011
driver's license who schedules an appointment with the highway 3012
patrol or other authorized employee of the department of public 3013
safety to take all portions of the skills test, to pay an 3014
appointment fee of fifty dollars at the time of scheduling the 3015
appointment. If the applicant appears at the time and location 3016
specified for the appointment and takes all portions of the skills 3017
test during that appointment, the appointment fee shall serve as 3018
the skills test fee. If the applicant schedules an appointment to 3019
take all portions of the skills test and fails to appear at the 3020
time and location specified for the appointment, no portion of the 3021
appointment fee shall be refunded. If the applicant schedules an 3022
appointment to take all portions of the skills test and appears at 3023
the time and location specified for the appointment, but declines 3024
or is unable to take all portions of the skills test, no portion 3025
of the appointment fee shall serve as the skills test fee be 3026
refunded. If the applicant cancels a scheduled appointment 3027
forty-eight hours or more prior to the time of the appointment 3028
time, the applicant shall not forfeit the appointment fee. 3029

An applicant for a commercial driver's license who schedules 3030
an appointment to take one or more, but not all, portions of the 3031
skills test shall ~~not~~ be required to pay ~~any~~ an appointment fee 3032
equal to the costs of each test scheduled, as prescribed in 3033
division (E)(1) of this section, when scheduling such an 3034
appointment. If the applicant appears at the time and location 3035
specified for the appointment and takes all the portions of the 3036
skills test during that appointment that the applicant was 3037

scheduled to take, the appointment fee shall serve as the skills 3038
test fee. If the applicant schedules an appointment to take one or 3039
more, but not all, portions of the skills test and fails to appear 3040
at the time and location specified for the appointment, no portion 3041
of the appointment fee shall be refunded. If the applicant 3042
schedules an appointment to take one or more, but not all, 3043
portions of the skills test and appears at the time and location 3044
specified for the appointment, but declines or is unable to take 3045
all portions of the skills test that the applicant was scheduled 3046
to take, no portion of the appointment fee shall be refunded. If 3047
the applicant cancels a scheduled appointment forty-eight hours or 3048
more prior to the time of the appointment time, the applicant 3049
shall not forfeit the appointment fee. 3050

(3) The department of public safety shall deposit all fees it 3051
collects under division (E) of this section in the state highway 3052
safety fund. 3053

(F) As used in this section, "skills test" means a test of an 3054
applicant's ability to drive the type of commercial motor vehicle 3055
for which the applicant seeks a commercial driver's license by 3056
having the applicant drive such a motor vehicle while under the 3057
supervision of an authorized state driver's license examiner or 3058
tester. 3059

Sec. 4506.10. (A) No person who holds a valid commercial 3060
driver's license shall drive a commercial motor vehicle unless the 3061
person is physically qualified to do so. Each person who drives or 3062
expects to drive a commercial motor vehicle in interstate or 3063
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 3064
seq., as amended, shall certify to the registrar of motor vehicles 3065
at the time of application for a commercial driver's license that 3066
the person is in compliance with these standards. Any person who 3067
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 3068

certify at the time of application that the person is not subject 3069
to these standards. 3070

(B) A person is qualified to drive a ~~class B commercial motor~~ 3071
~~vehicle with a school bus endorsement~~ if the person holds a valid 3072
commercial driver's license along with the proper endorsements, 3073
and if the person has been certified as medically qualified in 3074
accordance with rules adopted by the department of education. 3075

(C)(1) Except as provided in division (C)(2) of this section, 3076
any medical examination required by this section shall be 3077
performed only by one of the following: 3078

(a) A person licensed under Chapter 4731. of the Revised Code 3079
to practice medicine or surgery or osteopathic medicine and 3080
surgery in this state, or licensed under any similar law of 3081
another state; 3082

(b) A physician assistant who is authorized by the 3083
supervising physician to perform such a medical examination; 3084

(c) A certified nurse practitioner, a clinical nurse 3085
specialist, or a certified nurse-midwife; 3086

(d) A doctor of chiropractic. 3087

(2) Any part of an examination required by this section that 3088
pertains to visual acuity, field of vision, and the ability to 3089
recognize colors may be performed by a person licensed under 3090
Chapter 4725. of the Revised Code to practice optometry in this 3091
state, or licensed under any similar law of another state. 3092

(3) Any written documentation of a physical examination 3093
conducted pursuant to this section shall be completed by the 3094
individual who performed the examination. 3095

(D) Whenever good cause appears, the registrar, upon issuing 3096
a commercial driver's license under this chapter, may impose 3097
restrictions suitable to the licensee's driving ability with 3098

respect to the type of motor vehicle or special mechanical control 3099
devices required on a motor vehicle that the licensee may operate, 3100
or such other restrictions applicable to the licensee as the 3101
registrar determines to be necessary. 3102

The registrar may either issue a special restricted license 3103
or may set forth upon the usual license form the restrictions 3104
imposed. 3105

The registrar, upon receiving satisfactory evidence of any 3106
violation of the restrictions of the license, may impose a class D 3107
license suspension of the license for the period of time specified 3108
in division (B)(4) of section 4510.02 of the Revised Code. 3109

The registrar, upon receiving satisfactory evidence that an 3110
applicant or holder of a commercial driver's license has violated 3111
division (A)(4) of section 4506.04 of the Revised Code and 3112
knowingly given false information in any application or 3113
certification required by section 4506.07 of the Revised Code, 3114
shall cancel the commercial driver's license of the person or any 3115
pending application from the person for a commercial driver's 3116
license or class D driver's license for a period of at least sixty 3117
days, during which time no application for a commercial driver's 3118
license or class D driver's license shall be received from the 3119
person. 3120

(E) Whoever violates this section is guilty of a misdemeanor 3121
of the first degree. 3122

Sec. 4506.11. (A) Every commercial driver's license shall be 3123
marked "commercial driver's license" or "CDL" and shall be of such 3124
material and so designed as to prevent its reproduction or 3125
alteration without ready detection, and, to this end, shall be 3126
laminated with a transparent plastic material. The commercial 3127
driver's license for licensees under twenty-one years of age shall 3128
have characteristics prescribed by the registrar of motor vehicles 3129

distinguishing it from that issued to a licensee who is twenty-one 3130
years of age or older. Every commercial driver's license shall 3131
display all of the following information: 3132

- (1) The name and residence address of the licensee; 3133
- (2) A color photograph of the licensee showing the licensee's 3134
uncovered face; 3135
- (3) A physical description of the licensee, including sex, 3136
height, weight, and color of eyes and hair; 3137
- (4) The licensee's date of birth; 3138
- (5) The licensee's social security number if the person has 3139
requested that the number be displayed in accordance with section 3140
4501.31 of the Revised Code or if federal law requires the social 3141
security number to be displayed and any number or other identifier 3142
the director of public safety considers appropriate and 3143
establishes by rules adopted under Chapter 119. of the Revised 3144
Code and in compliance with federal law; 3145
- (6) The licensee's signature; 3146
- (7) The classes of commercial motor vehicles the licensee is 3147
authorized to drive and any endorsements or restrictions relating 3148
to the licensee's driving of those vehicles; 3149
- (8) The name of this state; 3150
- (9) The dates of issuance and of expiration of the license; 3151
- (10) If the licensee has certified willingness to make an 3152
anatomical donation under section 2108.04 of the Revised Code, any 3153
symbol chosen by the registrar of motor vehicles to indicate that 3154
the licensee has certified that willingness; 3155
- (11) If the licensee has executed a durable power of attorney 3156
for health care or a declaration governing the use or 3157
continuation, or the withholding or withdrawal, of life-sustaining 3158
treatment and has specified that the licensee wishes the license 3159

to indicate that the licensee has executed either type of 3160
instrument, any symbol chosen by the registrar to indicate that 3161
the licensee has executed either type of instrument; 3162

(12) Any other information the registrar considers advisable 3163
and requires by rule. 3164

(B) The registrar may establish and maintain a file of 3165
negatives of photographs taken for the purposes of this section. 3166

(C) Neither the registrar nor any deputy registrar shall 3167
issue a commercial driver's license to anyone under twenty-one 3168
years of age that does not have the characteristics prescribed by 3169
the registrar distinguishing it from the commercial driver's 3170
license issued to persons who are twenty-one years of age or 3171
older. 3172

(D) Whoever violates division (C) of this section is guilty 3173
of a minor misdemeanor. 3174

Sec. 4506.12. (A) Commercial drivers' licenses shall be 3175
issued in the following classes and shall include any endorsements 3176
and restrictions that are applicable. Subject to any such 3177
endorsements and restrictions, the holder of a valid commercial 3178
driver's license may drive all commercial motor vehicles in the 3179
class for which that license is issued and all lesser classes of 3180
vehicles, except that the holder shall not operate a motorcycle 3181
unless the holder is licensed to do so under Chapter 4507. of the 3182
Revised Code. 3183

(B) The classes of commercial drivers' licenses and the 3184
commercial motor vehicles that they authorize the operation of are 3185
as follows: 3186

(1) Class A--any combination of vehicles with a combined 3187
gross vehicle weight rating of twenty-six thousand one pounds or 3188
more, if the gross vehicle weight rating of the vehicle or 3189

vehicles being towed is in excess of ten thousand pounds.	3190
(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.	3191 3192 3193 3194
(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.	3195 3196 3197 3198 3199 3200 3201 3202
(C) The following endorsements and restrictions apply to commercial drivers' licenses:	3203 3204
(1) H--authorizes the driver to drive a vehicle transporting hazardous materials <u>in an amount requiring placarding;</u>	3205 3206
(2) K--restricts the driver to only intrastate operation;	3207
(3) L--restricts the driver to vehicles not equipped with air brakes;	3208 3209
(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>	3210 3211 3212
(5) P--authorizes the driver to drive vehicles earrying <u>designed to transport sixteen or more passengers, including the driver;</u>	3213 3214 3215
(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</u>	3216 3217 3218 3219

<u>icle;</u>	3220
(7) P2--authorizes the driver to drive class A or B vehicles	3221
<u>with designed for fewer than fifteen sixteen passengers, including</u>	3222
<u>the driver,</u> and all lesser classes of vehicles without restriction	3223
as to the <u>number designed passenger capacity of passengers the</u>	3224
<u>vehicle;</u>	3225
(8) P3--restricts the driver to driving class B school buses;	3226
(9) P4--Restricts the driver to driving class C school buses	3227
designed to transport fewer than sixteen passengers including the	3228
driver.	3229
(10)(9) N--authorizes the driver to drive tank vehicles;	3230
(11)(10) S--authorizes the driver to drive school buses	3231
<u>transporting children;</u>	3232
(12)(11) X--authorizes the driver to drive tank vehicles	3233
transporting hazardous materials <u>in a quantity requiring</u>	3234
<u>placarding;</u>	3235
(13)(12) W--restricts the driver to the operation of	3236
commercial motor vehicles in accordance with a waiver for	3237
farm-related service industries issued under section 4506.24 of	3238
the Revised Code.	3239
(D) In addition to any endorsement that otherwise may apply,	3240
a person who is engaged in the towing of a disabled or wrecked	3241
motor vehicle shall hold a commercial driver's license bearing any	3242
endorsement required to drive the towed vehicle except the driver	3243
is not required to have either of the following:	3244
(1) A passenger endorsement to tow an unoccupied passenger	3245
vehicle;	3246
(2) Any endorsement required for the wrecked or disabled	3247
vehicle when the driver initially removes a vehicle from the site	3248
of the emergency where the vehicle became wrecked or disabled to	3249

the nearest appropriate repair, disposal, or storage facility, as 3250
applicable. 3251

(E) No person shall drive any commercial motor vehicle for 3252
which an endorsement is required under this section unless the 3253
proper endorsement appears on the person's commercial driver's 3254
license. 3255

(F) Whoever violates this section is guilty of a misdemeanor 3256
of the first degree. 3257

Sec. 4506.14. (A) Commercial driver's licenses shall expire 3258
as follows: 3259

(1) Except as provided in division (A)(3) or (4) of this 3260
section, each such license issued to replace an operator's or 3261
chauffeur's license shall expire on the original expiration date 3262
of the operator's or chauffeur's license and, upon renewal, shall 3263
expire on the licensee's birthday in the fourth year after the 3264
date of issuance. 3265

(2) Except as provided in division (A)(3) or (4) of this 3266
section, each such license issued as an original license to a 3267
person whose residence is in this state shall expire on the 3268
licensee's birthday in the fourth year after the date of issuance, 3269
and each such license issued to a person whose temporary residence 3270
is in this state shall expire in accordance with rules adopted by 3271
the registrar of motor vehicles. A license issued to a person with 3272
a temporary residence in this state is nonrenewable, but may be 3273
replaced with a new license within ninety days prior to its 3274
expiration upon the applicant's compliance with all applicable 3275
requirements. 3276

(3) The registrar or a deputy registrar may issue a license 3277
that expires on a date earlier than the licensee's birthday in the 3278
fourth year after the date of issuance if the licensee has 3279

dergone a security threat assessment required by federal law to 3280
obtain a hazardous materials endorsement and the assessment will 3281
expire before that date. 3282

(4) Each such license issued to replace the operator's or 3283
chauffeur's license of a person who is less than twenty-one years 3284
of age, and each such license issued as an original license to a 3285
person who is less than twenty-one years of age, shall expire on 3286
the licensee's twenty-first birthday. 3287

(B) No commercial driver's license shall be issued for a 3288
period longer than four years and ~~ninety~~ one hundred eighty days. 3289
Except as provided in section 4507.12 of the Revised Code, the 3290
registrar may waive the examination of any person applying for the 3291
renewal of a commercial driver's license issued under this 3292
chapter, provided that the applicant presents either an unexpired 3293
commercial driver's license or a commercial driver's license that 3294
has expired not more than six months prior to the date of 3295
application. 3296

(C) Subject to the requirements of this chapter and except as 3297
provided in division (A)(2) of this section in regard to a person 3298
whose temporary residence is in this state, every commercial 3299
driver's license shall be renewable ~~ninety~~ one hundred eighty days 3300
before its expiration upon payment of the fees required by section 3301
4506.08 of the Revised Code. Each person applying for renewal or 3302
transfer of a commercial driver's license shall complete the 3303
application form prescribed by section 4506.07 of the Revised Code 3304
and shall provide all certifications required. If the person 3305
wishes to retain an endorsement authorizing the person to 3306
transport hazardous materials, the person shall take and 3307
successfully complete the written test for the endorsement and 3308
shall submit to any background check required by federal law. 3309

(D) Each person licensed as a driver under this chapter shall 3310
notify the registrar of any change in the person's address within 3311

ten days following that change. The notification shall be in 3312
writing on a form provided by the registrar and shall include the 3313
full name, date of birth, license number, county of residence, 3314
social security number, and new address of the person. 3315

(E) Whoever violates division (D) of this section is guilty 3316
of a minor misdemeanor. 3317

Sec. 4506.15. (A) No person shall do any of the following: 3318

(1) Drive a commercial motor vehicle while having a 3319
measurable or detectable amount of alcohol or of a controlled 3320
substance in the person's blood, breath, or urine; 3321

(2) Drive a commercial motor vehicle while having an alcohol 3322
concentration of four-hundredths of one per cent or more by whole 3323
blood or breath; 3324

(3) Drive a commercial motor vehicle while having an alcohol 3325
concentration of forty-eight-thousandths of one per cent or more 3326
by blood serum or blood plasma; 3327

(4) Drive a commercial motor vehicle while having an alcohol 3328
concentration of fifty-six-thousandths of one per cent or more by 3329
urine; 3330

~~(3)(5)~~ Drive a ~~commercial~~ motor vehicle while under the 3331
influence of a controlled substance; 3332

~~(4) Knowingly leave the scene of an accident involving a~~ 3333
~~commercial motor vehicle driven by the person;~~ 3334

~~(5)(6)~~ Use a ~~commercial~~ motor vehicle in the commission of a 3335
felony; 3336

~~(6)(7)~~ Refuse to submit to a test under section 4506.17 of 3337
the Revised Code; 3338

~~(7) Violate an out-of-service order issued under this~~ 3339
~~chapter;~~ 3340

(8) Violate any prohibition described in divisions (A)(2) to	3341
(7) of this section while transporting hazardous materials;	3342
(9)(8) Operate a commercial motor vehicle while the person's	3343
commercial driving privileges are revoked, suspended, canceled, or	3344
disqualified;	3345
<u>(9) Cause a fatality through the negligent operation of a</u>	3346
<u>commercial motor vehicle, including, but not limited to, the</u>	3347
<u>offenses of aggravated vehicular homicide, vehicular homicide, and</u>	3348
<u>vehicular manslaughter;</u>	3349
<u>(10) Use a commercial motor vehicle in the commission of a</u>	3350
<u>felony involving the manufacture, distribution, or dispensing of a</u>	3351
<u>controlled substance as defined in section 3719.01 of the Revised</u>	3352
<u>Code or the possession with intent to manufacture, distribute, or</u>	3353
<u>dispense a controlled substance;</u>	3354
(10)(11) Drive a commercial motor vehicle in violation of any	3355
provision of sections 4511.61 to 4511.63 of the Revised Code or	3356
any federal or local law or ordinance pertaining to	3357
railroad-highway grade crossings;	3358
<u>(12) Violate any prohibition described in divisions (A)(2) to</u>	3359
<u>(11) of this section while transporting hazardous materials.</u>	3360
(B) Whoever violates this section is guilty of a misdemeanor	3361
of the first degree.	3362
Sec. 4506.16. (A) <u>Any person who is found to have been</u>	3363
<u>convicted of a violation of an out-of-service order shall be</u>	3364
<u>disqualified by the registrar of motor vehicles as follows:</u>	3365
<u>(1) If the person has not been convicted previously of a</u>	3366
<u>violation of an out-of-service order, the period of</u>	3367
<u>disqualification is ninety days.</u>	3368

(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is one year. 3369
3370
3371
3372

(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years. 3373
3374
3375
3376
3377

(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver. 3378
3379
3380
3381
3382
3383
3384

(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. 3385
3386
3387
3388
3389
3390
3391
3392

(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. 3393
3394
3395
3396
3397

~~(B)~~(D) The registrar of motor vehicles shall disqualify any person holder of a commercial driver's license, or any operator of 3398
3399

a commercial motor vehicle for which a commercial driver's license is required, from operating a commercial motor vehicle as follows: 3400
3401

(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;~~ 3402
3403
3404
3405
3406

(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; 3407
3408
3409
3410
3411
3412
3413
3414
3415

~~(2)(3)~~ Upon a first conviction for a violation of division (A)~~(8)~~(12) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, three years; 3416
3417
3418

~~(3)(4)~~ Upon conviction of a violation of division (A)~~(9)~~(10) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life; 3419
3420
3421
3422

~~(4) Upon a first conviction for a violation of division (A)(10) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, occurring in a three year period, the person shall be disqualified for not less than sixty days, upon a second conviction occurring in the three year period, the person shall be disqualified for not less than one hundred twenty days, and upon a subsequent conviction occurring within a three year period, the person shall be disqualified for not less~~ 3423
3424
3425
3426
3427
3428
3429
3430

than one year;	3431
(5) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days <u>if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or noncommercial motor vehicle driving privileges;</u>	3432 3433 3434 3435 3436 3437 3438
(6) Upon conviction of three serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days <u>if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or noncommercial motor vehicle driving privileges.</u>	3439 3440 3441 3442 3443 3444 3445
(7) <u>Upon a first conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction, not less than sixty days;</u>	3446 3447 3448 3449 3450
(8) <u>Upon a second conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one hundred twenty days;</u>	3451 3452 3453 3454 3455
(9) <u>Upon a third or subsequent conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one year;</u>	3456 3457 3458 3459 3460

(10) Upon receiving notification from the federal motor carrier safety administration, the registrar shall disqualify any commercial motor vehicle driver whose driving is determined to constitute an imminent hazard as defined under federal motor carrier safety regulation 49 C.F.R. 383.52. 3461
3462
3463
3464
3465

~~(C)~~(E) For the purposes of this section, conviction of a violation for which disqualification is required may be evidenced by any of the following: 3466
3467
3468

(1) A judgment entry of a court of competent jurisdiction in this or any other state; 3469
3470

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers; 3471
3472

(3) A computer record obtained from or through the commercial driver's license information system; 3473
3474

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers. 3475
3476
3477

~~(D)~~(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies: 3478
3479
3480

(1) The offense occurred after the person obtained the person's commercial driver's license. 3481
3482

(2) The offense occurs on or after September 30, 2005. 3483

(G) If a person commits a serious traffic violation by 3484
operating a commercial motor vehicle without having a commercial 3485
driver's license in the person's possession as described in 3486
division (DD)(7) of section 4506.01 of the Revised Code and the 3487
person then submits proof to either the enforcement agency that 3488
issued the citation for the violation or to the court with 3489
jurisdiction over the case before the date of the person's initial 3490
appearance that shows that the person held a valid commercial 3491
driver's license at the time of the violation, the violation shall 3492
not be deemed to be a serious traffic violation. 3493

(H) Any record described in division (C) of this section 3494
shall be deemed to be self-authenticating when it is received by 3495
the bureau of motor vehicles. 3496

~~(E)~~(I) When disqualifying a driver, the registrar shall cause 3497
the records of the bureau to be updated to reflect that action 3498
within ten days after it occurs. 3499

~~(F)~~(J) The registrar immediately shall notify a driver who is 3500
finally convicted of any offense described in section 4506.15 of 3501
the Revised Code or division (B)~~(3)~~, (4), (5), or (6) of this 3502
section and thereby is subject to disqualification, of the offense 3503
or offenses involved, of the length of time for which 3504
disqualification is to be imposed, and that the driver may request 3505
a hearing within thirty days of the mailing of the notice to show 3506
cause why the driver should not be disqualified from operating a 3507
commercial motor vehicle. If a request for such a hearing is not 3508
made within thirty days of the mailing of the notice, the order of 3509
disqualification is final. The registrar may designate hearing 3510
examiners who, after affording all parties reasonable notice, 3511
shall conduct a hearing to determine whether the disqualification 3512
order is supported by reliable evidence. The registrar shall adopt 3513
rules to implement this division. 3514

~~(G)~~(K) Any person who is disqualified from operating a 3515
commercial motor vehicle under this section may apply to the 3516
registrar for a driver's license to operate a motor vehicle other 3517
than a commercial motor vehicle, provided the person's commercial 3518
driver's license is not otherwise suspended. A person whose 3519
commercial driver's license is suspended shall not apply to the 3520
registrar for or receive a driver's license under Chapter 4507. of 3521
the Revised Code during the period of suspension. 3522

~~(H)~~(L) The disqualifications imposed under this section are 3523
in addition to any other penalty imposed by the Revised Code. 3524

Sec. 4506.17. (A) Any person who ~~drives~~ holds a commercial 3525
driver's license or operates a commercial motor vehicle requiring 3526
a commercial driver's license within this state shall be deemed to 3527
have given consent to a test or tests of the person's whole blood, 3528
blood serum or plasma, breath, or urine for the purpose of 3529
determining the person's alcohol concentration or the presence of 3530
any controlled substance. 3531

(B) A test or tests as provided in division (A) of this 3532
section may be administered at the direction of a peace officer 3533
having reasonable ground to stop or detain the person and, after 3534
investigating the circumstances surrounding the operation of the 3535
commercial motor vehicle, also having reasonable ground to believe 3536
the person was driving the commercial vehicle while having a 3537
measurable or detectable amount of alcohol or of a controlled 3538
substance in the person's whole blood, blood serum or plasma, 3539
breath, or urine. Any such test shall be given within two hours of 3540
the time of the alleged violation. 3541

(C) A person requested to submit to a test under division (A) 3542
of this section shall be advised by the peace officer requesting 3543
the test that a refusal to submit to the test will result in the 3544
person immediately being placed out-of-service for a period of 3545

twenty-four hours and being disqualified from operating a 3546
commercial motor vehicle for a period of not less than one year, 3547
and that the person is required to surrender the person's 3548
commercial driver's license to the peace officer. 3549

(D) If a person refuses to submit to a test after being 3550
warned as provided in division (C) of this section or submits to a 3551
test that discloses the presence of a controlled substance ~~or~~, an 3552
alcohol concentration of four-hundredths of one per cent or more 3553
by whole blood or breath, an alcohol concentration of 3554
forty-eight-thousandths of one per cent or more by blood serum or 3555
blood plasma, or an alcohol concentration of fifty-six-thousandths 3556
of one per cent or more by urine, the person immediately shall 3557
surrender the person's commercial driver's license to the peace 3558
officer. The peace officer shall forward the license, together 3559
with a sworn report, to the registrar of motor vehicles certifying 3560
that the test was requested pursuant to division (A) of this 3561
section and that the person either refused to submit to testing or 3562
submitted to a test that disclosed the presence of a controlled 3563
substance or ~~an~~ a prohibited alcohol concentration ~~of~~ 3564
~~four hundredths of one per cent or more~~. The form and contents of 3565
the report required by this section shall be established by the 3566
registrar by rule, but shall contain the advice to be read to the 3567
driver and a statement to be signed by the driver acknowledging 3568
that the driver has been read the advice and that the form was 3569
shown to the driver. 3570

(E) Upon receipt of a sworn report from a peace officer as 3571
provided in division (D) of this section, the registrar shall 3572
disqualify the person named in the report from driving a 3573
commercial motor vehicle for the period described below: 3574

(1) Upon a first incident, one year; 3575

(2) Upon an incident of refusal or of a prohibited 3576
concentration of alcohol after one or more previous incidents of 3577

either refusal or of a prohibited concentration of alcohol, the 3578
person shall be disqualified for life or such lesser period as 3579
prescribed by rule by the registrar. 3580

(F) A test of a person's whole blood or a person's blood 3581
serum or plasma given under this section shall comply with the 3582
applicable provisions of division (D) of section 4511.19 of the 3583
Revised Code and any physician, registered nurse, or qualified 3584
technician, chemist, or phlebotomist who withdraws whole blood or 3585
blood serum or plasma from a person under this section, and any 3586
hospital, first-aid station, clinic, or other facility at which 3587
whole blood or blood serum or plasma is withdrawn from a person 3588
pursuant to this section, is immune from criminal liability, and 3589
from civil liability that is based upon a claim of assault and 3590
battery or based upon any other claim of malpractice, for any act 3591
performed in withdrawing whole blood or blood serum or plasma from 3592
the person. 3593

(G) When a person submits to a test under this section, the 3594
results of the test, at the person's request, shall be made 3595
available to the person, the person's attorney, or the person's 3596
agent, immediately upon completion of the chemical test analysis. 3597
The person also may have an additional test administered by a 3598
physician, a registered nurse, or a qualified technician, chemist, 3599
or phlebotomist of the person's own choosing as provided in 3600
division (D) of section 4511.19 of the Revised Code for tests 3601
administered under that section, and the failure to obtain such a 3602
test has the same effect as in that division. 3603

(H) No person shall refuse to immediately surrender the 3604
person's commercial driver's license to a peace officer when 3605
required to do so by this section. 3606

(I) A peace officer issuing an out-of-service order or 3607
receiving a commercial driver's license surrendered under this 3608
section may remove or arrange for the removal of any commercial 3609

motor vehicle affected by the issuance of that order or the 3610
surrender of that license. 3611

(J)(1) Except for civil actions arising out of the operation 3612
of a motor vehicle and civil actions in which the state is a 3613
plaintiff, no peace officer of any law enforcement agency within 3614
this state is liable in compensatory damages in any civil action 3615
that arises under the Revised Code or common law of this state for 3616
an injury, death, or loss to person or property caused in the 3617
performance of official duties under this section and rules 3618
adopted under this section, unless the officer's actions were 3619
manifestly outside the scope of the officer's employment or 3620
official responsibilities, or unless the officer acted with 3621
malicious purpose, in bad faith, or in a wanton or reckless 3622
manner. 3623

(2) Except for civil actions that arise out of the operation 3624
of a motor vehicle and civil actions in which the state is a 3625
plaintiff, no peace officer of any law enforcement agency within 3626
this state is liable in punitive or exemplary damages in any civil 3627
action that arises under the Revised Code or common law of this 3628
state for any injury, death, or loss to person or property caused 3629
in the performance of official duties under this section of the 3630
Revised Code and rules adopted under this section, unless the 3631
officer's actions were manifestly outside the scope of the 3632
officer's employment or official responsibilities, or unless the 3633
officer acted with malicious purpose, in bad faith, or in a wanton 3634
or reckless manner. 3635

(K) When disqualifying a driver, the registrar shall cause 3636
the records of the bureau of motor vehicles to be updated to 3637
reflect the disqualification within ten days after it occurs. 3638

(L) The registrar immediately shall notify a driver who is 3639
subject to disqualification of the disqualification, of the length 3640
of the disqualification, and that the driver may request a hearing 3641

within thirty days of the mailing of the notice to show cause why 3642
the driver should not be disqualified from operating a commercial 3643
motor vehicle. If a request for such a hearing is not made within 3644
thirty days of the mailing of the notice, the order of 3645
disqualification is final. The registrar may designate hearing 3646
examiners who, after affording all parties reasonable notice, 3647
shall conduct a hearing to determine whether the disqualification 3648
order is supported by reliable evidence. The registrar shall adopt 3649
rules to implement this division. 3650

(M) Any person who is disqualified from operating a 3651
commercial motor vehicle under this section may apply to the 3652
registrar for a driver's license to operate a motor vehicle other 3653
than a commercial motor vehicle, provided the person's commercial 3654
driver's license is not otherwise suspended. A person whose 3655
commercial driver's license is suspended shall not apply to the 3656
registrar for or receive a driver's license under Chapter 4507. of 3657
the Revised Code during the period of suspension. 3658

(N) Whoever violates division (H) of this section is guilty 3659
of a misdemeanor of the first degree. 3660

Sec. 4506.20. (A) Each employer shall require every applicant 3661
for employment as a driver of a commercial motor vehicle to 3662
provide the applicant's employment history for the ten years 3663
preceding the date the employment application is submitted to the 3664
prospective employer. The following information specified in 3665
section 4506.20 of the Revised Code shall be submitted: 3666

(1) A list of the names and addresses of the applicant's 3667
previous employers for which the applicant was the operator of a 3668
commercial motor vehicle; 3669

(2) The dates the applicant was employed by these employers; 3670

(3) The reason for leaving each of these employers. 3671

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

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

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

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

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

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

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

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

Sec. 4506.23. Within the jurisdictional limits of ~~his~~ the appointing authority, any peace officer shall stop and detain any person found violating section 4506.15 of the Revised Code, without obtaining a warrant. When there is reasonable ground to believe that a violation of section 4506.15 of the Revised Code has been committed and a test or tests of the person's whole blood, blood plasma or blood serum, breath, or urine is necessary, the peace officer shall take the person to an appropriate place for testing. If a person refuses to submit to a test after being warned as provided in division (C) of section 4506.17 of the Revised Code or submits to a test that discloses the presence of a

controlled substance or an alcohol concentration of 3702
four-hundredths of one per cent or more by whole blood or breath, 3703
an alcohol concentration of forty-eight-thousandths of one per 3704
cent or more by blood serum or blood plasma, or an alcohol 3705
concentration of fifty-six-thousandths of one per cent or more by 3706
urine, the peace officer shall require that the person immediately 3707
surrender ~~his~~ the person's commercial driver's license to the 3708
peace officer. 3709

As used in this section, "jurisdictional limits" means the 3710
limits within which a peace officer may arrest and detain a person 3711
without a warrant under section 2935.03 of the Revised Code, 3712
except that the superintendent and the troopers of the state 3713
highway patrol may stop and detain, without warrant, any person 3714
who, in the presence of the superintendent or any trooper, is 3715
engaged in the violation of this chapter. 3716

Sec. 4506.25. (A) As used in this section+ 3717

~~(1)~~, "~~Commercial~~ commercial motor vehicle" means any 3718
self-propelled or towed vehicle used on public highways in 3719
intrastate or interstate commerce to transport passengers or 3720
property that meets any of the following specifications: 3721

~~(a)~~(1) The vehicle has a gross vehicle weight rating or gross 3722
combination weight rating of ten thousand one pounds or more. 3723

~~(b)~~(2) The vehicle is designed to transport sixteen or more 3724
passengers, including the driver. 3725

~~(c)~~(3) The vehicle is used in the transportation of hazardous 3726
materials in a quantity requiring placarding under the regulations 3727
issued by the United States secretary of transportation under the 3728
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 3729
U.S.C.A. 1801, as amended. 3730

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

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

Sec. 4507.02. (A)(1) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the registrar of motor vehicles under this chapter or a valid commercial driver's license issued under Chapter 4506. of the Revised Code. Whoever violates this division is guilty of a misdemeanor of the first degree.

(2) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the registrar all valid licenses issued to the person by another jurisdiction recognized by this state. ~~All surrendered licenses shall be returned by the~~ The registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The registrar shall

destroy any such license that is not returned to the issuing 3762
authority. No person shall be permitted to have more than one 3763
valid license at any time. 3764

(B)(1) If a person is convicted of a violation of section 3765
4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or if 3766
division (F) of section 4507.164 of the Revised Code applies, the 3767
trial judge of any court, in addition to or independent of, any 3768
other penalties provided by law or ordinance, shall impound the 3769
identification license plates of any motor vehicle registered in 3770
the name of the person. The court shall send the impounded license 3771
plates to the registrar, who may retain the license plates until 3772
the driver's or commercial driver's license of the owner has been 3773
reinstated or destroy them pursuant to section 4503.232 of the 3774
Revised Code. 3775

If the license plates of a person convicted of a violation of 3776
any provision of those sections have been impounded in accordance 3777
with the provisions of this division, the court shall notify the 3778
registrar of that action. The notice shall contain the name and 3779
address of the driver, the serial number of the driver's driver's 3780
or commercial driver's license, the serial numbers of the license 3781
plates of the motor vehicle, and the length of time for which the 3782
license plates have been impounded. The registrar shall record the 3783
data in the notice as part of the driver's permanent record. 3784

(2) Any motor vehicle owner who has had the license plates of 3785
a motor vehicle impounded pursuant to division (B)(1) of this 3786
section may apply to the registrar, or to a deputy registrar, for 3787
restricted license plates that shall conform to the requirements 3788
of section 4503.231 of the Revised Code. The registrar or deputy 3789
registrar forthwith shall notify the court of the application and, 3790
upon approval of the court, shall issue restricted license plates 3791
to the applicant. Until the driver's or commercial driver's 3792
license of the owner is reinstated, any new license plates issued 3793

to the owner also shall conform to the requirements of section 3794
4503.231 of the Revised Code. 3795

The registrar or deputy registrar shall charge the owner of a 3796
vehicle the fees provided in section 4503.19 of the Revised Code 3797
for restricted license plates that are issued in accordance with 3798
this division, except upon renewal as specified in section 4503.10 3799
of the Revised Code, when the regular fee as provided in section 3800
4503.04 of the Revised Code shall be charged. The registrar or 3801
deputy registrar shall charge the owner of a vehicle the fees 3802
provided in section 4503.19 of the Revised Code whenever 3803
restricted license plates are exchanged, by reason of the 3804
reinstatement of the driver's or commercial driver's license of 3805
the owner, for those ordinarily issued. 3806

(3) If an owner wishes to sell a motor vehicle during the 3807
time the restricted license plates provided under division (B)(2) 3808
of this section are in use, the owner may apply to the court that 3809
impounded the license plates of the motor vehicle for permission 3810
to transfer title to the motor vehicle. If the court is satisfied 3811
that the sale will be made in good faith and not for the purpose 3812
of circumventing the provisions of this section, it may certify 3813
its consent to the owner and to the registrar of motor vehicles 3814
who shall enter notice of the transfer of the title of the motor 3815
vehicle in the vehicle registration record. 3816

If, during the time the restricted license plates provided 3817
under division (B)(2) of this section are in use, the title to a 3818
motor vehicle is transferred by the foreclosure of a chattel 3819
mortgage, a sale upon execution, the cancellation of a conditional 3820
sales contract, or by order of a court, the court shall notify the 3821
registrar of the action and the registrar shall enter notice of 3822
the transfer of the title to the motor vehicle in the vehicle 3823
registration record. 3824

(C) This section is not intended to change or modify any 3825

provision of Chapter 4503. of the Revised Code with respect to the 3826
taxation of motor vehicles or the time within which the taxes on 3827
motor vehicles shall be paid. 3828

Sec. 4508.06. (A) The director of public safety may refuse to 3829
issue, or may suspend or revoke, a license or may impose a fine of 3830
not more than ten thousand dollars per occurrence in any case in 3831
which the director finds the applicant or licensee has violated 3832
any of the provisions of this chapter, or any of the ~~regulations~~ 3833
rules adopted by the director, or has failed to pay a fine imposed 3834
under this division. No person whose license has been suspended or 3835
revoked under this section shall fail to return the license to the 3836
director. 3837

(B) The director shall deposit all fines collected under 3838
division (A) of this section into the state treasury to the credit 3839
of the state highway safety fund created by section 4501.06 of the 3840
Revised Code. 3841

(C) Whoever ~~violates~~ fails to return a license that has been 3842
suspended or revoked under division (A) of this section is guilty 3843
of failing to return a suspended or revoked license, a minor 3844
misdemeanor or, on a second or subsequent offense within two years 3845
after the first offense, a misdemeanor of the fourth degree. 3846

Sec. 4508.10. (A) A driver training school shall issue a 3847
certificate of completion to each person who successfully 3848
completes a course of instruction necessary to obtain or maintain 3849
a driver's license. The department of public safety shall provide 3850
each driver training school with the certificate of completion 3851
forms. 3852

(B) The fee for each driver's license certificate of completion provided by the department to a driver training school is four dollars. The director of public safety shall deposit the fees collected under this section into the state treasury to the credit of the state highway safety fund created in section 4501.16 of the Revised Code. 3853
3854
3855
3856
3857
3858

(C) As used in this section, "driver's license" has the same meaning as in section 4507.01 of the Revised Code. 3859
3860

Sec. 4509.27. There is hereby created in the state treasury 3861
the security deposit fund. All security deposits that the 3862
registrar of motor vehicles requires to be paid under section 3863
4509.12 of the Revised Code and that the registrar receives shall 3864
be deposited into the fund. Moneys in the fund shall be applied 3865
only to the payment of a judgment for damages arising out of an 3866
accident as provided in section 4509.28 of the Revised Code and to 3867
the return of security deposits as provided in sections 4509.25 3868
and 4509.29 of the Revised Code. All investment earnings ~~on the~~ 3869
~~cash balance in~~ of the fund shall be credited to the roadwork 3870
development fund created by section 122.14 of the Revised Code. 3871

Sec. 4511.21. (A) No person shall operate a motor vehicle, 3872
trackless trolley, or streetcar at a speed greater or less than is 3873
reasonable or proper, having due regard to the traffic, surface, 3874
and width of the street or highway and any other conditions, and 3875
no person shall drive any motor vehicle, trackless trolley, or 3876
streetcar in and upon any street or highway at a greater speed 3877
than will permit the person to bring it to a stop within the 3878
assured clear distance ahead. 3879

(B) It is prima-facie lawful, in the absence of a lower limit 3880
declared pursuant to this section by the director of 3881
transportation or local authorities, for the operator of a motor 3882

vehicle, trackless trolley, or streetcar to operate the same at a 3883
speed not exceeding the following: 3884

(1)(a) Twenty miles per hour in school zones during school 3885
recess and while children are going to or leaving school during 3886
the opening or closing hours, and when twenty miles per hour 3887
school speed limit signs are erected; except that, on 3888
controlled-access highways and expressways, if the right-of-way 3889
line fence has been erected without pedestrian opening, the speed 3890
shall be governed by division (B)(4) of this section and on 3891
freeways, if the right-of-way line fence has been erected without 3892
pedestrian opening, the speed shall be governed by divisions 3893
(B)(8) and (9) of this section. The end of every school zone may 3894
be marked by a sign indicating the end of the zone. Nothing in 3895
this section or in the manual and specifications for a uniform 3896
system of traffic control devices shall be construed to require 3897
school zones to be indicated by signs equipped with flashing or 3898
other lights, or giving other special notice of the hours in which 3899
the school zone speed limit is in effect. 3900

(b) As used in this section and in section 4511.212 of the 3901
Revised Code, "school" means any school chartered under section 3902
3301.16 of the Revised Code and any nonchartered school that 3903
during the preceding year filed with the department of education 3904
in compliance with rule 3301-35-08 of the Ohio Administrative 3905
Code, a copy of the school's report for the parents of the 3906
school's pupils certifying that the school meets Ohio minimum 3907
standards for nonchartered, nontax-supported schools and presents 3908
evidence of this filing to the jurisdiction from which it is 3909
requesting the establishment of a school zone. 3910

(c) As used in this section, "school zone" means that portion 3911
of a street or highway passing a school fronting upon the street 3912
or highway that is encompassed by projecting the school property 3913
lines to the fronting street or highway, and also includes that 3914

portion of a state highway. Upon request from local authorities 3915
for streets and highways under their jurisdiction and that portion 3916
of a state highway under the jurisdiction of the director of 3917
transportation, the director may extend the traditional school 3918
zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), 3919
and (iii) of this section shall not exceed three hundred feet per 3920
approach per direction and are bounded by whichever of the 3921
following distances or combinations thereof the director approves 3922
as most appropriate: 3923

(i) The distance encompassed by projecting the school 3924
building lines normal to the fronting highway and extending a 3925
distance of three hundred feet on each approach direction; 3926

(ii) The distance encompassed by projecting the school 3927
property lines intersecting the fronting highway and extending a 3928
distance of three hundred feet on each approach direction; 3929

(iii) The distance encompassed by the special marking of the 3930
pavement for a principal school pupil crosswalk plus a distance of 3931
three hundred feet on each approach direction of the highway. 3932

Nothing in this section shall be construed to invalidate the 3933
director's initial action on August 9, 1976, establishing all 3934
school zones at the traditional school zone boundaries defined by 3935
projecting school property lines, except when those boundaries are 3936
extended as provided in divisions (B)(1)(a) and (c) of this 3937
section. 3938

(d) As used in this division, "crosswalk" has the meaning 3939
given that term in division (LL)(2) of section 4511.01 of the 3940
Revised Code. 3941

The director may, upon request by resolution of the 3942
legislative authority of a municipal corporation, the board of 3943
trustees of a township, or a county board of mental retardation 3944
and developmental disabilities created pursuant to Chapter 5126. 3945

of the Revised Code, and upon submission by the municipal 3946
corporation, township, or county board of such engineering, 3947
traffic, and other information as the director considers 3948
necessary, designate a school zone on any portion of a state route 3949
lying within the municipal corporation, lying within the 3950
unincorporated territory of the township, or lying adjacent to the 3951
property of a school that is operated by such county board, that 3952
includes a crosswalk customarily used by children going to or 3953
leaving a school during recess and opening and closing hours, 3954
whenever the distance, as measured in a straight line, from the 3955
school property line nearest the crosswalk to the nearest point of 3956
the crosswalk is no more than one thousand three hundred twenty 3957
feet. Such a school zone shall include the distance encompassed by 3958
the crosswalk and extending three hundred feet on each approach 3959
direction of the state route. 3960

(2) Twenty-five miles per hour in all other portions of a 3961
municipal corporation, except on state routes outside business 3962
districts, through highways outside business districts, and 3963
alleys; 3964

(3) Thirty-five miles per hour on all state routes or through 3965
highways within municipal corporations outside business districts, 3966
except as provided in divisions (B)(4) and (6) of this section; 3967

(4) Fifty miles per hour on controlled-access highways and 3968
expressways within municipal corporations; 3969

(5) Fifty-five miles per hour on highways outside of 3970
municipal corporations, other than freeways as provided in 3971
division (B)(12) of this section; 3972

(6) Fifty miles per hour on state routes within municipal 3973
corporations outside urban districts unless a lower prima-facie 3974
speed is established as further provided in this section; 3975

(7) Fifteen miles per hour on all alleys within the municipal 3976

corporation;	3977
(8) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B)(12) of this section;	3978 3979 3980
(9) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B)(12) of this section;	3981 3982 3983
(10) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus;	3984 3985 3986 3987 3988 3989 3990
(11) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;	3991 3992 3993 3994 3995 3996 3997 3998 3999 4000
(12) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:	4001 4002 4003
(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to	4004 4005 4006 4007

freeways that are part of the interstate system and that had such 4008
a speed limit established prior to October 1, 1995; 4009

(b) Freeways that are part of the interstate system and 4010
freeways that are not part of the interstate system but are built 4011
to the standards and specifications that are applicable to 4012
freeways that are part of the interstate system, and that had such 4013
a speed limit established under division (L) of this section; 4014

(c) Rural, divided, multi-lane highways that are designated 4015
as part of the national highway system under the "National Highway 4016
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 4017
and that had such a speed limit established under division (M) of 4018
this section. 4019

(C) It is prima-facie unlawful for any person to exceed any 4020
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 4021
(6), and (7) of this section, or any declared pursuant to this 4022
section by the director or local authorities and it is unlawful 4023
for any person to exceed any of the speed limitations in division 4024
(D) of this section. No person shall be convicted of more than one 4025
violation of this section for the same conduct, although 4026
violations of more than one provision of this section may be 4027
charged in the alternative in a single affidavit. 4028

(D) No person shall operate a motor vehicle, trackless 4029
trolley, or streetcar upon a street or highway as follows: 4030

(1) At a speed exceeding fifty-five miles per hour, except 4031
upon a freeway as provided in division (B)(12) of this section; 4032

(2) At a speed exceeding sixty-five miles per hour upon a 4033
freeway as provided in division (B)(12) of this section except as 4034
otherwise provided in division (D)(3) of this section; 4035

(3) If a motor vehicle weighing in excess of eight thousand 4036
pounds empty weight or a noncommercial bus as prescribed in 4037
division (B)(10) of this section, at a speed exceeding fifty-five 4038

miles per hour upon a freeway as provided in that division; 4039

(4) At a speed exceeding the posted speed limit upon a 4040
freeway for which the director has determined and declared a speed 4041
limit of not more than sixty-five miles per hour pursuant to 4042
division (L)(2) or (M) of this section; 4043

(5) At a speed exceeding sixty-five miles per hour upon a 4044
freeway for which such a speed limit has been established through 4045
the operation of division (L)(3) of this section; 4046

(6) At a speed exceeding the posted speed limit upon a 4047
freeway for which the director has determined and declared a speed 4048
limit pursuant to division (I)(2) of this section. 4049

(E) In every charge of violation of this section the 4050
affidavit and warrant shall specify the time, place, and speed at 4051
which the defendant is alleged to have driven, and in charges made 4052
in reliance upon division (C) of this section also the speed which 4053
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 4054
declared pursuant to, this section declares is prima-facie lawful 4055
at the time and place of such alleged violation, except that in 4056
affidavits where a person is alleged to have driven at a greater 4057
speed than will permit the person to bring the vehicle to a stop 4058
within the assured clear distance ahead the affidavit and warrant 4059
need not specify the speed at which the defendant is alleged to 4060
have driven. 4061

(F) When a speed in excess of both a prima-facie limitation 4062
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 4063
this section is alleged, the defendant shall be charged in a 4064
single affidavit, alleging a single act, with a violation 4065
indicated of both division (B)(1)(a), (2), (3), (4), (6), or (7) 4066
of this section, or of a limit declared pursuant to this section 4067
by the director or local authorities, and of the limitation in 4068
division (D)(1), (2), (3), (4), (5), or (6) of this section. If 4069

the court finds a violation of division (B)(1)(a), (2), (3), (4), 4070
(6), or (7) of, or a limit declared pursuant to, this section has 4071
occurred, it shall enter a judgment of conviction under such 4072
division and dismiss the charge under division (D)(1), (2), (3), 4073
(4), (5), or (6) of this section. If it finds no violation of 4074
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 4075
declared pursuant to, this section, it shall then consider whether 4076
the evidence supports a conviction under division (D)(1), (2), 4077
(3), (4), (5), or (6) of this section. 4078

(G) Points shall be assessed for violation of a limitation 4079
under division (D) of this section in accordance with section 4080
4510.036 of the Revised Code. 4081

(H) Whenever the director determines upon the basis of a 4082
geometric and traffic characteristic study that any speed limit 4083
set forth in divisions (B)(1)(a) to (D) of this section is greater 4084
or less than is reasonable or safe under the conditions found to 4085
exist at any portion of a street or highway under the jurisdiction 4086
of the director, the director shall determine and declare a 4087
reasonable and safe prima-facie speed limit, which shall be 4088
effective when appropriate signs giving notice of it are erected 4089
at the location. 4090

(I)(1) Except as provided in divisions (I)(2) and (K) of this 4091
section, whenever local authorities determine upon the basis of an 4092
engineering and traffic investigation that the speed permitted by 4093
divisions (B)(1)(a) to (D) of this section, on any part of a 4094
highway under their jurisdiction, is greater than is reasonable 4095
and safe under the conditions found to exist at such location, the 4096
local authorities may by resolution request the director to 4097
determine and declare a reasonable and safe prima-facie speed 4098
limit. Upon receipt of such request the director may determine and 4099
declare a reasonable and safe prima-facie speed limit at such 4100
location, and if the director does so, then such declared speed 4101

limit shall become effective only when appropriate signs giving 4102
notice thereof are erected at such location by the local 4103
authorities. The director may withdraw the declaration of a 4104
prima-facie speed limit whenever in the director's opinion the 4105
altered prima-facie speed becomes unreasonable. Upon such 4106
withdrawal, the declared prima-facie speed shall become 4107
ineffective and the signs relating thereto shall be immediately 4108
removed by the local authorities. 4109

(2) A local authority may determine on the basis of a 4110
geometric and traffic characteristic study that the speed limit of 4111
sixty-five miles per hour on a portion of a freeway under its 4112
jurisdiction that was established through the operation of 4113
division (L)(3) of this section is greater than is reasonable or 4114
safe under the conditions found to exist at that portion of the 4115
freeway. If the local authority makes such a determination, the 4116
local authority by resolution may request the director to 4117
determine and declare a reasonable and safe speed limit of not 4118
less than fifty-five miles per hour for that portion of the 4119
freeway. If the director takes such action, the declared speed 4120
limit becomes effective only when appropriate signs giving notice 4121
of it are erected at such location by the local authority. 4122

(J) Local authorities in their respective jurisdictions may 4123
authorize by ordinance higher prima-facie speeds than those stated 4124
in this section upon through highways, or upon highways or 4125
portions thereof where there are no intersections, or between 4126
widely spaced intersections, provided signs are erected giving 4127
notice of the authorized speed, but local authorities shall not 4128
modify or alter the basic rule set forth in division (A) of this 4129
section or in any event authorize by ordinance a speed in excess 4130
of fifty miles per hour. 4131

Alteration of prima-facie limits on state routes by local 4132
authorities shall not be effective until the alteration has been 4133

approved by the director. The director may withdraw approval of 4134
any altered prima-facie speed limits whenever in the director's 4135
opinion any altered prima-facie speed becomes unreasonable, and 4136
upon such withdrawal, the altered prima-facie speed shall become 4137
ineffective and the signs relating thereto shall be immediately 4138
removed by the local authorities. 4139

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 4140
section, "unimproved highway" means a highway consisting of any of 4141
the following: 4142

(a) Unimproved earth; 4143

(b) Unimproved graded and drained earth; 4144

(c) Gravel. 4145

(2) Except as otherwise provided in divisions (K)(4) and (5) 4146
of this section, whenever a board of township trustees determines 4147
upon the basis of an engineering and traffic investigation that 4148
the speed permitted by division (B)(5) of this section on any part 4149
of an unimproved highway under its jurisdiction and in the 4150
unincorporated territory of the township is greater than is 4151
reasonable or safe under the conditions found to exist at the 4152
location, the board may by resolution declare a reasonable and 4153
safe prima-facie speed limit of fifty-five but not less than 4154
twenty-five miles per hour. An altered speed limit adopted by a 4155
board of township trustees under this division becomes effective 4156
when appropriate traffic control devices, as prescribed in section 4157
4511.11 of the Revised Code, giving notice thereof are erected at 4158
the location, which shall be no sooner than sixty days after 4159
adoption of the resolution. 4160

(3)(a) Whenever, in the opinion of a board of township 4161
trustees, any altered prima-facie speed limit established by the 4162
board under this division becomes unreasonable, the board may 4163
adopt a resolution withdrawing the altered prima-facie speed 4164

limit. Upon the adoption of such a resolution, the altered 4165
prima-facie speed limit becomes ineffective and the traffic 4166
control devices relating thereto shall be immediately removed. 4167

(b) Whenever a highway ceases to be an unimproved highway and 4168
the board has adopted an altered prima-facie speed limit pursuant 4169
to division (K)(2) of this section, the board shall, by 4170
resolution, withdraw the altered prima-facie speed limit as soon 4171
as the highway ceases to be unimproved. Upon the adoption of such 4172
a resolution, the altered prima-facie speed limit becomes 4173
ineffective and the traffic control devices relating thereto shall 4174
be immediately removed. 4175

(4)(a) If the boundary of two townships rests on the 4176
centerline of an unimproved highway in unincorporated territory 4177
and both townships have jurisdiction over the highway, neither of 4178
the boards of township trustees of such townships may declare an 4179
altered prima-facie speed limit pursuant to division (K)(2) of 4180
this section on the part of the highway under their joint 4181
jurisdiction unless the boards of township trustees of both of the 4182
townships determine, upon the basis of an engineering and traffic 4183
investigation, that the speed permitted by division (B)(5) of this 4184
section is greater than is reasonable or safe under the conditions 4185
found to exist at the location and both boards agree upon a 4186
reasonable and safe prima-facie speed limit of less than 4187
fifty-five but not less than twenty-five miles per hour for that 4188
location. If both boards so agree, each shall follow the procedure 4189
specified in division (K)(2) of this section for altering the 4190
prima-facie speed limit on the highway. Except as otherwise 4191
provided in division (K)(4)(b) of this section, no speed limit 4192
altered pursuant to division (K)(4)(a) of this section may be 4193
withdrawn unless the boards of township trustees of both townships 4194
determine that the altered prima-facie speed limit previously 4195
adopted becomes unreasonable and each board adopts a resolution 4196

withdrawing the altered prima-facie speed limit pursuant to the 4197
procedure specified in division (K)(3)(a) of this section. 4198

(b) Whenever a highway described in division (K)(4)(a) of 4199
this section ceases to be an unimproved highway and two boards of 4200
township trustees have adopted an altered prima-facie speed limit 4201
pursuant to division (K)(4)(a) of this section, both boards shall, 4202
by resolution, withdraw the altered prima-facie speed limit as 4203
soon as the highway ceases to be unimproved. Upon the adoption of 4204
the resolution, the altered prima-facie speed limit becomes 4205
ineffective and the traffic control devices relating thereto shall 4206
be immediately removed. 4207

(5) As used in division (K)(5) of this section: 4208

(a) "Commercial subdivision" means any platted territory 4209
outside the limits of a municipal corporation and fronting a 4210
highway where, for a distance of three hundred feet or more, the 4211
frontage is improved with buildings in use for commercial 4212
purposes, or where the entire length of the highway is less than 4213
three hundred feet long and the frontage is improved with 4214
buildings in use for commercial purposes. 4215

(b) "Residential subdivision" means any platted territory 4216
outside the limits of a municipal corporation and fronting a 4217
highway, where, for a distance of three hundred feet or more, the 4218
frontage is improved with residences or residences and buildings 4219
in use for business, or where the entire length of the highway is 4220
less than three hundred feet long and the frontage is improved 4221
with residences or residences and buildings in use for business. 4222

Whenever a board of township trustees finds upon the basis of 4223
an engineering and traffic investigation that the prima-facie 4224
speed permitted by division (B)(5) of this section on any part of 4225
a highway under its jurisdiction that is located in a commercial 4226
or residential subdivision, except on highways or portions thereof 4227

at the entrances to which vehicular traffic from the majority of 4228
intersecting highways is required to yield the right-of-way to 4229
vehicles on such highways in obedience to stop or yield signs or 4230
traffic control signals, is greater than is reasonable and safe 4231
under the conditions found to exist at the location, the board may 4232
by resolution declare a reasonable and safe prima-facie speed 4233
limit of less than fifty-five but not less than twenty-five miles 4234
per hour at the location. An altered speed limit adopted by a 4235
board of township trustees under this division shall become 4236
effective when appropriate signs giving notice thereof are erected 4237
at the location by the township. Whenever, in the opinion of a 4238
board of township trustees, any altered prima-facie speed limit 4239
established by it under this division becomes unreasonable, it may 4240
adopt a resolution withdrawing the altered prima-facie speed, and 4241
upon such withdrawal, the altered prima-facie speed shall become 4242
ineffective, and the signs relating thereto shall be immediately 4243
removed by the township. 4244

(L)(1) Within one hundred twenty days of February 29, 1996, 4245
the director of transportation, based upon a geometric and traffic 4246
characteristic study of a freeway that is part of the interstate 4247
system or that is not part of the interstate system, but is built 4248
to the standards and specifications that are applicable to 4249
freeways that are part of the interstate system, in consultation 4250
with the director of public safety and, if applicable, the local 4251
authority having jurisdiction over a portion of such freeway, may 4252
determine and declare that the speed limit of less than sixty-five 4253
miles per hour established on such freeway or portion of freeway 4254
either is reasonable and safe or is less than that which is 4255
reasonable and safe. 4256

(2) If the established speed limit for such a freeway or 4257
portion of freeway is determined to be less than that which is 4258
reasonable and safe, the director of transportation, in 4259

consultation with the director of public safety and, if 4260
applicable, the local authority having jurisdiction over the 4261
portion of freeway, shall determine and declare a reasonable and 4262
safe speed limit of not more than sixty-five miles per hour for 4263
that freeway or portion of freeway. 4264

The director of transportation or local authority having 4265
jurisdiction over the freeway or portion of freeway shall erect 4266
appropriate signs giving notice of the speed limit at such 4267
location within one hundred fifty days of February 29, 1996. Such 4268
speed limit becomes effective only when such signs are erected at 4269
the location. 4270

(3) If, within one hundred twenty days of February 29, 1996, 4271
the director of transportation does not make a determination and 4272
declaration of a reasonable and safe speed limit for a freeway or 4273
portion of freeway that is part of the interstate system or that 4274
is not part of the interstate system, but is built to the 4275
standards and specifications that are applicable to freeways that 4276
are part of the interstate system and that has a speed limit of 4277
less than sixty-five miles per hour, the speed limit on that 4278
freeway or portion of a freeway shall be sixty-five miles per 4279
hour. The director of transportation or local authority having 4280
jurisdiction over the freeway or portion of the freeway shall 4281
erect appropriate signs giving notice of the speed limit of 4282
sixty-five miles per hour at such location within one hundred 4283
fifty days of February 29, 1996. Such speed limit becomes 4284
effective only when such signs are erected at the location. A 4285
speed limit established through the operation of division (L)(3) 4286
of this section is subject to reduction under division (I)(2) of 4287
this section. 4288

(M) Within three hundred sixty days after February 29, 1996, 4289
the director of transportation, based upon a geometric and traffic 4290
characteristic study of a rural, divided, multi-lane highway that 4291

has been designated as part of the national highway system under 4292
the "National Highway System Designation Act of 1995," 109 Stat. 4293
568, 23 U.S.C.A. 103, in consultation with the director of public 4294
safety and, if applicable, the local authority having jurisdiction 4295
over a portion of the highway, may determine and declare that the 4296
speed limit of less than sixty-five miles per hour established on 4297
the highway or portion of highway either is reasonable and safe or 4298
is less than that which is reasonable and safe. 4299

If the established speed limit for the highway or portion of 4300
highway is determined to be less than that which is reasonable and 4301
safe, the director of transportation, in consultation with the 4302
director of public safety and, if applicable, the local authority 4303
having jurisdiction over the portion of highway, shall determine 4304
and declare a reasonable and safe speed limit of not more than 4305
sixty-five miles per hour for that highway or portion of highway. 4306
The director of transportation or local authority having 4307
jurisdiction over the highway or portion of highway shall erect 4308
appropriate signs giving notice of the speed limit at such 4309
location within three hundred ninety days after February 29, 1996. 4310
The speed limit becomes effective only when such signs are erected 4311
at the location. 4312

(N) (1)(a) If the boundary of two local authorities rests on 4313
the centerline of a highway and both authorities have jurisdiction 4314
over the highway, the speed limit for the part of the highway 4315
within their joint jurisdiction shall be either one of the 4316
following as agreed to by both authorities: 4317

(i) Either prima-facie speed limit permitted by division (B) 4318
of this section; 4319

(ii) An altered speed limit determined and posted in 4320
accordance with this section. 4321

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 4322
4323
4324

(2) 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 authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section. 4325
4326
4327
4328
4329
4330
4331
4332
4333
4334
4335
4336
4337
4338
4339
4340
4341
4342

(0) As used in this section: 4343

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101. 4344
4345

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 4346
4347
4348

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. 4349
4350
4351
4352

~~(O)~~(P)(1) A violation of any provision of this section is one 4353
of the following: 4354

(a) Except as otherwise provided in divisions ~~(O)~~(P)(1)(b), 4355
(1)(c), (2), and (3) of this section, a minor misdemeanor; 4356

(b) If, within one year of the offense, the offender 4357
previously has been convicted of or pleaded guilty to two 4358
violations of any provision of this section or of any provision of 4359
a municipal ordinance that is substantially similar to any 4360
provision of this section, a misdemeanor of the fourth degree; 4361

(c) If, within one year of the offense, the offender 4362
previously has been convicted of or pleaded guilty to three or 4363
more violations of any provision of this section or of any 4364
provision of a municipal ordinance that is substantially similar 4365
to any provision of this section, a misdemeanor of the third 4366
degree. 4367

(2) If the offender has not previously been convicted of or 4368
pleaded guilty to a violation of any provision of this section or 4369
of any provision of a municipal ordinance that is substantially 4370
similar to this section and operated a motor vehicle faster than 4371
thirty-five miles an hour in a business district of a municipal 4372
corporation, faster than fifty miles an hour in other portions of 4373
a municipal corporation, or faster than thirty-five miles an hour 4374
in a school zone during recess or while children are going to or 4375
leaving school during the school's opening or closing hours, a 4376
misdemeanor of the fourth degree. 4377

(3) Notwithstanding division ~~(O)~~(P)(1) of this section, if 4378
the offender operated a motor vehicle in a construction zone where 4379
a sign was then posted in accordance with section 4511.98 of the 4380
Revised Code, the court, in addition to all other penalties 4381
provided by law, shall impose upon the offender a fine of two 4382
times the usual amount imposed for the violation. No court shall 4383

impose a fine of two times the usual amount imposed for the 4384
violation upon an offender if the offender alleges, in an 4385
affidavit filed with the court prior to the offender's sentencing, 4386
that the offender is indigent and is unable to pay the fine 4387
imposed pursuant to this division and if the court determines that 4388
the offender is an indigent person and unable to pay the fine. 4389

Sec. 4513.34. (A) The director of transportation with respect 4390
to all highways that are a part of the state highway system and 4391
local authorities with respect to highways under their 4392
jurisdiction, upon application in writing and for good cause 4393
shown, may issue a special permit in writing authorizing the 4394
applicant to operate or move a vehicle or combination of vehicles 4395
of a size or weight of vehicle or load exceeding the maximum 4396
specified in sections 5577.01 to 5577.09 of the Revised Code, or 4397
otherwise not in conformity with sections 4513.01 to 4513.37 of 4398
the Revised Code, upon any highway under the jurisdiction of the 4399
authority granting the permit. 4400

For purposes of this section, the director may designate 4401
certain state highways or portions of state highways as special 4402
economic development highways. If an application submitted to the 4403
director under this section involves travel of a nonconforming 4404
vehicle or combination of vehicles upon a special economic 4405
development highway, the director, in determining whether good 4406
cause has been shown that issuance of a permit is justified, shall 4407
consider the effect the travel of the vehicle or combination of 4408
vehicles will have on the economic development in the area in 4409
which the designated highway or portion of highway is located. 4410

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 4411
Code, the holder of a special permit issued by the director under 4412
this section may move the vehicle or combination of vehicles 4413
described in the special permit on any highway that is a part of 4414

the state highway system when the movement is partly within and 4415
partly without the corporate limits of a municipal corporation. No 4416
local authority shall require any other permit or license or 4417
charge any license fee or other charge against the holder of a 4418
permit for the movement of a vehicle or combination of vehicles on 4419
any highway that is a part of the state highway system. The 4420
director shall not require the holder of a permit issued by a 4421
local authority to obtain a special permit for the movement of 4422
vehicles or combination of vehicles on highways within the 4423
jurisdiction of the local authority. Permits may be issued for any 4424
period of time not to exceed one year, as the director in the 4425
director's discretion or a local authority in its discretion 4426
determines advisable, or for the duration of any public 4427
construction project. 4428

(C) The application for a permit shall be in the form that 4429
the director or local authority prescribes. The director or local 4430
authority may prescribe a permit fee to be imposed and collected 4431
when any permit described in this section is issued. The permit 4432
fee may be in an amount sufficient to reimburse the director or 4433
local authority for the administrative costs incurred in issuing 4434
the permit, and also to cover the cost of the normal and expected 4435
damage caused to the roadway or a street or highway structure as 4436
the result of the operation of the nonconforming vehicle or 4437
combination of vehicles. The director, in accordance with Chapter 4438
119. of the Revised Code, shall establish a schedule of fees for 4439
permits issued by the director under this section. 4440

For the purposes of this section and of rules adopted by the 4441
director under this section, milk transported in bulk by vehicle 4442
is deemed a nondivisible load. 4443

(D) The director or local authority may issue or withhold a 4444
permit. If a permit is to be issued, the director or local 4445
authority may limit or prescribe conditions of operation for the 4446

vehicle and may require the posting of a bond or other security 4447
conditioned upon the sufficiency of the permit fee to compensate 4448
for damage caused to the roadway or a street or highway structure. 4449
In addition, a local authority, as a condition of issuance of an 4450
overweight permit, may require the applicant to develop and enter 4451
into a mutual agreement with the local authority to compensate for 4452
or to repair excess damage caused to the roadway by travel under 4453
the permit. 4454

For a permit that will allow travel of a nonconforming 4455
vehicle or combination of vehicles on a special economic 4456
development highway, the director, as a condition of issuance, may 4457
require the applicant to agree to make periodic payments to the 4458
department to compensate for damage caused to the roadway by 4459
travel under the permit. 4460

(E) Every permit shall be carried in the vehicle or 4461
combination of vehicles to which it refers and shall be open to 4462
inspection by any police officer or authorized agent of any 4463
authority granting the permit. No person shall violate any of the 4464
terms of a permit. 4465

(F) The director may debar an applicant from applying for a 4466
special permit under this section upon a finding based on a 4467
reasonable belief that the applicant has done any of the 4468
following: 4469

(1) Abused the process by repeatedly submitting false 4470
information or false travel plans or by using another company or 4471
individual's name, insurance, or escrow account without proper 4472
authorization; 4473

(2) Failed to comply with or substantially perform under a 4474
previously issued special permit according to its terms, 4475
conditions, and specifications within specified time limits; 4476

- (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; 4477
4478
4479
4480
4481
- (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; 4482
4483
4484
4485
- (5) Attempted to influence a public employee to breach ethical conduct standards; 4486
4487
- (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; 4488
4489
4490
4491
4492
4493
- (7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law; 4494
4495
4496
- (8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways; 4497
4498
4499
- (9) Failed to pay any fees associated with any permitted operation or move; 4500
4501
- (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. 4502
4503
4504

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. 4505
4506
4507
4508
4509

The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant. 4510
4511

(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. 4512
4513
4514
4515
4516
4517
4518
4519
4520
4521
4522
4523
4524
4525
4526
4527
4528
4529

(H) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code. 4530
4531

Sec. 4519.58. (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 4532
4533
4534
4535

physical evidence for the creation of the certificate of title in 4536
a manner prescribed by the registrar. A clerk may retain digital 4537
images of documents used as evidence for issuance of a certificate 4538
of title. Certified printouts of documents retained as digital 4539
images shall have the same evidentiary value as the original 4540
physical documents. The record of the issuance of the certificate 4541
of title shall be maintained in the automated title processing 4542
system. The clerk shall sign and affix the clerk's seal to the 4543
original certificate of title and, if there are no liens on the 4544
off-highway motorcycle or all-purpose vehicle, shall deliver the 4545
certificate to the applicant or the selling dealer. Except as 4546
otherwise provided in this section, if there are one or more liens 4547
on the off-highway motorcycle or all-purpose vehicle, the 4548
certificate of title shall be delivered to the holder of the first 4549
lien. If the certificate of title is obtained by a dealer on 4550
behalf of the applicant and there are one or more liens on the 4551
off-highway motorcycle or all-purpose vehicle, the clerk shall 4552
issue a certificate of title and may issue a memorandum 4553
certificate of title. The certificate of title and memorandum 4554
certificate of title, if issued, shall be delivered to the holder 4555
of the first lien or the selling dealer, who shall deliver the 4556
certificate of title to the holder of the first lien and the 4557
memorandum certificate of title to the applicant. The selling 4558
dealer also may make arrangements with the clerk to have the clerk 4559
deliver the memorandum certificate of title to the applicant. 4560

(B) The registrar shall prescribe a uniform method of 4561
numbering certificates of title. The numbering shall be in such 4562
manner that the county of issuance is indicated. Numbers shall be 4563
assigned to certificates of title in the manner prescribed by the 4564
registrar. The clerk shall file all certificates of title 4565
according to the rules to be prescribed by the registrar, and the 4566
clerk shall maintain in the clerk's office indexes for the 4567
certificates of title. 4568

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 certificate of title and instead to issue an electronic certificate of title. In the case of a title application that is submitted electronically to the clerk, the clerk shall issue an electronic certificate of title unless the applicant requests the issuance of a physical certificate of title. The fact that a physical certificate of title is not issued for an off-highway motorcycle or all-purpose vehicle does not affect ownership of the

motorcycle or vehicle. In that case, when the clerk completes the 4601
process of entering certificate of title application information 4602
into the automated title processing system, the effect of the 4603
completion of the process is the same as if the clerk actually 4604
issued a physical certificate of title for the motorcycle or 4605
vehicle. 4606

(D) An electronic dealer who applies for a certificate of 4607
title on behalf of a customer who purchases an off-highway 4608
motorcycle or all-purpose vehicle from the dealer may print a 4609
non-negotiable evidence of ownership for the customer if the 4610
customer so requests. The authorization to print the 4611
non-negotiable evidence of ownership shall come from the clerk 4612
with whom the dealer makes application for the certificate of 4613
title for the customer, but the printing by the dealer does not 4614
create an agency relationship of any kind between the dealer and 4615
the clerk. 4616

(E) The owner of the off-highway motorcycle or all-purpose 4617
vehicle may apply at any time to a clerk of a court of common 4618
pleas for a non-negotiable evidence of ownership for the 4619
off-highway motorcycle or all-purpose vehicle. 4620

Sec. 4749.02. The director of public safety shall administer 4621
this chapter, and for that purpose, may appoint employees and 4622
adopt rules that the director considers necessary. 4623

The director shall implement electronic licensing and 4624
registration procedures under this chapter not later than December 4625
31, 2006. The application procedures in effect on the effective 4626
date of this amendment shall continue until such time as 4627
electronic licensing and registration procedures are implemented. 4628

Sec. 4749.03. (A)(1) Any individual, including a partner in a 4629
partnership, may be licensed as a private investigator under a 4630

class B license, or as a security guard provider under a class C 4631
license, or as a private investigator and a security guard 4632
provider under a class A license, if the individual meets all of 4633
the following requirements: 4634

(a) Has a good reputation for integrity, has not been 4635
convicted of a felony within the last twenty years or any offense 4636
involving moral turpitude, and has not been adjudicated 4637
incompetent for the purpose of holding the license, as provided in 4638
section 5122.301 of the Revised Code, without having been restored 4639
to legal capacity for that purpose. 4640

(b) Depending upon the class of license for which application 4641
is made, for a continuous period of at least two years immediately 4642
preceding application for a license, has been engaged in 4643
investigatory or security services work for a law enforcement or 4644
other public agency engaged in investigatory activities, or for a 4645
private investigator or security guard provider, or engaged in the 4646
practice of law, or has acquired equivalent experience as 4647
determined by rule of the director of public safety. 4648

(c) Demonstrates competency as a private investigator or 4649
security guard provider by passing an examination devised for this 4650
purpose by the director, except that any individually licensed 4651
person who qualifies a corporation for licensure shall not be 4652
required to be reexamined if the person qualifies the corporation 4653
in the same capacity that the person was individually licensed. 4654

(d) Submits evidence of comprehensive general liability 4655
insurance coverage, or other equivalent guarantee approved by the 4656
director in such form and in principal amounts satisfactory to the 4657
director, but not less than one hundred thousand dollars for each 4658
person and three hundred thousand dollars for each occurrence for 4659
bodily injury liability, and one hundred thousand dollars for 4660
property damage liability. 4661

(e) Pays the requisite examination and license fees. 4662

(2) A corporation may be licensed as a private investigator 4663
under a class B license, or as a security guard provider under a 4664
class C license, or as a private investigator and a security guard 4665
provider under a class A license, if an application for licensure 4666
is filed by an officer of the corporation and the officer, another 4667
officer, or the qualifying agent of the corporation satisfies the 4668
requirements of divisions (A)(1) and (F)(1) of this section. 4669
Officers and the statutory agent of a corporation shall be 4670
determined in accordance with Chapter 1701. of the Revised Code. 4671

(3) At least one partner in a partnership shall be licensed 4672
as a private investigator, or as a security guard provider, or as 4673
a private investigator and a security guard provider. Partners in 4674
a partnership shall be determined as provided for in Chapter 1775. 4675
of the Revised Code. 4676

(B) ~~Application~~ An application for a class A, B, or C license 4677
shall be ~~in writing, under oath, to~~ completed in the form the 4678
director prescribes. In the case of an individual, the application 4679
shall state the applicant's name, birth date, citizenship, 4680
physical description, current residence, residences for the 4681
preceding ten years, current employment, employment for the 4682
preceding seven years, experience qualifications, the location of 4683
each of the applicant's offices in this state, and any other 4684
information that is necessary in order for the director to comply 4685
with the requirements of this chapter. In the case of a 4686
corporation, the application shall state the name of the officer 4687
or qualifying agent filing the application; the state in which the 4688
corporation is incorporated and the date of incorporation; the 4689
states in which the corporation is authorized to transact 4690
business; the name of its qualifying agent; the name of the 4691
officer or qualifying agent of the corporation who satisfies the 4692
requirements of divisions (A)(1) and (F)(1) of this section and 4693

the birth date, citizenship, physical description, current 4694
residence, residences for the preceding ten years, current 4695
employment, employment for the preceding seven years, and 4696
experience qualifications of that officer or qualifying agent; and 4697
other information that the director requires. A corporation may 4698
specify in its application information relative to one or more 4699
individuals who satisfy the requirements of divisions (A)(1) and 4700
(F)(1) of this section. 4701

The application described in this division shall be 4702
accompanied by all of the following: 4703

(1) One recent full-face photograph of the applicant or, in 4704
the case of a corporation, of each officer or qualifying agent 4705
specified in the application as satisfying the requirements of 4706
divisions (A)(1) and (F)(1) of this section; 4707

~~(2) One complete set of the applicant's fingerprints or, in 4708
the case of a corporation, of the fingerprints of each officer or 4709
qualifying agent specified in the application as satisfying the 4710
requirements of divisions (A)(1) and (F)(1) of this section;~~ 4711

~~(3)~~ Character references from at least five reputable 4712
citizens for the applicant or, in the case of a corporation, for 4713
each officer or qualifying agent specified in the application as 4714
satisfying the requirements of divisions (A)(1) and (F)(1) of this 4715
section, each of whom has known the applicant, officer, or 4716
qualifying agent for at least five years preceding the 4717
application, and none of whom are connected with the applicant, 4718
officer, or qualifying agent by blood or marriage; 4719

~~(4)~~(3) An examination fee of twenty-five dollars for the 4720
applicant or, in the case of a corporation, for each officer or 4721
qualifying agent specified in the application as satisfying the 4722
requirements of divisions (A)(1) and (F)(1) of this section, and a 4723
license fee ~~of two hundred fifty~~ in the amount the director 4724

determines, not to exceed three hundred seventy-five dollars. The 4725
license fee shall be refunded if a license is not issued. 4726

~~(C) Upon receipt of the application and accompanying matter~~ 4727
~~described in division (B) of this section, the director shall~~ 4728
~~forward to the bureau of criminal identification and investigation~~ 4729
~~a request that it make an investigation of the applicant or, in~~ 4730
~~the case of a corporation, each officer or qualifying agent~~ 4731
~~specified in the application as satisfying the requirements of~~ 4732
~~divisions (A)(1) and (F)(1) of this section, to determine whether~~ 4733
~~the applicant, officer, or qualifying agent meets the requirements~~ 4734
~~of division (A)(1)(a) of this section. (1) Each individual~~ 4735
applying for a license and each individual specified by a 4736
corporation as an officer or qualifying agent in an application 4737
shall submit one complete set of fingerprints directly to the 4738
superintendent of the bureau of criminal identification and 4739
investigation for the purpose of conducting a criminal records 4740
check. The individual shall provide the fingerprints using a 4741
method the superintendent prescribes pursuant to division (C)(2) 4742
of section 109.572 of the Revised Code and fill out the form the 4743
superintendent prescribes pursuant to division (C)(1) of section 4744
109.572 of the Revised Code. An applicant who intends to carry a 4745
firearm as defined in section 2923.11 of the Revised Code in the 4746
course of business or employment shall so notify the 4747
superintendent. This notification is in addition to any other 4748
requirement related to carrying a firearm that applies to the 4749
applicant. The individual or corporation requesting the criminal 4750
records check shall pay the fee the superintendent prescribes. 4751

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

(3) If the director determines that the applicant, officer, or qualifying agent meets the requirements of divisions (A)(1)(a), (b), and (d) of this section and that an officer or qualifying agent meets the requirement of division (F)(1) of this section, the director shall notify the applicant, officer, or agent of the time and place for the examination. If the director determines that an applicant does not meet the requirements of divisions (A)(1)(a), (b), and (d) of this section, the director shall notify the applicant that the applicant's application is refused and refund the license fee. If the director determines that none of the individuals specified in the application of a corporation as satisfying the requirements of divisions (A)(1) and (F)(1) of this section meet the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) of this section, the director shall notify the corporation that its application is refused and refund the license fee. ~~If the director requests an investigation of any applicant, officer, or qualifying agent and if the bureau assesses the~~ director a fee for the any investigation, the director, in addition to any other fee assessed pursuant to this chapter, may assess the applicant, officer, or qualifying agent, as appropriate, a fee that is equal to the fee assessed by the bureau.

(D) If upon application, investigation, and examination, the

director finds that the applicant or, in the case of a 4784
corporation, any officer or qualifying agent specified in the 4785
application as satisfying the requirements of divisions (A)(1) and 4786
(F)(1) of this section, meets the applicable requirements, the 4787
director shall issue the applicant or the corporation a class A, 4788
B, or C license. The director also shall issue an identification 4789
card to an applicant, but not an officer or qualifying agent of a 4790
corporation, who meets the applicable requirements. The license 4791
and identification card shall state the licensee's name, the 4792
classification of the license, the location of the licensee's 4793
principal place of business in this state, and the expiration date 4794
of the license, and, in the case of a corporation, it also shall 4795
state the name of each officer or qualifying agent who satisfied 4796
the requirements of divisions (A)(1) and (F)(1) of this section. 4797

Licenses expire on the first day of March following the date 4798
of initial issue, and on the first day of March of each year 4799
thereafter. ~~Renewals~~ Annual renewals shall be according to the 4800
standard renewal procedures contained in Chapter 4745. of the 4801
Revised Code, upon payment of a an annual renewal fee ~~of two~~ 4802
~~hundred fifty~~ the director determines, not to exceed two hundred 4803
seventy-five dollars. No license shall be renewed if the licensee 4804
or, in the case of a corporation, each officer or qualifying agent 4805
who qualified the corporation for licensure no longer meets the 4806
applicable requirements of this section. No license shall be 4807
renewed unless the licensee provides evidence of workers' 4808
compensation risk coverage and unemployment compensation insurance 4809
coverage, other than for clerical employees and excepting sole 4810
proprietors who are exempted therefrom, as provided for in 4811
Chapters 4123. and 4141. of the Revised Code, respectively, as 4812
well as the licensee's state tax identification number. No 4813
reexamination shall be required for renewal of a current license. 4814

For purposes of this chapter, a class A, B, or C license 4815

issued to a corporation shall be considered as also having 4816
licensed the individuals who qualified the corporation for 4817
licensure, for as long as they are associated with the 4818
corporation. 4819

For purposes of this division, "sole proprietor" means an 4820
individual licensed under this chapter who does not employ any 4821
other individual. 4822

(E) The director may issue a duplicate copy of a license 4823
issued under this section for the purpose of replacement of a 4824
lost, spoliated, or destroyed license, upon payment of a fee ~~fixed~~ 4825
~~by~~ the director determines, not exceeding twenty-five dollars. Any 4826
change in license classification requires new application and 4827
application fees. 4828

(F)(1) In order to qualify a corporation for a class A, B, or 4829
C license, an officer or qualifying agent may qualify another 4830
corporation for similar licensure, provided that the officer or 4831
qualifying agent is actively engaged in the business of both 4832
corporations. 4833

(2) Each officer or qualifying agent who qualifies a 4834
corporation for class A, B, or C licensure shall surrender any 4835
personal license of a similar nature that the officer or 4836
qualifying agent possesses. 4837

(3) Upon written notification to the director, completion of 4838
an application similar to that for original licensure, surrender 4839
of the corporation's current license, and payment of a twenty-five 4840
dollar fee, a corporation's class A, B, or C license may be 4841
transferred to another corporation. 4842

(4) Upon written notification to the director, completion of 4843
an application similar to that for an individual seeking class A, 4844
B, or C licensure, payment of a twenty-five dollar fee, and, if 4845
the individual was the only individual that qualified a 4846

corporation for licensure, surrender of the corporation's license, 4847
any officer or qualifying agent who qualified a corporation for 4848
licensure under this chapter may obtain a similar license in the 4849
individual's own name without reexamination. A request by an 4850
officer or qualifying agent for an individual license shall not 4851
affect a corporation's license unless the individual is the only 4852
individual that qualified the corporation for licensure or all the 4853
other individuals who qualified the corporation for licensure 4854
submit such requests. 4855

(G) If a corporation is for any reason no longer associated 4856
with an individual who qualified it for licensure under this 4857
chapter, an officer of the corporation shall notify the director 4858
of that fact by certified mail, return receipt requested, within 4859
ten days after the association terminates. If the notification is 4860
so given, the individual was the only individual that qualified 4861
the corporation for licensure, and the corporation submits the 4862
name of another officer or qualifying agent to qualify the 4863
corporation for the license within thirty days after the 4864
association terminates, the corporation may continue to operate in 4865
the business of private investigation, the business of security 4866
services, or both businesses in this state under that license for 4867
ninety days after the association terminates. If the officer or 4868
qualifying agent whose name is submitted satisfies the 4869
requirements of divisions (A)(1) and (F)(1) of this section, the 4870
director shall issue a new license to the corporation within that 4871
ninety-day period. The names of more than one individual may be 4872
submitted. 4873

Sec. 4749.06. (A) Each class A, B, or C licensee shall 4874
register the licensee's investigator or security guard employees, 4875
with the department of public safety, which shall maintain a 4876
record of each licensee and registered employee and make it 4877
available, upon request, to any law enforcement agency. The class 4878

A, B, or C licensee shall file an application to register a new 4879
employee no sooner than three days nor later than seven calendar 4880
days after the date on which the employee is hired. 4881

(B)(1) Each employee's registration application shall be 4882
accompanied by ~~one complete set of the employee's fingerprints,~~ 4883
one recent photograph of the employee, the employee's physical 4884
description, and ~~an eighteen-dollar~~ the registration fee the 4885
director determines, not to exceed forty dollars. 4886

(2) ~~If the director of public safety requests the bureau of~~ 4887
~~criminal identification and investigation to conduct an~~ 4888
~~investigation of a licensee's employee and if the bureau assesses~~ 4889
~~the director a fee for the investigation, the director, in~~ 4890
~~addition to any other fee assessed pursuant to this chapter, may~~ 4891
~~assess the licensee a fee that is equal to the fee assessed by the~~ 4892
~~bureau. The employee shall submit one complete set of fingerprints~~ 4893
~~directly to the superintendent of the bureau of criminal~~ 4894
~~identification and investigation for the purpose of conducting a~~ 4895
~~criminal records check. The employee shall provide the~~ 4896
~~fingerprints using a method the superintendent prescribes pursuant~~ 4897
~~to division (C)(2) of section 109.572 of the Revised Code and fill~~ 4898
~~out the form the superintendent prescribes pursuant to division~~ 4899
~~(C)(1) of section 109.572 of the Revised Code. An employee who~~ 4900
~~intends to carry a firearm as defined in section 2923.11 of the~~ 4901
~~Revised Code in the course of business or employment shall so~~ 4902
~~notify the superintendent. This notification is in addition to any~~ 4903
~~other requirement related to carrying a firearm that applies to~~ 4904
~~the employee. The individual or corporation requesting the~~ 4905
~~criminal records check shall pay the fee the superintendent~~ 4906
~~prescribes.~~ 4907

The superintendent shall conduct the criminal records check 4908
as set forth in division (B) of section 109.572 of the Revised 4909
Code. If an employee intends to carry a firearm in the course of 4910
business or employment, pursuant to division (B)(2) of section 4911
109.572 of the Revised Code the superintendent shall make a 4912
request of the federal bureau of investigation for any information 4913
and review the information the bureau provides. The superintendent 4914
shall submit all results of the completed investigation to the 4915
director of public safety. 4916

(3) If, after investigation, the bureau finds that the 4917
employee has not been convicted of a felony within the last twenty 4918
years, the director shall issue to the employee an identification 4919
card bearing the license number and signature of the licensee, 4920
which in the case of a corporation shall be the signature of its 4921
president or its qualifying agent, and containing the employee's 4922
name, address, age, physical description, and right thumb print or 4923
other identifying mark as the director prescribes, a recent 4924
photograph of the employee, and the employee's signature. The 4925
director may issue a duplicate of a lost, spoliated, or destroyed 4926
identification card issued under this section, upon payment of a 4927
fee fixed by the director, not exceeding five dollars. 4928

(C) Except as provided in division (E) of this section, no 4929
class A, B, or C licensee shall permit an employee, other than an 4930
individual who qualified a corporation for licensure, to engage in 4931
the business of private investigation, the business of security 4932
services, or both businesses until the employee receives an 4933
identification card from the department, except that pending the 4934
issuance of an identification card, a class A, B, or C licensee 4935
may offer for hire security guard or investigator employees 4936
provided the licensee obtains a waiver from the person who 4937
receives, for hire, security guard or investigative services, 4938
acknowledging that the person is aware the employees have not 4939

mpleted their registration and agreeing to their employment. 4940

(D) If a class A, B, or C licensee, or a registered employee 4941
of a class A, B, or C licensee, intends to carry a firearm, as 4942
defined in section 2923.11 of the Revised Code, in the course of 4943
engaging in the business or employment, the licensee or registered 4944
employee shall satisfactorily complete a firearms basic training 4945
program that includes twenty hours of handgun training and five 4946
hours of training in the use of other firearms, if any other 4947
firearm is to be used, or equivalency training, if authorized, or 4948
shall be a former peace officer who previously had successfully 4949
completed a firearms training course, shall receive a certificate 4950
of satisfactory completion of that program or written evidence of 4951
approval of the equivalency training, shall file an application 4952
for registration, shall receive a firearm-bearer notation on the 4953
licensee's or registered employee's identification card, and shall 4954
annually requalify on a firearms range, all as described in 4955
division (A) of section 4749.10 of the Revised Code. A private 4956
investigator, security guard provider, or employee is authorized 4957
to carry a firearm only in accordance with that division. 4958

(E) This section does not apply to commissioned peace 4959
officers, as defined in division (B) of section 2935.01 of the 4960
Revised Code, working for, either as an employee or independent 4961
contractor, a class A, B, or C licensee. For purposes of this 4962
chapter, a commissioned peace officer is an employee exempt from 4963
registration. 4964

(F) The registration of an investigator or security guard 4965
employee expires annually on the anniversary date of its initial 4966
issuance. Annual renewals shall be made pursuant to procedures the 4967
director establishes by rule and upon payment of a renewal fee the 4968
director determines, not to exceed thirty-five dollars. The 4969
director shall not renew the registration of any investigator or 4970
security guard employee who no longer meets the requirements of 4971
this section. No background check is required for annual renewal, 4972
but an investigator or security guard employee shall report any 4973
felony conviction to the employer and the director of public 4974
safety as a condition of continued registration. 4975

Sec. 4749.10. (A) No class A, B, or C licensee and no 4976
registered employee of a class A, B, or C licensee shall carry a 4977
firearm, as defined in section 2923.11 of the Revised Code, in the 4978
course of engaging in the business of private investigation, the 4979
business of security services, or both businesses, unless all of 4980
the following apply: 4981

(1) The licensee or employee either has successfully 4982
completed a basic firearm training program at a training school 4983
approved by the Ohio peace officer training commission, which 4984
program includes twenty hours of training in handgun use and, if 4985
any firearm other than a handgun is to be used, five hours of 4986
training in the use of other firearms, and has received a 4987
certificate of satisfactory completion of that program from the 4988
executive director of the commission; the licensee or employee 4989
has, within three years prior to November 27, 1985, satisfactorily 4990
completed firearms training that has been approved by the 4991
commission as being equivalent to such a program and has received 4992
written evidence of approval of that training from the executive 4993
director of the commission; or the licensee or employee is a 4994
former peace officer, as defined in section 109.71 of the Revised 4995

Code, who previously had successfully completed a firearms 4996
training course at a training school approved by the Ohio peace 4997
officer training commission and has received a certificate or 4998
other evidence of satisfactory completion of that course from the 4999
executive director of the commission. 5000

(2) The licensee or employee submits an application to the 5001
director of public safety, on a form prescribed by the director, 5002
in which the licensee or employee requests registration as a class 5003
A, B, or C licensee or employee who may carry a firearm. The 5004
application shall be accompanied by a copy of the certificate or 5005
the written evidence or other evidence described in division 5006
(A)(1) of this section, the identification card issued pursuant to 5007
section 4749.03 or 4749.06 of the Revised Code if one has 5008
previously been issued, a statement of the duties that will be 5009
performed while the licensee or employee is armed, and a fee ~~of~~ 5010
~~ten~~ the director determines, not to exceed fifteen dollars. In the 5011
case of a registered employee, the statement shall be prepared by 5012
the employing class A, B, or C licensee. 5013

(3) The licensee or employee receives a notation on the 5014
licensee's or employee's identification card that the licensee or 5015
employee is a firearm-bearer and carries the identification card 5016
whenever the licensee or employee carries a firearm in the course 5017
of engaging in the business of private investigation, the business 5018
of security services, or both businesses. 5019

(4) At any time within the immediately preceding twelve-month 5020
period, the licensee or employee has requalified in firearms use 5021
on a firearms training range at a firearms requalification program 5022
certified by the Ohio peace officer training commission or on a 5023
firearms training range under the supervision of an instructor 5024
certified by the commission and has received a certificate of 5025
satisfactory requalification from the certified program or 5026
certified instructor, provided that this division does not apply 5027

to any licensee or employee prior to the expiration of eighteen 5028
months after the licensee's or employee's completion of the 5029
program described in division (A)(1) of this section. A 5030
certificate of satisfactory requalification is valid and remains 5031
in effect for twelve months from the date of the requalification. 5032

(5) If division (A)(4) of this section applies to the 5033
licensee or employee, the licensee or employee carries the 5034
certificate of satisfactory requalification that then is in effect 5035
or any other evidence of requalification issued or provided by the 5036
director. 5037

(B)(1) The director of public safety shall register an 5038
applicant under division (A) of this section who satisfies 5039
divisions (A)(1) and (2) of this section, and place a notation on 5040
the applicant's identification card indicating that the applicant 5041
is a firearm-bearer and the date on which the applicant completed 5042
the program described in division (A)(1) of this section. 5043

(2) A firearms requalification training program or instructor 5044
certified by the commission for the annual requalification of 5045
class A, B, or C licensees or employees who are authorized to 5046
carry a firearm under section 4749.10 of the Revised Code shall 5047
award a certificate of satisfactory requalification to each class 5048
A, B, or C licensee or registered employee of a class A, B, or C 5049
licensee who satisfactorily requalifies in firearms training. The 5050
certificate shall identify the licensee or employee and indicate 5051
the date of the requalification. A licensee or employee who 5052
receives such a certificate shall submit a copy of it to the 5053
director of public safety. A licensee shall submit the copy of the 5054
requalification certificate at the same time that the licensee 5055
makes application for renewal of the licensee's class A, B, or C 5056
license. The director shall keep a record of all copies of 5057
requalification certificates the director receives under this 5058
division and shall establish a procedure for the updating of 5059

identification cards to provide evidence of compliance with the 5060
annual requalification requirement. The procedure for the updating 5061
of identification cards may provide for the issuance of a new card 5062
containing the evidence, the entry of a new notation containing 5063
the evidence on the existing card, the issuance of a separate card 5064
or paper containing the evidence, or any other procedure 5065
determined by the director to be reasonable. Each person who is 5066
issued a requalification certificate under this division promptly 5067
shall pay to the Ohio peace officer training commission 5068
established by section 109.71 of the Revised Code a fee ~~of five~~ 5069
the director determines, not to exceed fifteen dollars, which fee 5070
shall be transmitted to the treasurer of state for deposit in the 5071
peace officer private security fund established by section 109.78 5072
of the Revised Code. 5073

(C) Nothing in this section prohibits a private investigator 5074
or a security guard provider from carrying a concealed handgun if 5075
the private investigator or security guard provider complies with 5076
sections 2923.124 to 2923.1213 of the Revised Code. 5077

Sec. 5501.11. (A) The functions of the department of 5078
transportation with respect to highways shall be to do all of the 5079
following: 5080

~~(A) To establish~~ (1) Establish state highways on existing 5081
roads, streets, and new locations and ~~to~~ construct, reconstruct, 5082
widen, resurface, maintain, and repair the state system of 5083
highways and the bridges and culverts thereon; 5084

~~(B) To co-operate~~ (2) Cooperate with the federal government 5085
in the establishment, construction, reconstruction, improvement, 5086
maintenance, and repair of post roads and other roads designated 5087
by the federal authorities; 5088

~~(C) To conduct~~ (3) Conduct research and ~~to co-operate~~ 5089
cooperate with organizations conducting research in matters 5090

pertaining to highway design, construction, maintenance, material, 5091
safety, and traffic; 5092

~~(D) To co-operate~~ (4) Cooperate with the counties, municipal 5093
corporations, townships, and other subdivisions of the state in 5094
the establishment, construction, reconstruction, maintenance, 5095
repair, and improvement of the public roads and bridges. 5096

(B) To fulfill its functions under division (A) of this 5097
section, the department shall develop and maintain a pavement 5098
management system. The system shall inventory and evaluate basic 5099
road and bridge conditions throughout the state highway system and 5100
develop strategies to improve those conditions, minimize annual 5101
maintenance of the state highway system, and ensure that a 5102
disproportionate percentage of the roads and bridges on the state 5103
highway system are not due for replacement or major repair at the 5104
same time. The department shall identify and promote longer 5105
pavement life spans to lessen user delays and the disruption to 5106
traffic on the state highway system. 5107

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 5108
and 125.14 of the Revised Code, the director of transportation, 5109
~~after notice as provided in sections 5513.01 and 5513.02 of the~~ 5110
~~Revised Code with respect to purchase, may sell, transfer, or~~ 5111
otherwise dispose of any item of personal property that is not 5112
needed by the department of transportation. The director may 5113
exchange any such item, in the manner provided for in this 5114
chapter, and pay the balance of the cost of such new item from 5115
funds appropriated to the department. The director also may accept 5116
a credit voucher or cash in an amount mutually agreed upon between 5117
a vendor and the department. The director shall apply the amount 5118
of any credit voucher to future purchases from that vendor and 5119
shall deposit any cash into the state treasury to the credit of 5120
the highway operating fund created in section 5735.291 of the 5121

Revised Code. 5122

(B)(1) The director may sell or transfer any structure, 5123
machinery, tools, equipment, parts, material, office furniture, or 5124
supplies unfit for use or not needed by the department of 5125
transportation. ~~The director may sell or transfer any item~~ 5126
~~specified in this division~~ to any agency of the state or a 5127
political subdivision of the state without notice of the proposed 5128
disposal and upon any mutually agreed upon terms. ~~The director may~~ 5129
~~exchange any such item, in the manner provided for in this~~ 5130
~~chapter, and pay the balance of the cost of such new item from any~~ 5131
~~funds appropriated to the department. The director also may accept~~ 5132
~~a credit voucher in an amount mutually agreed upon between a~~ 5133
~~vendor and the department. The amount of the credit voucher shall~~ 5134
~~be applied to future purchases from that vendor.~~ 5135

~~(B) Notwithstanding sections 125.12, 125.13, and 125.14 of~~ 5136
~~the Revised Code, the director, after notice as provided in this~~ 5137
~~chapter with respect to purchase, may sell~~ 5138

(2) Before selling any passenger vehicle, van, truck, 5139
trailer, or other heavy equipment ~~unfit for use or not required by~~ 5140
~~the department. Prior to such sale, the director shall notify each~~ 5141
county, municipal corporation, township, and school district of 5142
the sale. The director shall similarly notify the board of 5143
trustees of any regional water and sewer district established 5144
under Chapter 6119. of the Revised Code, when the board has 5145
forwarded to the director the district's name and current business 5146
address. For the purposes of this division, the name and current 5147
business address of a regional water and sewer district shall be 5148
forwarded to the director once each year during any year in which 5149
the board wishes the notification to be given. The notice required 5150
by this division may be given by the most economical means 5151
~~considered to be effective, including, but not limited to, regular~~ 5152
~~mail, electronic mail, electronic bulletin board, and publication~~ 5153

~~in a periodical or newspaper. If after seven days following~~ 5154
~~mailing or other issuance of the director's notice, no county,~~ 5155
~~municipal corporation, township, regional water and sewer~~ 5156
~~district, educational service center, or school district has~~ 5157
~~notified the director that it wishes to purchase any such vehicle~~ 5158
~~or other heavy equipment, the director may proceed with the sale~~ 5159
~~under division ~~(D)~~(C) of this section. The director may exchange~~ 5160
~~such vehicles and other heavy equipment for new vehicles or other~~ 5161
~~heavy equipment, in the manner provided for in sections 5513.01 to~~ 5162
~~5513.04 of the Revised Code, and pay the balance of the cost of~~ 5163
~~such new vehicles or other heavy equipment from the funds~~ 5164
~~appropriated to the department. The director also may elect to~~ 5165
~~accept a credit voucher from a vendor in an amount mutually agreed~~ 5166
~~to by the department and the vendor. The director shall apply the~~ 5167
~~credit voucher to future purchases from that vendor.~~ 5168

~~In an emergency situation as determined by the discretion of~~ 5169
~~the director, the director may transfer any ~~vehicles~~ vehicle or~~ 5170
~~other heavy equipment that is unfit for use or not needed by the~~ 5171
~~department to any agency of the state or political subdivision of~~ 5172
~~the state without advertising for bids and upon mutually agreed ~~to~~~~ 5173
~~upon terms.~~ 5174

~~(C)(3)~~ The director may sell or otherwise dispose of any 5175
structure or structural materials salvaged on the state highway 5176
system that in the director's judgment are no longer needed by the 5177
department, or that, through wear or obsolescence, have become 5178
unfit for use. The director may transfer the structure or 5179
materials to counties, municipal corporations, school districts, 5180
or other ~~governmental~~ political subdivisions without advertising 5181
for bids and upon mutually agreed ~~to~~ upon terms. The director may 5182
transfer the structure or ~~structures~~ structural materials to a 5183
nonprofit corporation upon being furnished a copy of a contract 5184
between the nonprofit corporation and a county, municipal 5185

corporation, or other ~~governmental~~ political subdivision to which 5186
the structure is to be moved pursuant to which the nonprofit 5187
corporation must make the structure or ~~structures~~ structural 5188
materials available for rent or sale within a period of three 5189
months after becoming available for occupancy to an individual or 5190
family which has been displaced by governmental action or which 5191
occupies substandard housing as certified by such ~~governmental~~ 5192
political subdivision, without advertising for bids. Any such 5193
transfers shall be for such consideration as shall be determined 5194
by the director to be fair and reasonable, and shall be upon such 5195
terms and specifications with respect to performance and indemnity 5196
as shall be determined necessary by the director. 5197

When, in carrying out an improvement that replaces any 5198
structure or structural materials, it is advantageous to dispose 5199
of the structure or structural materials by providing in the 5200
contract for the improvement that the structure or structural 5201
materials, or any part thereof, shall become the property of the 5202
contractor, the director may so proceed. 5203

~~(D)(C)(1)~~ Any item ~~specified in division (A), (B), or (C) of~~ 5204
~~this section that has an estimated market value greater than one~~ 5205
~~thousand dollars and that has not been sold or transferred as~~ 5206
provided in ~~those divisions~~ division (B) of this section may be 5207
sold at a public sale, as determined by the director. The director 5208
may authorize such sale by the ~~district~~ deputy directors of 5209
transportation, and the proceedings of such sale shall be 5210
conducted in the same manner as provided for sales by the 5211
director. The director may establish a minimum price for any item 5212
to be sold and may establish any other terms, conditions, and 5213
manner for the sale of a particular item, which may be on any 5214
basis the director determines to be most advantageous to the 5215
department. The director may reject any offer or bid for an item. 5216
The director may remove any item from a sale if it develops that a 5217

public authority has a use for the item. In any notice of a sale, 5218
the director shall include a brief description of the item to be 5219
sold, the terms and conditions of the sale, and a statement of the 5220
time, place, and manner of the sale. 5221

~~Before making any sale under division (D)(1) of this section~~ 5222
~~(2)(a) If, in the opinion of the director, any item to be sold has~~ 5223
~~an estimated fair market value in excess of one thousand dollars,~~ 5224
the director shall give post a notice of the sale ~~by posting,~~ for 5225
not less than ten days, ~~a written, typed, or printed invitation to~~ 5226
~~bidders on a traditional or electronic bulletin board in the~~ 5227
~~offices on the official web site~~ of the department. ~~The bulletin~~ 5228
~~board shall be located in a place open to the public during normal~~ 5229
~~business hours~~ If the district where the property is located 5230
maintains a web site, notice of the sale also shall be posted on 5231
that web site. At least ten days before ~~bids are to be received~~ 5232
the sale, the director also shall publish one notice of the sale 5233
in a periodical or newspaper of general circulation in the region 5234
in which the items are located. ~~The invitation to bidders and the~~ 5235
~~published notice of the sale shall contain a brief description of~~ 5236
~~the items to be sold and a statement of the time and place where~~ 5237
~~bids will be received. The director may receive bids and make such~~ 5238
~~sale on any basis the director determines is most advantageous to~~ 5239
~~the department.~~ A sale under division ~~(D)(1)~~ (C)(2)(a) of this 5240
section shall be made to the highest responsible bidder. ~~If, after~~ 5241
~~invitations are issued, it develops that any public authority has~~ 5242
~~use for any of the items, the director may reject all bids and~~ 5243
~~dispose of the items as set out in this section.~~ 5244

~~(2)(b)~~ (2)(b) If, in the opinion of the director, any item ~~specified~~ 5245
~~in division (A), (B), or (C) of this section~~ to be sold has an 5246
estimated fair market value of one thousand dollars or less, the 5247
director is not required to advertise the proposed sale except by 5248
notice posted on ~~a traditional or electronic bulletin board in one~~ 5249

~~er more offices~~ the official web site of the department. The 5250
~~bulletin board shall be located in a place open to the public~~ 5251
~~during normal business hours.~~ The notice shall be posted for at 5252
least five working days ~~and shall contain a brief description of~~ 5253
~~the items to be sold and a statement of the time and place where~~ 5254
~~bids will be received. The director may receive bids and make such~~ 5255
~~sale on any basis the director determines is most advantageous to~~ 5256
~~the department. Sale of any item using this method of advertising.~~ 5257
A sale under division (C)(2)(b) of this section shall be made to 5258
the highest responsible bidder. ~~If it develops that any public~~ 5259
~~authority has use for any of the items, the director may reject~~ 5260
~~all bids and dispose of the items as set out in this section.~~ 5261

~~(E)(D)~~ Proceeds of any sale described in this section shall 5262
be paid into the state treasury to the credit of the ~~state~~ highway 5263
operating fund or any other fund of the department as determined 5264
by the director. 5265

(E) Once each year, the state board of education shall 5266
provide the director with a current list of the addresses of all 5267
school districts and educational service centers in the state. 5268

(F) As used in this section, ~~"school:~~ 5269

(1) "Personal property" means any structure or structural 5270
material, machinery, tools, equipment, parts, material, office 5271
furniture, supplies, passenger vehicle, van, truck, trailer, or 5272
other heavy equipment of the department; 5273

(2) "School district" means any city school district, local 5274
school district, exempted village school district, cooperative 5275
education school district, and joint vocational school district, 5276
as defined in Chapter 3311. of the Revised Code. ~~Once each year,~~ 5277
~~the state board of education shall provide the director with a~~ 5278
~~current list of the addresses of all school districts and~~ 5279
~~educational service centers in the state.~~ 5280

(3) "Sale" means fixed price sale, live or internet auction, 5281
or any other type of sale determined by the director. 5282

Sec. 5525.01. Before entering into a contract the director of 5283
transportation shall advertise for bids for two consecutive weeks 5284
in one newspaper of general circulation published in the county in 5285
which the improvement or part thereof is located, but if there is 5286
no such newspaper then in one newspaper having general circulation 5287
in an adjacent county. The director may advertise for bids in such 5288
other publications as the director considers advisable. Such 5289
notices shall state that plans and specifications for the 5290
improvement are on file in the office of the director and the 5291
district deputy director of the district in which the improvement 5292
or part thereof is located and the time within which bids therefor 5293
will be received. 5294

Each bidder shall be required to file with the bidder's bid a 5295
bid guaranty in the form of a certified check or cashier's check 5296
for an amount equal to five per cent of the bidder's bid, but in 5297
no event more than fifty thousand dollars, or a bid bond for ten 5298
per cent of the bidder's bid, payable to the director, which check 5299
or bond shall be forthwith returned to the bidder in case the 5300
contract is awarded to another bidder, or, in case of a successful 5301
bidder, when the bidder has entered into a contract and furnished 5302
the bonds required by section 5525.16 of the Revised Code. In the 5303
event the contract is awarded to a bidder, and the bidder fails or 5304
refuses to furnish the bonds as required by section 5525.16 of the 5305
Revised Code, the check or bid bond filed with the bidder's bid 5306
shall be forfeited as liquidated damages. No bidder shall be 5307
required either to file a signed contract with the bidder's bid, 5308
to enter into a contract, or to furnish the contract performance 5309
bond and the payment bond required by that section until the bids 5310
have been opened and the bidder has been notified by the director 5311

that the bidder is awarded the contract. 5312

The director shall permit a bidder to withdraw the bidder's 5313
bid from consideration, without forfeiture of the certified check 5314
or bid bond filed with the bid, providing a written request 5315
together with a sworn statement of the grounds for such withdrawal 5316
is delivered within forty-eight hours after the time established 5317
for the receipt of bids, and if the price bid was substantially 5318
lower than the other bids, providing the bid was submitted in good 5319
faith, and the reason for the price bid being substantially lower 5320
was a clerical mistake evident on the face of the bid, as opposed 5321
to a judgment mistake, and was actually due to an unintentional 5322
and substantial arithmetic error or an unintentional omission of a 5323
substantial quantity of work, labor, or material made directly in 5324
the compilation of the bid. In the event the director decides the 5325
conditions for withdrawal have not been met, the director may 5326
award the contract to such bidder. If such bidder does not then 5327
enter into a contract and furnish the contract bond as required by 5328
law, the director may declare forfeited the certified check or bid 5329
bond as liquidated damages and award the contract to the next 5330
higher bidder or reject the remaining bids and readvertise the 5331
project for bids. Such bidder may, within thirty days, appeal the 5332
decision of the director to the court of common pleas of Franklin 5333
county and the court may affirm or reverse the decision of the 5334
director and may order the director to refund the amount of the 5335
forfeiture. At the hearing before the common pleas court evidence 5336
may be introduced for and against the decision of the director. 5337
The decision of the common pleas court may be appealed as in other 5338
cases. 5339

The director shall require all bidders to furnish the 5340
director ~~under oath~~, upon such ~~printed~~ forms as the director may 5341
prescribe, detailed information with respect to all pending work 5342
of the bidder, whether with the department of transportation or 5343

otherwise, together with such other information as the director 5344
considers necessary. 5345

In the event a bidder fails to submit anything required to be 5346
submitted with the bid and then fails or refuses to so submit such 5347
at the request of the director, the failure or refusal constitutes 5348
grounds for the director, in the director's discretion, to declare 5349
as forfeited the bid guaranty submitted with the bid. 5350

The director may reject any or all bids. Except in regard to 5351
contracts for environmental remediation and specialty work for 5352
which there are no classes of work set out in the rules adopted by 5353
the director, if the director awards the contract, the director 5354
shall award it to the lowest competent and responsible bidder as 5355
defined by rules adopted by the director under section 5525.05 of 5356
the Revised Code, who is qualified to bid under sections 5525.02 5357
to 5525.09 of the Revised Code. In regard to contracts for 5358
environmental remediation and specialty work for which there are 5359
no classes of work set out in the rules adopted by the director, 5360
the director shall competitively bid the projects in accordance 5361
with this chapter and shall award the contracts to the lowest and 5362
best bidder. 5363

The award for all projects competitively let by the director 5364
under this section shall be made within ten days after the date on 5365
which the bids are opened, and the successful bidder shall enter 5366
into a contract and furnish a contract performance bond and a 5367
payment bond, as provided for in section 5525.16 of the Revised 5368
Code, within ten days after the bidder is notified that the bidder 5369
has been awarded the contract. 5370

The director may insert in any contract awarded under this 5371
chapter a clause providing for value engineering change proposals, 5372
under which a contractor who has been awarded a contract may 5373
propose a change in the plans and specifications of the project 5374
that saves the department time or money on the project without 5375

impairing any of the essential functions and characteristics of 5376
the project such as service life, reliability, economy of 5377
operation, ease of maintenance, safety, and necessary standardized 5378
features. If the director adopts the value engineering proposal, 5379
the savings from the proposal shall be divided between the 5380
department and the contractor according to guidelines established 5381
by the director, provided that the contractor shall receive at 5382
least fifty per cent of the savings from the proposal. The 5383
adoption of a value engineering proposal does not invalidate the 5384
award of the contract or require the director to rebid the 5385
project. 5386

Sec. 5525.10. ~~No~~ Except as provided in section 5525.15 of the 5387
Revised Code, no contract for any road improvement shall be 5388
awarded for a greater sum than the estimated cost thereof plus 5389
five per cent. The bids received for an improvement shall be 5390
opened at the time and place stated in the notice and the bids 5391
shall conform to such other requirements as the director of 5392
transportation prescribes. If no acceptable bid is made the 5393
director may readvertise the work at the original estimate or 5394
amend the estimate and again proceed to advertise for bids. The 5395
director may contract for the construction or improvement of 5396
bridges and culverts or the grading required in connection with an 5397
improvement and may defer making contracts for the remainder of 5398
said improvement until such grade has become stable and solid. 5399

Sec. 5525.15. The director of transportation may provide that 5400
the estimate of cost of any project to be constructed by the 5401
department by the taking of bids and awarding of contracts shall 5402
be confidential information and so remain until after all bids on 5403
the project have been received. The estimate then shall be 5404
publicly read prior to the opening of the bids of the subject. 5405

When the director exercises the authority conferred by this 5406

section, all information with respect to the total estimate of 5407
cost of the project to be built by contract and with respect to 5408
the estimate of cost of any particular item of work involved 5409
therein shall be kept and regarded by the director and all the 5410
director's subordinates as confidential, and shall not be revealed 5411
to any person not employed in the department, or by the United 5412
States department of transportation in the case of projects 5413
financed in whole or part by federal funds, until after the bids 5414
on the project have been opened and read. Section 5517.01 of the 5415
Revised Code with respect to the public inspection of estimates of 5416
cost prior to the opening of bids and with respect to filing 5417
estimates of cost in the office of the district deputy director of 5418
transportation does not apply when the authority conferred by this 5419
section is exercised. This section does not prohibit the 5420
department from furnishing estimates of cost to counties, 5421
municipal corporations, or other local political subdivisions or 5422
to railroad or railway companies proposing to pay any portion of 5423
the cost of an improvement. 5424

Section 5525.10 of the Revised Code, which provides that no 5425
contract for any improvement shall be awarded for a greater sum 5426
than the estimated cost thereof plus five per cent, does not apply 5427
in the case of any project with respect to which the authority 5428
conferred by this section is exercised. In cases in which the 5429
authority conferred by this section is exercised and in which the 5430
bid of the successful bidder exceeds the estimate, the director, 5431
before entering into a contract, shall determine that the bid of 5432
the successful bidder is fair and reasonable, and as long as the 5433
federal government imposes regulation on prices charged for 5434
construction service, shall require the successful bidder to 5435
certify that the bidder's bid does not exceed the maximum 5436
permitted by such federal regulation. 5437

Sec. 5525.25. (A) For each fiscal year, not more than 5438

one-fifth of the department of transportation's capital 5439
construction projects shall be bid requiring a warranty as 5440
specified in the bidding documents and in division (B) of this 5441
section. 5442

(B) A warranty period under this section shall be: 5443

(1) Not more than seven years, for pavement in the case of 5444
new construction; 5445

(2) Not more than five years, in the case of bridge painting 5446
and pavement resurfacing and rehabilitation; 5447

(3) Not more than two years, in the case of pavement 5448
preventative maintenance, ~~bridge painting~~, pavement markings, 5449
raised pavement markers, guardrail, and other project items as 5450
determined by the director. 5451

This section does not apply to contracts the director makes 5452
on behalf of a political subdivision. 5453

Sec. 5531.09. (A) The state infrastructure bank shall consist 5454
of the highway and transit infrastructure bank fund, the aviation 5455
infrastructure bank fund, the rail infrastructure bank fund, and 5456
the infrastructure bank obligations fund, which are hereby created 5457
as funds of the state treasury, to be administered by the director 5458
of transportation and used for the purposes described in division 5459
(B) of this section. The highway and transit infrastructure bank 5460
fund, the aviation infrastructure bank fund, and the rail 5461
infrastructure bank fund shall consist of federal grants and 5462
awards or other assistance received by the state and eligible for 5463
deposit therein under applicable federal law, payments received by 5464
the department in connection with providing financial assistance 5465
for qualifying projects under division (B) of this section, and 5466
such other amounts as may be provided by law. The infrastructure 5467
bank obligations fund shall consist of such amounts of the 5468

proceeds of obligations issued under section 5531.10 of the Revised Code as the director of transportation determines with the advice of the director of budget and management; and such other amounts as may be provided by law. The director of budget and management, upon the request of the director of transportation, may transfer amounts between the funds created in this division, except the infrastructure bank obligations fund. The investment earnings of each fund created by this division shall be credited to such fund.

(B) The director of transportation shall use the state 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 5501
establishing guidelines necessary for the implementation and 5502
exercise of the authority granted by this section, including rules 5503
for receiving, reviewing, evaluating, and selecting projects for 5504
which financial assistance may be approved. 5505

(D) As used in this section and in section 5531.10 of the 5506
Revised Code, "qualified project" means any public or private 5507
transportation project as determined by the director of 5508
transportation, including, without limitation, planning, 5509
environmental impact studies, engineering, construction, 5510
reconstruction, resurfacing, restoring, rehabilitation, or 5511
replacement of public or private transportation facilities within 5512
the state, studying the feasibility thereof, and the acquisition 5513
of real or personal property or interests therein; any highway, 5514
public transit, aviation, rail, or other transportation project 5515
eligible for financing or aid under any federal or state program; 5516
and any project involving the maintaining, repairing, improving, 5517
or construction of any public or private highway, road, street, 5518
parkway, public transit, aviation, or rail project, and any 5519
related rights-of-way, bridges, tunnels, railroad-highway 5520
crossings, drainage structures, signs, guardrails, or protective 5521
structures. 5522

(E) The general assembly finds that state infrastructure 5523
projects, as defined in division (A)(8) of section 5531.10 of the 5524
Revised Code, and the state infrastructure bank, will materially 5525
contribute to the economic revitalization of areas of the state 5526
and result in improving the economic welfare of all the people of 5527
the state. Accordingly, it is declared to be the public purpose of 5528
the state, through operations under sections 5531.09 and 5531.10 5529
of the Revised Code, and other applicable laws adopted pursuant to 5530
Section 13 of Article VIII, Ohio Constitution, and other authority 5531
vested in the general assembly, to assist in and facilitate the 5532

purposes set forth in division (B) of section 5531.10 of the 5533
Revised Code, and to assist and cooperate with any governmental 5534
agency in achieving such ~~purpose~~ purposes. 5535

Sec. 5531.10. (A) As used in this chapter: 5536

(1) "Bond proceedings" means the resolution, order, trust 5537
agreement, indenture, lease, lease-purchase agreements, and other 5538
agreements, amendments and supplements to the foregoing, or any 5539
one or more or combination thereof, authorizing or providing for 5540
the terms and conditions applicable to, or providing for the 5541
security or liquidity of, obligations issued pursuant to this 5542
section, and the provisions contained in such obligations. 5543

(2) "Bond service charges" means principal, including 5544
mandatory sinking fund requirements for retirement of obligations, 5545
and interest, and redemption premium, if any, required to be paid 5546
by the state on obligations. 5547

(3) "Bond service fund" means the applicable fund and 5548
accounts therein created for and pledged to the payment of bond 5549
service charges, which may be, or may be part of, the state 5550
infrastructure bank revenue bond service fund created by division 5551
(R) of this section including all moneys and investments, and 5552
earnings from investments, credited and to be credited thereto. 5553

(4) "Issuing authority" means the treasurer of state, or the 5554
officer who by law performs the functions of the treasurer of 5555
state. 5556

(5) "Obligations" means bonds, notes, or other evidence of 5557
obligation including interest coupons pertaining thereto, issued 5558
pursuant to this section. 5559

(6) "Pledged receipts" means moneys accruing to the state 5560
from the lease, lease-purchase, sale, or other disposition, or 5561
use, of qualified projects, and from the repayment, including 5562

interest, of loans made from proceeds received from the sale of 5563
obligations; accrued interest received from the sale of 5564
obligations; income from the investment of the special funds; any 5565
gifts, grants, donations, and pledges, and receipts therefrom, 5566
available for the payment of bond service charges; and any amounts 5567
in the state infrastructure bank pledged to the payment of such 5568
charges. If the amounts in the state infrastructure bank are 5569
insufficient for the payment of such charges, "pledged receipts" 5570
also means moneys that are apportioned by the United States 5571
secretary of transportation under United States Code, Title XXIII, 5572
as amended, or any successor legislation, or under any other 5573
federal law relating to aid for highways, and that are to be 5574
received as a grant by the state, to the extent the state is not 5575
prohibited by state or federal law from using such moneys and the 5576
moneys are pledged to the payment of such bond service charges. 5577

(7) "Special funds" or "funds" means, except where the 5578
context does not permit, the bond service fund, and any other 5579
funds, including reserve funds, created under the bond 5580
proceedings, and the state infrastructure bank revenue bond 5581
service fund created by division (R) of this section to the extent 5582
provided in the bond proceedings, including all moneys and 5583
investments, and earnings from investment, credited and to be 5584
credited thereto. 5585

(8) "State infrastructure project" means any public 5586
transportation project undertaken by the state, including, but not 5587
limited to, all components of any such project, as described in 5588
division (D) of section 5131.09 of the Revised Code. 5589

(B) The issuing authority, after giving written notice to the 5590
director of budget and management and upon the certification by 5591
the director of transportation to the issuing authority of the 5592
amount of moneys or additional moneys needed either for state 5593
infrastructure projects or to provide financial assistance for any 5594

of the purposes for which the state infrastructure bank may be 5595
used under section 5531.09 of the Revised Code, or needed for 5596
capitalized interest, funding reserves, and paying costs and 5597
expenses incurred in connection with the issuance, carrying, 5598
securing, paying, redeeming, or retirement of the obligations or 5599
any obligations refunded thereby, including payment of costs and 5600
expenses relating to letters of credit, lines of credit, 5601
insurance, put agreements, standby purchase agreements, indexing, 5602
marketing, remarketing and administrative arrangements, interest 5603
swap or hedging agreements, and any other credit enhancement, 5604
liquidity, remarketing, renewal, or refunding arrangements, all of 5605
which are authorized by this section, shall issue obligations of 5606
the state under this section in the required amount. The proceeds 5607
of such obligations, except for the portion to be deposited in 5608
special funds, including reserve funds, as may be provided in the 5609
bond proceedings, shall as provided in the bond proceedings be 5610
credited to the infrastructure bank obligations fund of the state 5611
infrastructure bank created by section 5531.09 of the Revised Code 5612
and disbursed as provided in the bond proceedings for such 5613
obligations. The issuing authority may appoint trustees, paying 5614
agents, transfer agents, and authenticating agents, and may retain 5615
the services of financial advisors, accounting experts, and 5616
attorneys, and retain or contract for the services of marketing, 5617
remarketing, indexing, and administrative agents, other 5618
consultants, and independent contractors, including printing 5619
services, as are necessary in the issuing authority's judgment to 5620
carry out this section. The costs of such services are payable 5621
from funds of the state infrastructure bank. 5622

(C) ~~The~~ Except as otherwise provided in this division, the 5623
holders or owners of such obligations shall have no right to have 5624
moneys raised by taxation by the state of Ohio obligated or 5625
pledged, and moneys so raised shall not be obligated or pledged, 5626
for the payment of bond service charges. The municipal 5627

corporations and counties may pledge and obligate moneys received 5628
pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27, 5629
and 5735.291 of the Revised Code to the payment of amounts payable 5630
by those municipal corporations and counties to the state 5631
infrastructure bank pursuant to section 5531.09 of the Revised 5632
Code, and the bond proceedings for obligations may provide that 5633
such payments shall constitute pledged receipts, provided such 5634
moneys are obligated, pledged, and paid only with respect to 5635
obligations issued exclusively for public transportation projects. 5636
The right of such holders and owners to the payment of bond 5637
service charges is limited to all or that portion of the pledged 5638
receipts and those special funds pledged thereto pursuant to the 5639
bond proceedings for such obligations in accordance with this 5640
section, and each such obligation shall bear on its face a 5641
statement to that effect. 5642

(D) Obligations shall be authorized by order of the issuing 5643
authority and the bond proceedings shall provide for the purpose 5644
thereof and the principal amount or amounts, and shall provide for 5645
or authorize the manner or agency for determining the principal 5646
maturity or maturities, not exceeding twenty-five years from the 5647
date of issuance, the interest rate or rates or the maximum 5648
interest rate, the date of the obligations and the dates of 5649
payment of interest thereon, their denomination, and the 5650
establishment within or without the state of a place or places of 5651
payment of bond service charges. Sections 9.98 to 9.983 of the 5652
Revised Code are applicable to obligations issued under this 5653
section. The purpose of such obligations may be stated in the bond 5654
proceedings in terms describing the general purpose or purposes to 5655
be served. The bond proceedings also shall provide, subject to the 5656
provisions of any other applicable bond proceedings, for the 5657
pledge of all, or such part as the issuing authority may 5658
determine, of the pledged receipts and the applicable special fund 5659
or funds to the payment of bond service charges, which pledges may 5660

be made either prior or subordinate to other expenses, claims, or 5661
payments, and may be made to secure the obligations on a parity 5662
with obligations theretofore or thereafter issued, if and to the 5663
extent provided in the bond proceedings. The pledged receipts and 5664
special funds so pledged and thereafter received by the state 5665
immediately are subject to the lien of such pledge without any 5666
physical delivery thereof or further act, and the lien of any such 5667
pledges is valid and binding against all parties having claims of 5668
any kind against the state or any governmental agency of the 5669
state, irrespective of whether such parties have notice thereof, 5670
and shall create a perfected security interest for all purposes of 5671
Chapter 1309. of the Revised Code, without the necessity for 5672
separation or delivery of funds or for the filing or recording of 5673
the bond proceedings by which such pledge is created or any 5674
certificate, statement, or other document with respect thereto; 5675
and the pledge of such pledged receipts and special funds is 5676
effective and the money therefrom and thereof may be applied to 5677
the purposes for which pledged without necessity for any act of 5678
appropriation. Every pledge, and every covenant and agreement made 5679
with respect thereto, made in the bond proceedings may therein be 5680
extended to the benefit of the owners and holders of obligations 5681
authorized by this section, and to any trustee therefor, for the 5682
further security of the payment of the bond service charges. 5683

(E) The bond proceedings may contain additional provisions as 5684
to: 5685

(1) The redemption of obligations prior to maturity at the 5686
option of the issuing authority at such price or prices and under 5687
such terms and conditions as are provided in the bond proceedings; 5688

(2) Other terms of the obligations; 5689

(3) Limitations on the issuance of additional obligations; 5690

(4) The terms of any trust agreement or indenture securing 5691

the obligations or under which the same may be issued;	5692
(5) The deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	5693 5694 5695 5696 5697 5698 5699 5700
(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	5701 5702 5703 5704 5705
(7) Any provision that may be made in a trust agreement or indenture;	5706 5707
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security relating to financial assistance for qualified projects under section 5531.09 of the Revised Code.	5708 5709 5710 5711 5712
(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof,	5713 5714 5715 5716 5717 5718 5719 5720 5721 5722

such signature or facsimile nevertheless is valid and sufficient 5723
for all purposes as if the former issuing authority had remained 5724
the issuing authority until such delivery; and in case the seal to 5725
be affixed to obligations has been changed after a facsimile of 5726
the seal has been imprinted on such obligations, such facsimile 5727
seal shall continue to be sufficient as to such obligations and 5728
obligations issued in substitution or exchange therefor. 5729

(G) All obligations are negotiable instruments and securities 5730
under Chapter 1308. of the Revised Code, subject to the provisions 5731
of the bond proceedings as to registration. The obligations may be 5732
issued in coupon or in registered form, or both, as the issuing 5733
authority determines. Provision may be made for the registration 5734
of any obligations with coupons attached thereto as to principal 5735
alone or as to both principal and interest, their exchange for 5736
obligations so registered, and for the conversion or reconversion 5737
into obligations with coupons attached thereto of any obligations 5738
registered as to both principal and interest, and for reasonable 5739
charges for such registration, exchange, conversion, and 5740
reconversion. 5741

(H) Obligations may be sold at public sale or at private 5742
sale, as determined in the bond proceedings. 5743

(I) Pending preparation of definitive obligations, the 5744
issuing authority may issue interim receipts or certificates which 5745
shall be exchanged for such definitive obligations. 5746

(J) In the discretion of the issuing authority, obligations 5747
may be secured additionally by a trust agreement or indenture 5748
between the issuing authority and a corporate trustee which may be 5749
any trust company or bank having its principal place of business 5750
within the state. Any such agreement or indenture may contain the 5751
order authorizing the issuance of the obligations, any provisions 5752
that may be contained in any bond proceedings, and other 5753
provisions which are customary or appropriate in an agreement or 5754

indenture of such type, including, but not limited to:	5755
(1) Maintenance of each pledge, trust agreement, indenture,	5756
or other instrument comprising part of the bond proceedings until	5757
the state has fully paid the bond service charges on the	5758
obligations secured thereby, or provision therefor has been made;	5759
(2) In the event of default in any payments required to be	5760
made by the bond proceedings, or any other agreement of the	5761
issuing authority made as a part of the contract under which the	5762
obligations were issued, enforcement of such payments or agreement	5763
by mandamus, the appointment of a receiver, suit in equity, action	5764
at law, or any combination of the foregoing;	5765
(3) The rights and remedies of the holders of obligations and	5766
of the trustee, and provisions for protecting and enforcing them,	5767
including limitations on the rights of individual holders of	5768
obligations;	5769
(4) The replacement of any obligations that become mutilated	5770
or are destroyed, lost, or stolen;	5771
(5) Such other provisions as the trustee and the issuing	5772
authority agree upon, including limitations, conditions, or	5773
qualifications relating to any of the foregoing.	5774
(K) Any holder of obligations or a trustee under the bond	5775
proceedings, except to the extent that the holder's or trustee's	5776
rights are restricted by the bond proceedings, may by any suitable	5777
form of legal proceedings, protect and enforce any rights under	5778
the laws of this state or granted by such bond proceedings. Such	5779
rights include the right to compel the performance of all duties	5780
of the issuing authority and the director of transportation	5781
required by the bond proceedings or sections 5531.09 and 5531.10	5782
of the Revised Code; to enjoin unlawful activities; and in the	5783
event of default with respect to the payment of any bond service	5784
charges on any obligations or in the performance of any covenant	5785

or agreement on the part of the issuing authority or the director 5786
of transportation in the bond proceedings, to apply to a court 5787
having jurisdiction of the cause to appoint a receiver to receive 5788
and administer the pledged receipts and special funds, other than 5789
those in the custody of the treasurer of state, which are pledged 5790
to the payment of the bond service charges on such obligations or 5791
which are the subject of the covenant or agreement, with full 5792
power to pay, and to provide for payment of bond service charges 5793
on, such obligations, and with such powers, subject to the 5794
direction of the court, as are accorded receivers in general 5795
equity cases, excluding any power to pledge additional revenues or 5796
receipts or other income or moneys of the state or local 5797
governmental entities, or agencies thereof, to the payment of such 5798
principal and interest and excluding the power to take possession 5799
of, mortgage, or cause the sale or otherwise dispose of any 5800
project facilities. 5801

Each duty of the issuing authority and the issuing 5802
authority's officers and employees, and of each state or local 5803
governmental agency and its officers, members, or employees, 5804
undertaken pursuant to the bond proceedings or any loan, loan 5805
guarantee, lease, lease-purchase agreement, or other agreement 5806
made under authority of section 5531.09 of the Revised Code, and 5807
in every agreement by or with the issuing authority, is hereby 5808
established as a duty of the issuing authority, and of each such 5809
officer, member, or employee having authority to perform such 5810
duty, specifically enjoined by the law resulting from an office, 5811
trust, or station within the meaning of section 2731.01 of the 5812
Revised Code. 5813

The person who is at the time the issuing authority, or the 5814
issuing authority's officers or employees, are not liable in their 5815
personal capacities on any obligations issued by the issuing 5816
authority or any agreements of or with the issuing authority. 5817

(L) The issuing authority may authorize and issue obligations 5818
for the refunding, including funding and retirement, and advance 5819
refunding with or without payment or redemption prior to maturity, 5820
of any obligations previously issued by the issuing authority. 5821
Such obligations may be issued in amounts sufficient for payment 5822
of the principal amount of the prior obligations, any redemption 5823
premiums thereon, principal maturities of any such obligations 5824
maturing prior to the redemption of the remaining obligations on a 5825
parity therewith, interest accrued or to accrue to the maturity 5826
dates or dates of redemption of such obligations, and any expenses 5827
incurred or to be incurred in connection with such issuance and 5828
such refunding, funding, and retirement. Subject to the bond 5829
proceedings therefor, the portion of proceeds of the sale of 5830
obligations issued under this division to be applied to bond 5831
service charges on the prior obligations shall be credited to an 5832
appropriate account held by the trustee for such prior or new 5833
obligations or to the appropriate account in the bond service fund 5834
for such obligations. Obligations authorized under this division 5835
shall be deemed to be issued for those purposes for which such 5836
prior obligations were issued and are subject to the provisions of 5837
this section pertaining to other obligations, except as otherwise 5838
provided in this section. The last maturity of obligations 5839
authorized under this division shall not be later than twenty-five 5840
years from the date of issuance of the original securities issued 5841
for the original purpose. 5842

(M) The authority to issue obligations under this section 5843
includes authority to issue obligations in the form of bond 5844
anticipation notes and to renew the same from time to time by the 5845
issuance of new notes. The holders of such notes or interest 5846
coupons pertaining thereto shall have a right to be paid solely 5847
from the pledged receipts and special funds that may be pledged to 5848
the payment of the bonds anticipated, or from the proceeds of such 5849

bonds or renewal notes, or both, as the issuing authority provides 5850
in the order authorizing such notes. Such notes may be 5851
additionally secured by covenants of the issuing authority to the 5852
effect that the issuing authority and the state will do such or 5853
all things necessary for the issuance of such bonds or renewal 5854
notes in the appropriate amount, and apply the proceeds thereof to 5855
the extent necessary, to make full payment of the principal of and 5856
interest on such notes at the time or times contemplated, as 5857
provided in such order. For such purpose, the issuing authority 5858
may issue bonds or renewal notes in such principal amount and upon 5859
such terms as may be necessary to provide funds to pay when 5860
required the principal of and interest on such notes, 5861
notwithstanding any limitations prescribed by or for purposes of 5862
this section. Subject to this division, all provisions for and 5863
references to obligations in this section are applicable to notes 5864
authorized under this division. 5865

The issuing authority in the bond proceedings authorizing the 5866
issuance of bond anticipation notes shall set forth for such bonds 5867
an estimated interest rate and a schedule of principal payments 5868
for such bonds and the annual maturity dates thereof. 5869

(N) Obligations issued under this section are lawful 5870
investments for banks, societies for savings, savings and loan 5871
associations, deposit guarantee associations, trust companies, 5872
trustees, fiduciaries, insurance companies, including domestic for 5873
life and domestic not for life, trustees or other officers having 5874
charge of sinking and bond retirement or other special funds of 5875
political subdivisions and taxing districts of this state, the 5876
commissioners of the sinking fund of the state, the administrator 5877
of workers' compensation ~~in accordance with the investment policy~~ 5878
~~established by the workers' compensation oversight commission~~ 5879
~~pursuant to section 4121.12 of the Revised Code, the state~~ 5880
teachers retirement system, the public employees retirement 5881

system, the school employees retirement system, and the Ohio 5882
police and fire pension fund, notwithstanding any other provisions 5883
of the Revised Code or rules adopted pursuant thereto by any 5884
agency of the state with respect to investments by them, and are 5885
also acceptable as security for the deposit of public moneys. 5886

(O) Unless otherwise provided in any applicable bond 5887
proceedings, moneys to the credit of or in the special funds 5888
established by or pursuant to this section may be invested by or 5889
on behalf of the issuing authority only in notes, bonds, or other 5890
obligations of the United States, or of any agency or 5891
instrumentality of the United States, obligations guaranteed as to 5892
principal and interest by the United States, obligations of this 5893
state or any political subdivision of this state, and certificates 5894
of deposit of any national bank located in this state and any 5895
bank, as defined in section 1101.01 of the Revised Code, subject 5896
to inspection by the superintendent of financial institutions. If 5897
the law or the instrument creating a trust pursuant to division 5898
(J) of this section expressly permits investment in direct 5899
obligations of the United States or an agency of the United 5900
States, unless expressly prohibited by the instrument, such moneys 5901
also may be invested in no-front-end-load money market mutual 5902
funds consisting exclusively of obligations of the United States 5903
or an agency of the United States and in repurchase agreements, 5904
including those issued by the fiduciary itself, secured by 5905
obligations of the United States or an agency of the United 5906
States; and in collective investment funds as defined in division 5907
(A) of section 1111.01 of the Revised Code and consisting 5908
exclusively of any such securities. The income from such 5909
investments shall be credited to such funds as the issuing 5910
authority determines, and such investments may be sold at such 5911
times as the issuing authority determines or authorizes. 5912

(P) Provision may be made in the applicable bond proceedings 5913

for the establishment of separate accounts in the bond service 5914
fund and for the application of such accounts only to the 5915
specified bond service charges on obligations pertinent to such 5916
accounts and bond service fund and for other accounts therein 5917
within the general purposes of such fund. Unless otherwise 5918
provided in any applicable bond proceedings, moneys to the credit 5919
of or in the several special funds established pursuant to this 5920
section shall be disbursed on the order of the treasurer of state, 5921
provided that no such order is required for the payment from the 5922
bond service fund when due of bond service charges on obligations. 5923

(Q)(1) The issuing authority may pledge all, or such portion 5924
as the issuing authority determines, of the pledged receipts to 5925
the payment of bond service charges on obligations issued under 5926
this section, and for the establishment and maintenance of any 5927
reserves, as provided in the bond proceedings, and make other 5928
provisions therein with respect to pledged receipts as authorized 5929
by this chapter, which provisions are controlling notwithstanding 5930
any other provisions of law pertaining thereto. 5931

(2) An action taken under division (Q)(2) of this section 5932
does not limit the generality of division (Q)(1) of this section, 5933
and is subject to division (C) of this section and, if and to the 5934
extent otherwise applicable, Section 13 of Article VIII, Ohio 5935
Constitution. The bond proceedings may contain a covenant that, in 5936
the event the pledged receipts primarily pledged and required to 5937
be used for the payment of bond service charges on obligations 5938
issued under this section, and for the establishment and 5939
maintenance of any reserves, as provided in the bond proceedings, 5940
are insufficient to make any such payment in full when due, or to 5941
maintain any such reserve, the director of transportation shall so 5942
notify the governor, and shall determine to what extent, if any, 5943
the payment may be made or moneys may be restored to the reserves 5944
from lawfully available moneys previously appropriated for that 5945

purpose to the department of transportation. The covenant also may 5946
provide that if the payments are not made or the moneys are not 5947
immediately and fully restored to the reserves from such moneys, 5948
the director shall promptly submit to the governor and to the 5949
director of budget and management a written request for either or 5950
both of the following: 5951

(a) That the next biennial budget submitted by the governor 5952
to the general assembly include an amount to be appropriated from 5953
lawfully available moneys to the department for the purpose of and 5954
sufficient for the payment in full of bond service charges 5955
previously due and for the full replenishment of the reserves; 5956

(b) That the general assembly be requested to increase 5957
appropriations from lawfully available moneys for the department 5958
in the current biennium sufficient for the purpose of and for the 5959
payment in full of bond service charges previously due and to come 5960
due in the biennium and for the full replenishment of the 5961
reserves. 5962

The director of transportation shall include with such 5963
requests a recommendation that the payment of the bond service 5964
charges and the replenishment of the reserves be made in the 5965
interest of maximizing the benefits of the state infrastructure 5966
bank. Any such covenant shall not obligate or purport to obligate 5967
the state to pay the bond service charges on such bonds or notes 5968
or to deposit moneys in a reserve established for such payments 5969
other than from moneys that may be lawfully available and 5970
appropriated for that purpose during the then-current biennium. 5971

(R) There is hereby created the state infrastructure bank 5972
revenue bond service fund, which shall be in the custody of the 5973
treasurer of state but shall not be a part of the state treasury. 5974
All moneys received by or on account of the issuing authority or 5975
state agencies and required by the applicable bond proceedings, 5976
consistent with this section, to be deposited, transferred, or 5977

credited to the bond service fund, and all other moneys 5978
transferred or allocated to or received for the purposes of the 5979
fund, shall be deposited and credited to such fund and to any 5980
separate accounts therein, subject to applicable provisions of the 5981
bond proceedings, but without necessity for any act of 5982
appropriation. The state infrastructure bank revenue bond service 5983
fund is a trust fund and is hereby pledged to the payment of bond 5984
service charges to the extent provided in the applicable bond 5985
proceedings, and payment thereof from such fund shall be made or 5986
provided for by the treasurer of state in accordance with such 5987
bond proceedings without necessity for any act of appropriation. 5988

(S) The obligations issued pursuant to this section, the 5989
transfer thereof, and the income therefrom, including any profit 5990
made on the sale thereof, shall at all times be free from taxation 5991
within this state. 5992

Sec. 5537.16. (A) The Ohio turnpike commission may adopt such 5993
bylaws and rules as it considers advisable for the control and 5994
regulation of traffic on any turnpike project, for the protection 5995
and preservation of property under its jurisdiction and control, 5996
and for the maintenance and preservation of good order within the 5997
property under its control. The rules of the commission with 5998
respect to the speed, axle loads, vehicle loads, and vehicle 5999
dimensions of vehicles on turnpike projects, including the 6000
issuance of a special permit by the commission to allow the 6001
operation on any turnpike project of a motor vehicle transporting 6002
two or fewer steel coils, shall apply notwithstanding sections 6003
4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised 6004
Code. Such bylaws and rules shall be published in a newspaper of 6005
general circulation in Franklin county, and in such other manner 6006
as the commission prescribes. 6007

(B) Such rules shall provide that public police officers 6008

shall be afforded ready access, while in the performance of their 6009
official duty, to all property under the jurisdiction of the 6010
commission and without the payment of tolls. 6011

(C) No person shall violate any such bylaws or rules of the 6012
commission. All fines collected for the violation of applicable 6013
laws of the state and the bylaws and rules of the commission or 6014
moneys arising from bonds forfeited for such violation shall be 6015
disposed of in accordance with section 5503.04 of the Revised 6016
Code. 6017

Sec. 5537.17. (A) Each turnpike project open to traffic shall 6018
be maintained and kept in good condition and repair by the Ohio 6019
turnpike commission. The Ohio turnpike system shall be policed and 6020
operated by a force of police, toll collectors, and other 6021
employees and agents that the commission employs or contracts for. 6022
6023

(B) All public or private property damaged or destroyed in 6024
carrying out the powers granted by this chapter shall be restored 6025
or repaired and placed in its original condition, as nearly as 6026
practicable, or adequate compensation or consideration made 6027
therefor out of moneys provided under this chapter. 6028

(C) All governmental agencies may lease, lend, grant, or 6029
convey to the commission at its request, upon terms that the 6030
proper authorities of the governmental agencies consider 6031
reasonable and fair and without the necessity for an 6032
advertisement, order of court, or other action or formality, other 6033
than the regular and formal action of the authorities concerned, 6034
any property that is necessary or convenient to the effectuation 6035
of the purposes of the commission, including public roads and 6036
other property already devoted to public use. 6037

(D) Each bridge constituting part of a turnpike project shall 6038
be inspected at least once each year by a professional engineer 6039

employed or retained by the commission. 6040

(E) On or before the first day of ~~April~~ July in each year, 6041
the commission shall make an annual report of its activities for 6042
the preceding calendar year to the governor and the general 6043
assembly. Each such report shall set forth a complete operating 6044
and financial statement covering the commission's operations 6045
during the year. The commission shall cause an audit of its books 6046
and accounts to be made at least once each year by certified 6047
public accountants, and the cost thereof may be treated as a part 6048
of the cost of operations of the commission. The auditor of state, 6049
at least once a year and without previous notice to the 6050
commission, shall audit the accounts and transactions of the 6051
commission. 6052

(F) The commission shall submit a copy of its annual audit by 6053
the auditor of state and its proposed annual budget for each 6054
calendar or fiscal year to the governor, the presiding officers of 6055
each house of the general assembly, the director of budget and 6056
management, and ~~the legislative budget office of~~ the legislative 6057
service commission no later than the first day of that calendar or 6058
fiscal year. 6059

Sec. 5543.02. The county engineer shall report to the board 6060
of county commissioners, on or before the first day of ~~April~~ June 6061
in each year, the condition of the county roads, bridges, and 6062
culverts, and estimate the probable amount of funds required to 6063
maintain and repair or to construct any new roads, bridges, or 6064
culverts required within the county. 6065

The engineer ~~shall~~, on or before the first day of ~~April~~ June 6066
in each year, shall make an annual estimate for the board of 6067
township trustees of each township, setting forth the amount 6068
required by the township for the construction, reconstruction, 6069
resurfacing, or improvement of the public roads within their 6070

jurisdiction. Such estimates shall relate to the year beginning on 6071
the first day of March next ensuing, and shall be for the 6072
information of the board of county commissioners and board of 6073
township trustees, in the making of their annual levies. 6074

The engineer shall approve all estimates which are paid from 6075
county funds for the construction, improvement, maintenance, and 6076
repair of roads and bridges by the county. ~~He~~ The engineer shall 6077
approve all estimates which are paid from township funds for the 6078
construction, reconstruction, resurfacing, or improving of roads 6079
under sections 5571.01, 5571.06, 5571.07, 5571.15, and 5573.01 to 6080
5573.09 of the Revised Code. ~~He~~ The engineer shall also approve 6081
all estimates which are paid from the funds of a road district for 6082
the construction, reconstruction, resurfacing, or improvement of 6083
the roads thereof under section 5573.21 of the Revised Code. 6084

For the construction or repair of a bridge, the entire cost 6085
of which construction or repair exceeds fifty thousand dollars, 6086
the county engineer may request the director of transportation to 6087
review and comment on the plans for conformance with state and 6088
federal requirements. If so requested, the director shall review 6089
and comment on the plans. 6090

Sec. 5735.05. (A) To provide revenue for maintaining the 6091
state highway system; to widen existing surfaces on such highways; 6092
to resurface such highways; to pay that portion of the 6093
construction cost of a highway project which a county, township, 6094
or municipal corporation normally would be required to pay, but 6095
which the director of transportation, pursuant to division (B) of 6096
section 5531.08 of the Revised Code, determines instead will be 6097
paid from moneys in the highway operating fund; to enable the 6098
counties of the state properly to plan, maintain, and repair their 6099
roads and to pay principal, interest, and charges on bonds and 6100
other obligations issued pursuant to Chapter 133. of the Revised 6101

Code or incurred pursuant to section 5531.09 of the Revised Code 6102
for highway improvements; to enable the municipal corporations to 6103
plan, construct, reconstruct, repave, widen, maintain, repair, 6104
clear, and clean public highways, roads, and streets, and to pay 6105
the principal, interest, and charges on bonds and other 6106
obligations issued pursuant to Chapter 133. of the Revised Code or 6107
incurred pursuant to section 5531.09 of the Revised Code for 6108
highway improvements; to enable the Ohio turnpike commission to 6109
construct, reconstruct, maintain, and repair turnpike projects; to 6110
maintain and repair bridges and viaducts; to purchase, erect, and 6111
maintain street and traffic signs and markers; to purchase, erect, 6112
and maintain traffic lights and signals; to pay the costs 6113
apportioned to the public under sections 4907.47 and 4907.471 of 6114
the Revised Code and to supplement revenue already available for 6115
such purposes; to pay the costs incurred by the public utilities 6116
commission in administering sections 4907.47 to 4907.476 of the 6117
Revised Code; to distribute equitably among those persons using 6118
the privilege of driving motor vehicles upon such highways and 6119
streets the cost of maintaining and repairing them; to pay the 6120
interest, principal, and charges on highway capital improvements 6121
bonds and other obligations issued pursuant to Section 2m of 6122
Article VIII, Ohio Constitution, and section 151.06 of the Revised 6123
Code; to pay the interest, principal, and charges on highway 6124
obligations issued pursuant to Section 2i of Article VIII, Ohio 6125
Constitution, and sections 5528.30 and 5528.31 of the Revised 6126
Code; to provide revenue for the purposes of sections 1547.71 to 6127
1547.78 of the Revised Code; and to pay the expenses of the 6128
department of taxation incident to the administration of the motor 6129
fuel laws, a motor fuel excise tax is hereby imposed on all motor 6130
fuel dealers upon receipt of motor fuel within this state at the 6131
rate of two cents plus the cents per gallon rate on each gallon so 6132
received, to be computed in the manner set forth in section 6133
5735.06 of the Revised Code; provided that no tax is hereby 6134

- imposed upon the following transactions: 6135
- (1) The sale of dyed diesel fuel by a licensed motor fuel 6136
dealer from a location other than a retail service station 6137
provided the licensed motor fuel dealer places on the face of the 6138
delivery document or invoice, or both if both are used, a 6139
conspicuous notice stating that the fuel is dyed and is not for 6140
taxable use, and that taxable use of that fuel is subject to a 6141
penalty. The tax commissioner, by rule, may provide that any 6142
notice conforming to rules or regulations issued by the United 6143
States department of the treasury or the Internal Revenue Service 6144
is sufficient notice for the purposes of division (A)(1) of this 6145
section. 6146
- (2) The sale of K-1 kerosene to a retail service station, 6147
except when placed directly in the fuel supply tank of a motor 6148
vehicle. Such sale shall be rebuttably presumed to not be 6149
distributed or sold for use or used to generate power for the 6150
operation of motor vehicles upon the public highways or upon the 6151
waters within the boundaries of this state. 6152
- (3) The sale of motor fuel by a licensed motor fuel dealer to 6153
another licensed motor fuel dealer; 6154
- (4) The exportation of motor fuel by a licensed motor fuel 6155
dealer from this state to any other state or foreign country; 6156
- (5) The sale of motor fuel to the United States government or 6157
any of its agencies, except such tax as is permitted by it, where 6158
such sale is evidenced by an exemption certificate, in a form 6159
approved by the tax commissioner, executed by the United States 6160
government or an agency thereof certifying that the motor fuel 6161
therein identified has been purchased for the exclusive use of the 6162
United States government or its agency; 6163
- (6) The sale of motor fuel that is in the process of 6164
transportation in foreign or interstate commerce, except insofar 6165

as it may be taxable under the Constitution and statutes of the 6166
United States, and except as may be agreed upon in writing by the 6167
dealer and the commissioner; 6168

(7) The sale of motor fuel when sold exclusively for use in 6169
the operation of aircraft, where such sale is evidenced by an 6170
exemption certificate prescribed by the commissioner and executed 6171
by the purchaser certifying that the motor fuel purchased has been 6172
purchased for exclusive use in the operation of aircraft; 6173

(8) The sale for exportation of motor fuel by a licensed 6174
motor fuel dealer to a licensed exporter type A; 6175

(9) The sale for exportation of motor fuel by a licensed 6176
motor fuel dealer to a licensed exporter type B, provided that the 6177
destination state motor fuel tax has been paid or will be accrued 6178
and paid by the licensed motor fuel dealer. 6179

(10) The sale to a consumer of diesel fuel, by a motor fuel 6180
dealer for delivery from a bulk lot vehicle, for consumption in 6181
operating a vessel when the use of such fuel in a vessel would 6182
otherwise qualify for a refund under section 5735.14 of the 6183
Revised Code. 6184

Division (A)(1) of this section does not apply to the sale or 6185
distribution of dyed diesel fuel used to operate a motor vehicle 6186
on the public highways or upon water within the boundaries of this 6187
state by persons permitted under regulations of the United States 6188
department of the treasury or of the Internal Revenue Service to 6189
so use dyed diesel fuel. 6190

(B) The two cent motor fuel tax levied by this section is 6191
also for the purpose of paying the expenses of administering and 6192
enforcing the state law relating to the registration and operation 6193
of motor vehicles. 6194

(C) After the tax provided for by this section on the receipt 6195
of any motor fuel has been paid by the motor fuel dealer, the 6196

tor fuel may thereafter be used, sold, or resold by any person 6197
having lawful title to it, without incurring liability for such 6198
tax. 6199

If a licensed motor fuel dealer sells motor fuel received by 6200
the licensed motor fuel dealer to another licensed motor fuel 6201
dealer, the seller may deduct on the report required by section 6202
5735.06 of the Revised Code the number of gallons so sold for the 6203
month within which the motor fuel was sold or delivered. In this 6204
event the number of gallons is deemed to have been received by the 6205
purchaser, who shall report and pay the tax imposed thereon. 6206

Sec. 5735.23. (A) Out of receipts from the tax levied by 6207
section 5735.05 of the Revised Code, the treasurer of state shall 6208
place to the credit of the tax refund fund established by section 6209
5703.052 of the Revised Code amounts equal to the refunds 6210
certified by the tax commissioner pursuant to sections 5735.13, 6211
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 6212
treasurer of state shall then transfer the amount required by 6213
section 5735.051 of the Revised Code to the waterways safety fund, 6214
the amount required by section 4907.472 of the Revised Code to the 6215
grade crossing protection fund, and the amount required by section 6216
5735.053 of the Revised Code to the motor fuel tax administration 6217
fund. 6218

(B) Except as provided in division (D) of this section, each 6219
month the balance of the receipts from the tax levied by section 6220
5735.05 of the Revised Code shall be credited, after receipt by 6221
the treasurer of state of certification from the commissioners of 6222
the sinking fund, as required by section 5528.35 of the Revised 6223
Code, that there are sufficient moneys to the credit of the 6224
highway obligations bond retirement fund to meet in full all 6225
payments of interest, principal, and charges for the retirement of 6226
highway obligations issued pursuant to Section 2i of Article VIII, 6227

Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

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

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

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

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

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

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

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

of the Revised Code; 6259

(2) An amount equal to five cents multiplied by the number of 6260
gallons of motor fuel sold at stations operated by the Ohio 6261
turnpike commission, such gallonage to be certified by the 6262
commission to the treasurer of state not later than the last day 6263
of the month following. The funds paid to the commission pursuant 6264
to this section shall be expended for the construction, 6265
reconstruction, maintenance, and repair of turnpike projects, 6266
except that the funds may not be expended for the construction of 6267
new interchanges. The funds also may be expended for the 6268
construction, reconstruction, maintenance, and repair of those 6269
portions of connecting public roads that serve existing 6270
interchanges and are determined by the commission and the director 6271
of transportation to be necessary for the safe merging of traffic 6272
between the turnpike and those public roads. 6273

The remainder of the balance shall be distributed as follows 6274
on the fifteenth day of the following month: 6275

(a) Ten and seven-tenths per cent shall be paid to municipal 6276
corporations for distribution pursuant to division (A)(1) of 6277
section 5735.27 of the Revised Code and may be used for any 6278
purpose for which payments received under that division may be 6279
used. ~~Beginning August 15, 2004~~ Through July 15, 2005, the sum of 6280
two hundred forty-eight thousand six hundred twenty-five dollars 6281
shall be monthly subtracted from the amount so computed and 6282
credited to the highway operating fund. Beginning August 15, 2005, 6283
the sum of seven hundred forty-five thousand eight hundred 6284
seventy-five dollars shall be monthly subtracted from the amount 6285
so computed and credited to the highway operating fund. 6286

(b) Five per cent shall be paid to townships for distribution 6287
pursuant to division (A)(5) of section 5735.27 of the Revised Code 6288
and may be used for any purpose for which payments received under 6289
that division may be used. ~~Beginning August 15, 2004~~ Through July 6290

15, 2005, the sum of eighty-seven thousand seven hundred fifty 6291
dollars shall be monthly subtracted from the amount so computed 6292
and credited to the highway operating fund. Beginning August 15, 6293
2005, the sum of two hundred sixty-three thousand two hundred 6294
fifty dollars shall be monthly subtracted from the amount so 6295
computed and credited to the highway operating fund. 6296

(c) Nine and three-tenths per cent shall be paid to counties 6297
for distribution pursuant to division (A)(3) of section 5735.27 of 6298
the Revised Code and may be used for any purpose for which 6299
payments received under that division may be used. ~~Beginning~~ 6300
~~August 15, 2004~~ Through July 15, 2005, the sum of two hundred 6301
forty-eight thousand six hundred twenty-five dollars shall be 6302
monthly subtracted from the amount so computed and credited to the 6303
highway operating fund. Beginning August 15, 2005, the sum of 6304
seven hundred forty-five thousand eight hundred seventy-five 6305
dollars shall be monthly subtracted from the amount so computed 6306
and credited to the highway operating fund. 6307

(d) Except as provided in division (D) of this section, the 6308
balance shall be transferred to the highway operating fund and 6309
used for the purposes set forth in division (B)(1) of section 6310
5735.27 of the Revised Code. 6311

(D) ~~Beginning on the first day of Monthly from~~ September to 6312
~~February of~~ each fiscal year, any an amount equal to one-sixth of 6313
the amount certified in July of that year by the treasurer of 6314
state pursuant to division (Q) of section 151.01 of the Revised 6315
Code shall, from amounts required to be credited or transferred to 6316
the highway operating fund pursuant to division (B)(2)(c) or 6317
(C)(2)(d) of this section ~~shall,~~ be credited or transferred to the 6318
highway capital improvement bond service fund created in section 6319
151.06 of the Revised Code. If, in any of those months, the amount 6320
available to be credited or transferred to the bond service fund 6321
is less than one-sixth of the amount so certified, the shortfall 6322

shall be added to the amount due the next succeeding month. Any 6323
amount still due at the end of the six-month period shall be 6324
credited or transferred as the money becomes available, until such 6325
time as the office of budget and management receives certification 6326
from the treasurer of state or the treasurer of state's designee 6327
that sufficient money has been credited or transferred to the bond 6328
service fund to meet in full all payments of debt service and 6329
financing costs due during the fiscal year from that fund. 6330

Sec. 5735.25. To provide revenue for supplying the state's 6331
share of the cost of planning, constructing, widening, and 6332
reconstructing the state highways; for supplying the state's share 6333
of the cost of eliminating railway grade crossings upon such 6334
highways; to pay that portion of the construction cost of a 6335
highway project which a county, township, or municipal corporation 6336
normally would be required to pay, but which the director of 6337
transportation, pursuant to division (B) of section 5531.08 of the 6338
Revised Code, determines instead will be paid from moneys in the 6339
highway operating fund; to enable the counties and townships of 6340
the state to properly plan, construct, widen, reconstruct, and 6341
maintain their public highways, roads, and streets; to enable 6342
counties to pay principal, interest, and charges on bonds and 6343
other obligations issued pursuant to Chapter 133. of the Revised 6344
Code or incurred pursuant to section 5531.09 of the Revised Code 6345
for highway improvements; to enable municipal corporations to 6346
plan, construct, reconstruct, repave, widen, maintain, repair, 6347
clear, and clean public highways, roads, and streets; to enable 6348
municipal corporations to pay the principal, interest, and charges 6349
on bonds and other obligations issued pursuant to Chapter 133. of 6350
the Revised Code or incurred pursuant to section 5531.09 of the 6351
Revised Code for highway improvements; to maintain and repair 6352
bridges and viaducts; to purchase, erect, and maintain street and 6353
traffic signs and markers; to purchase, erect, and maintain 6354

ic lights and signals; to pay the costs apportioned to the public 6355
under section 4907.47 of the Revised Code; to provide revenue for 6356
the purposes of sections 1547.71 to 1547.78 of the Revised Code 6357
and to supplement revenue already available for such purposes; to 6358
pay the expenses of the department of taxation incident to the 6359
administration of the motor fuel laws, to supplement revenue 6360
already available for such purposes, to pay the interest, 6361
principal, and charges on bonds and other obligations issued 6362
pursuant to Section 2g of Article VIII, Ohio Constitution, and 6363
sections 5528.10 and 5528.11 of the Revised Code; and to pay the 6364
interest, principal, and charges on highway obligations issued 6365
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6366
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 6367
excise tax is hereby imposed on all motor fuel dealers upon their 6368
receipt of motor fuel within this state, at the rate of two cents 6369
per gallon on each gallon so received. This tax is subject to the 6370
specific exemptions set forth in this chapter of the Revised Code. 6371
It shall be reported, computed, paid, collected, administered, 6372
enforced, and refunded, and the failure properly and correctly to 6373
report and pay the tax shall be penalized, in exactly the same 6374
manner as is provided in this chapter. Such sections relating to 6375
motor fuel excise taxes are reenacted and incorporated as if 6376
specifically set forth in this section. The tax levied by this 6377
section shall be in addition to the tax imposed under this 6378
chapter. 6379

Sec. 5735.27. (A) There is hereby created in the state 6380
treasury the gasoline excise tax fund, which shall be distributed 6381
in the following manner: 6382

(1) The amount credited pursuant to divisions (B)(2)(a) and 6383
(C)(2)(a) of section 5735.23 of the Revised Code shall be 6384
distributed among municipal corporations. The amount paid to each 6385
municipal corporation shall be that proportion of the amount to be 6386

so distributed that the number of motor vehicles registered within 6387
such municipal corporation bears to the total number of motor 6388
vehicles registered within all the municipal corporations of this 6389
state during the preceding motor vehicle registration year. When a 6390
new village is incorporated, the registrar of motor vehicles shall 6391
determine from the applications on file in the bureau of motor 6392
vehicles the number of motor vehicles located within the territory 6393
comprising the village during the entire registration year in 6394
which such municipal corporation was incorporated. The registrar 6395
shall forthwith certify the number of motor vehicles so determined 6396
to the tax commissioner for use in distributing motor vehicle fuel 6397
tax funds to such village until such village is qualified to 6398
participate in the distribution of such funds pursuant to this 6399
division. The number of such motor vehicle registrations shall be 6400
determined by the official records of the bureau of motor 6401
vehicles. The amount received by each municipal corporation shall 6402
be used to plan, construct, reconstruct, repave, widen, maintain, 6403
repair, clear, and clean public highways, roads, and streets; to 6404
maintain and repair bridges and viaducts; to purchase, erect, and 6405
maintain street and traffic signs and markers; to pay the costs 6406
apportioned to the municipal corporation under section 4907.47 of 6407
the Revised Code; to purchase, erect, and maintain traffic lights 6408
and signals; to pay the principal, interest, and charges on bonds 6409
and other obligations issued pursuant to Chapter 133. of the 6410
Revised Code or incurred pursuant to section 5531.09 of the 6411
Revised Code for the purpose of acquiring or constructing roads, 6412
highways, bridges, or viaducts or acquiring or making other 6413
highway improvements for which the municipal corporation may issue 6414
bonds; and to supplement revenue already available for such 6415
purposes. 6416

(2) The amount credited pursuant to division (B) of section 6417
5735.26 of the Revised Code shall be distributed among the 6418
municipal corporations within the state, in the proportion which 6419

the number of motor vehicles registered within each municipal 6420
corporation bears to the total number of motor vehicles registered 6421
within all the municipal corporations of the state during the 6422
preceding calendar year, as shown by the official records of the 6423
bureau of motor vehicles, and shall be expended by each municipal 6424
corporation to plan, construct, reconstruct, repave, widen, 6425
maintain, repair, clear, and clean public highways, roads and 6426
streets; to maintain and repair bridges and viaducts; to purchase, 6427
erect, and maintain street and traffic signs and markers; to 6428
purchase, erect, and maintain traffic lights and signals; to pay 6429
costs apportioned to the municipal corporation under section 6430
4907.47 of the Revised Code; to pay the principal, interest, and 6431
charges on bonds and other obligations issued pursuant to Chapter 6432
133. of the Revised Code or incurred pursuant to section 5531.09 6433
of the Revised Code for the purpose of acquiring or constructing 6434
roads, highways, bridges, or viaducts or acquiring or making other 6435
highway improvements for which the municipal corporation may issue 6436
bonds; and to supplement revenue already available for such 6437
purposes. 6438

(3) The amount credited pursuant to divisions (B)(2)(b) and 6439
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 6440
equal proportions to the county treasurer of each county within 6441
the state and shall be used only for the purposes of planning, 6442
maintaining, and repairing the county system of public roads and 6443
highways within such county; the planning, construction, and 6444
repair of walks or paths along county roads in congested areas; 6445
the planning, construction, purchase, lease, and maintenance of 6446
suitable buildings for the housing and repair of county road 6447
machinery, housing of supplies, and housing of personnel 6448
associated with the machinery and supplies; the payment of costs 6449
apportioned to the county under section 4907.47 of the Revised 6450
Code; the payment of principal, interest, and charges on bonds and 6451
other obligations issued pursuant to Chapter 133. of the Revised 6452

Code or incurred pursuant to section 5531.09 of the Revised Code 6453
for the purpose of acquiring or constructing roads, highways, 6454
bridges, or viaducts or acquiring or making other highway 6455
improvements for which the board of county commissioners may issue 6456
bonds under that chapter; and the purchase, installation, and 6457
maintenance of traffic signal lights. 6458

(4) The amount credited pursuant to division (C) of section 6459
5735.26 of the Revised Code shall be paid in equal proportions to 6460
the county treasurer of each county for the purposes of planning, 6461
maintaining, constructing, widening, and reconstructing the county 6462
system of public roads and highways; paying principal, interest, 6463
and charges on bonds and other obligations issued pursuant to 6464
Chapter 133. of the Revised Code or incurred pursuant to section 6465
5531.09 of the Revised Code for the purpose of acquiring or 6466
constructing roads, highways, bridges, or viaducts or acquiring or 6467
making other highway improvements for which the board of county 6468
commissioners may issue bonds under such chapter; and paying costs 6469
apportioned to the county under section 4907.47 of the Revised 6470
Code. 6471

(5)(a) The amount credited pursuant to division (D) of 6472
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 6473
Revised Code shall be divided in equal proportions among the 6474
townships within the state. 6475

(b) As used in division (A)(5)(b) of this section, the 6476
"formula amount" for any township is the amount that would be 6477
allocated to that township if fifty per cent of the amount 6478
credited to townships pursuant to section 5735.291 of the Revised 6479
Code were allocated among townships in the state proportionate to 6480
the number of lane miles within the boundaries of the respective 6481
townships, as determined annually by the department of 6482
transportation, and the other fifty per cent of the amount 6483
credited pursuant to section 5735.291 of the Revised Code were 6484

allocated among townships in the state proportionate to the number 6485
of motor vehicles registered within the respective townships, as 6486
determined annually by the records of the bureau of motor 6487
vehicles. 6488

Beginning on August 15, 2003, the tax levied by section 6489
5735.29 of the Revised Code shall be partially allocated to 6490
provide funding for townships. Each township shall receive the 6491
greater of the following two calculations: 6492

(i) The total statewide amount credited to townships under 6493
division (A) of section 5735.291 of the Revised Code divided by 6494
the number of townships in the state at the time of the 6495
calculation; 6496

(ii) Seventy per cent of the formula amount for that 6497
township. 6498

(c) The total difference between the amount of money credited 6499
to townships under division (A) of section 5735.291 of the Revised 6500
Code and the total amount of money required to make all the 6501
payments specified in division (A)(5)(b) of this section shall be 6502
deducted, in accordance with division (B) of section 5735.291 of 6503
the Revised Code, from the revenues resulting from the tax levied 6504
pursuant to section 5735.29 of the Revised Code prior to crediting 6505
portions of such revenues to counties, municipal corporations, and 6506
the highway operating fund. 6507

(d) All amounts credited pursuant to divisions (a) and (b) of 6508
this section shall be paid to the county treasurer of each county 6509
for the total amount payable to the townships within each of the 6510
counties. The county treasurer shall pay to each township within 6511
the county its proportional share of the funds, which shall be 6512
expended by each township for the sole purpose of planning, 6513
constructing, maintaining, widening, and reconstructing the public 6514
roads and highways within such township, and paying costs 6515

apportioned to the township under section 4907.47 of the Revised Code. 6516
6517

No part of the funds shall be used for any purpose except to 6518
pay in whole or part the contract price of any such work done by 6519
contract, or to pay the cost of labor in planning, constructing, 6520
widening, and reconstructing such roads and highways, and the cost 6521
of materials forming a part of the improvement; provided, that 6522
such funds may be used for the purchase of road machinery and 6523
equipment and for the planning, construction, and maintenance of 6524
suitable buildings for housing road machinery and equipment, and 6525
that all such improvement of roads shall be under supervision and 6526
direction of the county engineer as provided in section 5575.07 of 6527
the Revised Code. No obligation against such funds shall be 6528
incurred unless plans and specifications for such improvement, 6529
approved by the county engineer, are on file in the office of the 6530
township clerk, and all contracts for material and for work done 6531
by contract shall be approved by the county engineer before being 6532
signed by the board of township trustees. The board of township 6533
trustees of any township may pass a resolution permitting the 6534
board of county commissioners to expend such township's share of 6535
the funds, or any portion thereof, for the improvement of such 6536
roads within the township as may be designated in the resolution. 6537

All investment earnings of the fund shall be credited to the 6538
fund. 6539

(B) Amounts credited to the highway operating fund pursuant 6540
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 6541
division (A) of section 5735.26 of the Revised Code shall be 6542
expended in the following manner: 6543

(1) The amount credited pursuant to divisions (B)(2)(c) and 6544
(C)(2)(d) of section 5735.23 of the Revised Code shall be 6545
apportioned to and expended by the department of transportation 6546
for the purposes of planning, maintaining, repairing, and keeping 6547

in passable condition for travel the roads and highways of the 6548
state required by law to be maintained by the department; paying 6549
the costs apportioned to the state under section 4907.47 of the 6550
Revised Code; paying that portion of the construction cost of a 6551
highway project which a county, township, or municipal corporation 6552
normally would be required to pay, but which the director of 6553
transportation, pursuant to division (B) of section 5531.08 of the 6554
Revised Code, determines instead will be paid from moneys in the 6555
highway operating fund; and paying the costs of the department of 6556
public safety in administering and enforcing the state law 6557
relating to the registration and operation of motor vehicles. 6558

(2) The amount credited pursuant to division (A) of section 6559
5735.26 of the Revised Code shall be used for paying the state's 6560
share of the cost of planning, constructing, widening, 6561
maintaining, and reconstructing the state highways; paying that 6562
portion of the construction cost of a highway project which a 6563
county, township, or municipal corporation normally would be 6564
required to pay, but which the director of transportation, 6565
pursuant to division (B) of section 5531.08 of the Revised Code, 6566
determines instead will be paid from moneys in the highway 6567
operating fund; and also for supplying the state's share of the 6568
cost of eliminating railway grade crossings upon such highways and 6569
costs apportioned to the state under section 4907.47 of the 6570
Revised Code. The director of transportation may expend portions 6571
of such amount upon extensions of state highways within municipal 6572
corporations or upon portions of state highways within municipal 6573
corporations, as is provided by law. 6574

Sec. 5735.28. Wherever a municipal corporation is on the line 6575
of the state highway system as designated by the director of 6576
transportation as an extension or continuance of the state highway 6577
system, seven and one-half per cent of the amount paid to any 6578
municipal corporation pursuant to sections 4501.04, 5735.23, and 6579

735.27 of the Revised Code shall be used by it only to construct, 6580
reconstruct, repave, widen, maintain, and repair such highways, to 6581
purchase, erect, and maintain traffic lights and signals, and to 6582
erect and maintain street and traffic signs and markers on such 6583
highways, or to pay principal, interest, and charges on bonds and 6584
other obligations issued pursuant to Chapter 133. of the Revised 6585
Code or incurred pursuant to section 5531.09 of the Revised Code 6586
for such purposes. 6587

Sec. 5735.29. To provide revenue for supplying the state's 6588
share of the cost of constructing, widening, maintaining, and 6589
reconstructing the state highways; to maintain and repair bridges 6590
and viaducts; to purchase, erect, and maintain street and traffic 6591
signs and markers; to purchase, erect, and maintain traffic lights 6592
and signals; to pay the expense of administering and enforcing the 6593
state law relative to the registration and operation of motor 6594
vehicles; to make road improvements associated with retaining or 6595
attracting business for this state, to pay that portion of the 6596
construction cost of a highway project which a county, township, 6597
or municipal corporation normally would be required to pay, but 6598
which the director of transportation, pursuant to division (B) of 6599
section 5531.08 of the Revised Code, determines instead will be 6600
paid from moneys in the highway operating fund; to provide revenue 6601
for the purposes of sections 1547.71 to 1547.78 of the Revised 6602
Code; and to supplement revenue already available for such 6603
purposes, to pay the expenses of the department of taxation 6604
incident to the administration of the motor fuel laws, to 6605
supplement revenue already available for such purposes; and to pay 6606
the interest, principal, and charges on highway obligations issued 6607
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6608
sections 5528.30 and 5528.31 of the Revised Code; to enable the 6609
counties and townships of the state to properly plan, construct, 6610
widen, reconstruct, and maintain their public highways, roads, and 6611

streets; to enable counties to pay principal, interest, and 6612
charges on bonds and other obligations issued pursuant to Chapter 6613
133. of the Revised Code or incurred pursuant to section 5531.09 6614
of the Revised Code for highway improvements; to enable municipal 6615
corporations to plan, construct, reconstruct, repave, widen, 6616
maintain, repair, clear, and clean public highways, roads, and 6617
streets; to enable municipal corporations to pay the principal, 6618
interest, and charges on bonds and other obligations issued 6619
pursuant to Chapter 133. of the Revised Code or incurred pursuant 6620
to section 5531.09 of the Revised Code for highway improvements; 6621
and to pay the costs apportioned to the public under section 6622
4907.47 of the Revised Code, a motor fuel excise tax is hereby 6623
imposed on all motor fuel dealers upon their receipt of motor fuel 6624
within the state at the rate of two cents on each gallon so 6625
received; provided, that effective July 1, 2003, the motor fuel 6626
excise tax imposed by this section shall be at the rate of four 6627
cents on each gallon so received; effective July 1, 2004, the 6628
motor fuel excise tax imposed by this section shall be at the rate 6629
of six cents on each gallon so received; and, subject to section 6630
5735.292 of the Revised Code, effective July 1, 2005, the motor 6631
fuel excise tax imposed by this section shall be at the rate of 6632
eight cents on each gallon so received. This tax is subject to the 6633
specific exemptions set forth in this chapter of the Revised Code. 6634
It shall be reported, computed, paid, collected, administered, 6635
enforced, and refunded, and the failure properly and correctly to 6636
report and pay the tax shall be penalized, in exactly the same 6637
manner as is provided in this chapter. Such sections relating to 6638
motor fuel excise taxes are reenacted and incorporated as if 6639
specifically set forth in this section. The tax levied by this 6640
section is in addition to any other taxes imposed under this 6641
chapter. 6642

No municipal corporation, county, or township shall expend 6643
any revenues received from the tax levied by this section for any 6644

purpose other than one of the specific highway-related purposes 6645
stated in this section. In addition, each municipal corporation, 6646
county, or township shall use at least ninety per cent of all 6647
revenues received from the tax levied by this section to 6648
supplement, rather than supplant, other local funds used for 6649
highway-related purposes. 6650

Section 101.02. That existing sections 109.572, 122.14, 6651
307.12, 315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06, 6652
4501.21, 4501.26, 4503.02, 4503.103, 4503.26, 4503.40, 4503.42, 6653
4504.02, 4504.15, 4504.16, 4504.18, 4505.021, 4505.031, 4505.032, 6654
4505.06, 4505.08, 4506.01, 4506.03, 4506.05, 4506.08, 4506.09, 6655
4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 4506.17, 6656
4506.20, 4506.23, 4506.25, 4507.02, 4508.06, 4509.27, 4511.21, 6657
4513.34, 4519.58, 4749.02, 4749.03, 4749.06, 4749.10, 5501.11, 6658
5513.04, 5525.01, 5525.10, 5525.15, 5525.25, 5531.09, 5531.10, 6659
5537.16, 5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 6660
5735.28, and 5735.29 of the Revised Code are hereby repealed. 6661

Section 105.01. That sections 4501.12, 4501.35, 4506.02, and 6662
4506.26 of the Revised Code are hereby repealed. 6663

Section 200.01. Except as otherwise provided, all 6664
appropriation items in this act are hereby appropriated out of any 6665
moneys in the state treasury to the credit of the designated fund, 6666
which are not otherwise appropriated. For all appropriations made 6667
in this act, the amounts in the first column are for fiscal year 6668
2006 and the amounts in the second column are for fiscal year 6669
2007. 6670

Section 203.03. DOT DEPARTMENT OF TRANSPORTATION 6671

FUND	TITLE	FY 2006	FY 2007	
	Transportation Planning and Research			6673

Highway Operating Fund Group				6674
002 771-411 Planning and Research	\$	19,000,000	\$ 19,112,000	6675
- State				
002 771-412 Planning and Research	\$	40,000,000	\$ 40,000,000	6676
- Federal				
TOTAL HOF Highway Operating				6677
Fund Group	\$	59,000,000	\$ 59,112,000	6678
TOTAL ALL BUDGET FUND GROUPS -				6679
Transportation Planning				6680
and Research	\$	59,000,000	\$ 59,112,000	6681
Highway Construction				6682
Highway Operating Fund Group				6683
002 772-421 Highway Construction -	\$	585,240,305	\$ 578,969,730	6684
State				
002 772-422 Highway Construction -	\$	1,021,500,000	\$ 1,131,500,000	6685
Federal				
002 772-424 Highway Construction -	\$	62,500,000	\$ 53,500,000	6686
Other				
214 770-401 Infrastructure Debt	\$	80,182,400	\$ 105,129,400	6687
Service - Federal				
214 772-434 Infrastructure Lease	\$	12,537,100	\$ 12,536,000	6688
Payments - Federal				
212 772-426 Highway Infrastructure	\$	1,500,000	\$ 2,000,000	6689
Bank - Federal				
212 772-427 Highway Infrastructure	\$	9,353,400	\$ 12,853,400	6690
Bank - State				
212 772-429 Highway Infrastructure	\$	12,500,000	\$ 12,500,000	6691
Bank - Local				
212 772-430 Infrastructure Debt	\$	1,500,000	\$ 1,500,000	6692
Reserve Title 23-49				
213 772-432 Roadway Infrastructure	\$	7,000,000	\$ 7,000,000	6693
Bank - Local				

TOTAL HOF Highway Operating			6694
Fund Group	\$ 1,793,813,205	\$ 1,917,488,530	6695
Highway Capital Improvement Fund Group			6696
042 772-723 Highway Construction -	\$ 220,000,000	\$ 150,000,000	6697
Bonds			
Infrastructure Bank Obligations Fund Group			6698
045 772-428 Highway Infrastructure	\$ 180,000,000	\$ 160,000,000	6699
Bank - Bonds			
TOTAL 045 Infrastructure Bank			6700
Obligations Fund Group	\$ 180,000,000	\$ 160,000,000	6701
TOTAL ALL BUDGET FUND GROUPS -			6702
Highway Construction	\$ 2,193,813,205	\$ 2,227,488,530	6703
Highway Maintenance			6704
Highway Operating Fund Group			6705
002 773-431 Highway Maintenance -	\$ 386,527,582	\$ 393,313,472	6706
State			
TOTAL HOF Highway Operating			6707
Fund Group	\$ 386,527,582	\$ 393,313,472	6708
			6709
TOTAL ALL BUDGET FUND GROUPS -			6710
Highway Maintenance	\$ 386,527,582	\$ 393,313,472	6711
Public Transportation			6712
Highway Operating Fund Group			6713
002 775-452 Public Transportation	\$ 30,000,000	\$ 30,365,000	6714
- Federal			
002 775-454 Public Transportation	\$ 1,500,000	\$ 1,500,000	6715
- Other			
002 775-459 Elderly and Disabled	\$ 4,595,000	\$ 4,595,000	6716
Special Equipment -			
Federal			
212 775-408 Transit Infrastructure	\$ 2,500,000	\$ 2,500,000	6717
Bank - Local			

213 775-460 Transit Infrastructure	\$	1,000,000	\$	1,000,000	6718
Bank - Local					
TOTAL HOF Highway Operating					6719
Fund Group	\$	39,595,000	\$	39,960,000	6720
TOTAL ALL BUDGET FUND GROUPS -					6721
Public Transportation	\$	39,595,000	\$	39,960,000	6722
Rail Transportation					6723
Highway Operating Fund Group					6724
002 776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000	6725
Federal					
TOTAL HOF Highway Operating					6726
Fund Group	\$	15,000,000	\$	15,000,000	6727
TOTAL ALL BUDGET FUND GROUPS -					6728
Rail Transportation	\$	15,000,000	\$	15,000,000	6729
Aviation					6730
Highway Operating Fund Group					6731
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	6732
Federal					
002 777-475 Aviation	\$	4,007,600	\$	4,046,900	6733
Administration					
213 777-477 Aviation	\$	3,000,000	\$	3,000,000	6734
Infrastructure Bank -					
State					
213 777-478 Aviation	\$	7,000,000	\$	7,000,000	6735
Infrastructure Bank -					
Local					
TOTAL HOF Highway Operating					6736
Fund Group	\$	14,412,600	\$	14,451,900	6737
TOTAL ALL BUDGET FUND GROUPS -					6738
Aviation	\$	14,412,600	\$	14,451,900	6739
Administration					6740
Highway Operating Fund Group					6741

002 779-491 Administration - State	\$ 119,624,513	\$ 121,057,898	6742
TOTAL HOF Highway Operating			6743
Fund Group	\$ 119,624,513	\$ 121,057,898	6744
TOTAL ALL BUDGET FUND GROUPS -			6745
Administration	\$ 119,624,513	\$ 121,057,898	6746
Debt Service			6747
Highway Operating Fund Group			6748
002 770-003 Administration - State	\$ 13,074,500	\$ 10,923,100	6749
- Debt Service			
TOTAL HOF Highway Operating			6750
Fund Group	\$ 13,074,500	\$ 10,923,100	6751
TOTAL ALL BUDGET FUND GROUPS -			6752
Debt Service	\$ 13,074,500	\$ 10,923,100	6753
TOTAL Department of Transportation			6754
TOTAL HOF Highway Operating			6755
Fund Group	\$ 2,441,047,400	\$ 2,571,306,900	6756
TOTAL 042 Highway Capital			6757
Improvement Fund Group	\$ 220,000,000	\$ 150,000,000	6758
TOTAL 045 Infrastructure Bank			6759
Obligations Fund Group	\$ 180,000,000	\$ 160,000,000	6760
TOTAL ALL BUDGET FUND GROUPS	\$ 2,841,047,400	\$ 2,881,306,900	6761

Section 203.03.03. ISSUANCE OF BONDS 6763

The Treasurer of State, upon the request of the Director of 6764
Transportation, is authorized to issue and sell, in accordance 6765
with Section 2m of Article VIII, Ohio Constitution, and Chapter 6766
151. and particularly sections 151.01 and 151.06 of the Revised 6767
Code, obligations, including bonds and notes, of the State of Ohio 6768
in the aggregate amount of \$360,000,000 in addition to the 6769
original issuance of obligations heretofore authorized by prior 6770
acts of the General Assembly. 6771

The obligations shall be dated, issued, and sold from time to 6772

time in such amounts as may be necessary to provide sufficient 6773
moneys to the credit of the Highway Capital Improvement Fund (Fund 6774
042) created by section 5528.53 of the Revised Code to pay costs 6775
charged to the fund when due as estimated by the Director of 6776
Transportation, provided, however, that such obligations shall be 6777
issued and sold at such time or times so that not more than 6778
\$220,000,000 original principal amount of obligations, plus the 6779
principal amount of obligations that in prior fiscal years could 6780
have been, but were not, issued within the \$220,000,000 limit, may 6781
be issued in any fiscal year, and not more than \$1,200,000,000 6782
original principal amount of such obligations are outstanding at 6783
any one time. 6784

Section 203.03.04. MAINTENANCE INTERSTATE HIGHWAYS 6785

The Director of Transportation may remove snow and ice and 6786
maintain, repair, improve, or provide lighting upon interstate 6787
highways that are located within the boundaries of municipal 6788
corporations, adequate to meet the requirements of federal law. 6789
When agreed in writing by the Director of Transportation and the 6790
legislative authority of a municipal corporation and 6791
notwithstanding sections 125.01 and 125.11 of the Revised Code, 6792
the Department of Transportation may reimburse the municipal 6793
corporation for all or any part of the costs, as provided by such 6794
agreement, incurred by the municipal corporation in maintaining, 6795
repairing, lighting, and removing snow and ice from the interstate 6796
system. 6797

Section 203.03.06. TRANSFER OF FUND 002 APPROPRIATIONS: 6798
PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, 6799
RAIL, AVIATION, AND ADMINISTRATION 6800

The Director of Budget and Management may approve requests 6801
from the Department of Transportation for transfer of Fund 002 6802

appropriations for highway planning and research (appropriation 6803
items 771-411 and 771-412), highway construction (appropriation 6804
items 772-421, 772-422, and 772-424), highway maintenance 6805
(appropriation item 773-431), rail grade crossings (appropriation 6806
item 776-462), aviation (appropriation item 777-475), and 6807
administration (appropriation item 779-491). Transfers of 6808
appropriations may be made upon the written request of the 6809
Director of Transportation and with the approval of the Director 6810
of Budget and Management. The transfers shall be reported to the 6811
Controlling Board at the next regularly scheduled meeting of the 6812
board. 6813

This transfer authority is intended to provide for emergency 6814
situations and flexibility to meet unforeseen conditions that 6815
could arise during the budget period. It also is intended to allow 6816
the department to optimize the use of available resources and 6817
adjust to circumstances affecting the obligation and expenditure 6818
of federal funds. 6819

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL 6820
TRANSIT 6821

The Director of Budget and Management may approve written 6822
requests from the Director of Transportation for the transfer of 6823
appropriations between appropriation items 772-422, Highway 6824
Construction - Federal, and 775-452, Public Transportation - 6825
Federal, based upon transit capital projects meeting Federal 6826
Highway Administration and Federal Transit Administration funding 6827
guidelines. The transfers shall be reported to the Controlling 6828
Board at its next regularly scheduled meeting. 6829

TRANSFER OF APPROPRIATIONS: STATE INFRASTRUCTURE BANK 6830

The Director of Budget and Management may approve requests 6831
from the Department of Transportation for transfer of 6832
appropriations and cash of the Infrastructure Bank funds created 6833

in section 5531.09 of the Revised Code, including transfers 6834
between fiscal years 2006 and 2007. The transfers shall be 6835
reported to the Controlling Board at its next regularly scheduled 6836
meeting. However, the director may not make transfers out of debt 6837
service and lease payment appropriation items unless the director 6838
determines that the appropriated amounts exceed the actual and 6839
projected debt, rental, or lease payments. 6840

Should the appropriation and any reappropriations from prior 6841
years in appropriation item 770-401, Infrastructure Debt Service - 6842
Federal, and appropriation item 772-434, Infrastructure Lease 6843
Payments - Federal, exceed the actual and projected debt, rental, 6844
or lease payments for fiscal year 2006 or 2007, then prior to June 6845
30, 2007, the balance may be transferred to appropriation item 6846
772-422 upon the written request of the Director of Transportation 6847
and with the approval of the Director of Budget and Management. 6848
The transfer shall be reported to the Controlling Board at its 6849
next regularly scheduled meeting. 6850

The Director of Budget and Management may approve requests 6851
from the Department of Transportation for transfer of 6852
appropriations and cash from the Highway Operating Fund (Fund 002) 6853
to the Infrastructure Bank funds created in section 5531.09 of the 6854
Revised Code. The Director of Budget and Management may transfer 6855
from the Infrastructure Bank funds to the Highway Operating Fund 6856
up to the amounts originally transferred to the Infrastructure 6857
Bank funds under this section. However, the director may not make 6858
transfers between modes and transfers between different funding 6859
sources. The transfers shall be reported to the Controlling Board 6860
at its next regularly scheduled meeting. 6861

INCREASE APPROPRIATION AUTHORITY: STATE FUNDS 6862

In the event that receipts or unexpended balances credited to 6863
the Highway Operating Fund exceed the estimates upon which the 6864
appropriations have been made in this act, upon the request of the 6865

Director of Transportation, the Controlling Board may increase 6866
appropriation authority in the manner prescribed in section 131.35 6867
of the Revised Code. 6868

INCREASE APPROPRIATION AUTHORITY: FEDERAL AND LOCAL FUNDS 6869

In the event that receipts or unexpended balances credited to 6870
the Highway Operating Fund or apportionments or allocations made 6871
available from the federal and local government exceed the 6872
estimates upon which the appropriations have been made in this 6873
act, upon the request of the Director of Transportation, the 6874
Controlling Board may increase appropriation authority in the 6875
manner prescribed in section 131.35 of the Revised Code. 6876

REAPPROPRIATIONS 6877

All appropriations of the Highway Operating Fund (Fund 002), 6878
the Highway Capital Improvement Fund (Fund 042), and the 6879
Infrastructure Bank funds created in section 5531.09 of the 6880
Revised Code remaining unencumbered on June 30, 2005, are hereby 6881
reappropriated for the same purpose in fiscal year 2006. 6882

All appropriations of the Highway Operating Fund (Fund 002), 6883
the Highway Capital Improvement Fund (Fund 042), and the 6884
Infrastructure Bank funds created in section 5531.09 of the 6885
Revised Code remaining unencumbered on June 30, 2006, are hereby 6886
reappropriated for the same purpose in fiscal year 2007. 6887

Any balances of prior years' appropriations to the Highway 6888
Operating Fund (Fund 002), the Highway Capital Improvement Fund 6889
(Fund 042), and the Infrastructure Bank funds created in section 6890
5531.09 of the Revised Code that are unencumbered on June 30, 6891
2005, subject to the availability of revenue as determined by the 6892
Director of Transportation, are hereby reappropriated for the same 6893
purpose in fiscal year 2006 upon the request of the Director of 6894
Transportation and with the approval of the Director of Budget and 6895
Management. The reappropriations shall be reported to the 6896

Controlling Board.	6897
Any balances of prior years' appropriations to the Highway	6898
Operating Fund (Fund 002), the Highway Capital Improvement Fund	6899
(Fund 042), and the Infrastructure Bank funds created in section	6900
5531.09 of the Revised Code that are unencumbered on June 30,	6901
2006, subject to the availability of revenue as determined by the	6902
Director of Transportation, are hereby reappropriated for the same	6903
purpose in fiscal year 2007 upon the request of the Director of	6904
Transportation and with the approval of the Director of Budget and	6905
Management. The reappropriations shall be reported to the	6906
Controlling Board.	6907
Section 203.03.09. PUBLIC ACCESS ROADS FOR STATE FACILITIES	6908
Of the foregoing appropriation item 772-421, Highway	6909
Construction - State, \$4,517,500 shall be used each fiscal year	6910
during the fiscal year 2006-2007 biennium by the Department of	6911
Transportation for the construction, reconstruction, or	6912
maintenance of public access roads, including support features, to	6913
and within state facilities owned or operated by the Department of	6914
Natural Resources, as requested by the Director of Natural	6915
Resources.	6916
Notwithstanding section 5511.06 of the Revised Code, of the	6917
foregoing appropriation item 772-421, Highway Construction -	6918
State, \$2,228,000 in each fiscal year of the fiscal year 2006-2007	6919
biennium shall be used by the Department of Transportation for the	6920
construction, reconstruction, or maintenance of park drives or	6921
park roads within the boundaries of metropolitan parks.	6922
Included in the foregoing appropriation item 772-421, Highway	6923
Construction - State, the department may perform related road work	6924
on behalf of the Ohio Expositions Commission at the state	6925
fairgrounds, including reconstruction or maintenance of public	6926
access roads and support features, to and within fairground	6927

facilities as requested by the commission and approved by the 6928
Director of Transportation. 6929

LIQUIDATION OF UNFORESEEN LIABILITIES 6930

Any appropriation made to the Department of Transportation, 6931
Highway Operating Fund, not otherwise restricted by law, is 6932
available to liquidate unforeseen liabilities arising from 6933
contractual agreements of prior years when the prior year 6934
encumbrance is insufficient. 6935

Section 203.03.10. PREVENTIVE MAINTENANCE 6936

The Department of Transportation shall contract with an 6937
independent party to issue a yearly report on the effectiveness 6938
and progress of preventive maintenance projects that meet warranty 6939
guidelines. The Department shall issue a yearly report on or 6940
before the first day of December for three consecutive years 6941
beginning in fiscal year 2005. 6942

The Department shall provide in its annual report data on 6943
actual and planned pavement preventive maintenance activities. The 6944
data shall include the following: (1) the total number of lane 6945
miles receiving preventive maintenance treatment, by treatment 6946
type and highway system category; (2) the total number of lane 6947
miles programmed to receive treatment; (3) the actual costs of the 6948
pavement preventive maintenance activities per lane mile, by 6949
treatment type and highway system category; (4) the total number 6950
of lane miles rehabilitated or reconstructed; and (5) the actual 6951
cost per lane mile of rehabilitated or reconstructed highway, by 6952
highway system category. 6953

Section 203.03.12. RENTAL PAYMENTS - OBA 6954

The foregoing appropriation item 770-003, Administration - 6955
State - Debt Service, shall be used to pay rent to the Ohio 6956
Building Authority for various capital facilities to be 6957

constructed, reconstructed, or rehabilitated for the use of the 6958
Department of Transportation, including the department's plant and 6959
facilities at its central office, field districts, and county and 6960
outpost locations. The rental payments shall be made from revenues 6961
received from the motor vehicle fuel tax. The amounts of any bonds 6962
and notes to finance such capital facilities shall be at the 6963
request of the Director of Transportation. Notwithstanding section 6964
152.24 of the Revised Code, the Ohio Building Authority may, with 6965
approval of the Office of Budget and Management, lease capital 6966
facilities to the Department of Transportation. 6967

The Director of Transportation shall hold title to any land 6968
purchased and any resulting structures that are attributable to 6969
appropriation item 770-003. Notwithstanding section 152.18 of the 6970
Revised Code, the Director of Transportation shall administer any 6971
purchase of land and any contract for construction, 6972
reconstruction, and rehabilitation of facilities as a result of 6973
this appropriation. 6974

Should the appropriation and any reappropriations from prior 6975
years in appropriation item 770-003 exceed the rental payments for 6976
fiscal year 2006 or 2007, then prior to June 30, 2007, the balance 6977
may be transferred to appropriation item 772-421, 773-431, or 6978
779-491 upon the written request of the Director of Transportation 6979
and with the approval of the Director of Budget and Management. 6980
The transfer shall be reported to the Controlling Board at its 6981
next regularly scheduled meeting. 6982

Section 203.03.15. PUBLIC TRANSPORTATION HIGHWAY PURPOSE 6983
GRANTS 6984

The Director of Transportation may use revenues from the 6985
state motor vehicle fuel tax to match approved federal grants 6986
awarded to the Department of Transportation, regional transit 6987
authorities, or eligible public transportation systems, for public 6988

transportation highway purposes, or to support local or state 6989
funded projects for public transportation highway purposes. Public 6990
transportation highway purposes include: the construction or 6991
repair of high-occupancy vehicle traffic lanes, the acquisition or 6992
construction of park-and-ride facilities, the acquisition or 6993
construction of public transportation vehicle loops, the 6994
construction or repair of bridges used by public transportation 6995
vehicles or that are the responsibility of a regional transit 6996
authority or other public transportation system, or other similar 6997
construction that is designated as an eligible public 6998
transportation highway purpose. Motor vehicle fuel tax revenues 6999
may not be used for operating assistance or for the purchase of 7000
vehicles, equipment, or maintenance facilities. 7001

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 7002

The Director of Budget and Management shall transfer cash in 7003
equal monthly increments totaling \$133,424,000 in fiscal year 2006 7004
and in equal monthly increments totaling \$154,009,400 in fiscal 7005
year 2007 from the Highway Operating Fund, created in section 7006
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 7007
created in division (A) of section 5735.27 of the Revised Code. 7008
The monthly amounts transferred under this section shall be 7009
distributed as follows: 42.86 per cent shall be distributed among 7010
the municipal corporations within the state under division (A)(2) 7011
of section 5735.27 of the Revised Code; 37.14 per cent shall be 7012
distributed among the counties within the state under division 7013
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 7014
shall be distributed among the townships within the state under 7015
division (A)(5)(b) of section 5735.27 of the Revised Code. 7016

Section 203.03.18. ALTERNATIVE SOUNDPROOFING 7017

Of the foregoing appropriation item 772-421, Highway 7018
Construction-State, up to \$250,000 in fiscal year 2006 shall be 7019

used by the Department of Transportation to perform a study of 7020
 alternative soundproofing methods or any alternative soundproofing 7021
 techniques that could be used in Ohio as an alternative to 7022
 traditional sound barriers. The Director of Transportation shall 7023
 issue a report of the study findings to the chairperson and 7024
 ranking minority members of the House of Representatives and 7025
 Senate Transportation Committees, the Speaker of the House of 7026
 Representatives, the President of the Senate, and the Minority 7027
 Leaders of the House of Representatives and the Senate on or 7028
 before June 30, 2006. 7029

Section 203.06. DHS DEPARTMENT OF PUBLIC SAFETY 7030

Highway Safety Information and Education 7031

State Highway Safety Fund Group 7032

036 761-321 Operating Expense - \$ 3,475,147 \$ 3,645,598 7033

Information and
 Education

036 761-402 Traffic Safety Match \$ 277,137 \$ 277,137 7034

83N 761-611 Elementary School Seat \$ 447,895 \$ 447,895 7035

Belt Program

831 761-610 Information and \$ 468,982 \$ 468,982 7036

Education - Federal

832 761-612 Traffic Safety-Federal \$ 16,577,565 \$ 16,577,565 7037

844 761-613 Seat Belt Education \$ 482,095 \$ 482,095 7038

Program

846 761-625 Motorcycle Safety \$ 2,299,204 \$ 2,391,172 7039

Education

TOTAL HSF State Highway Safety 7040

Fund Group \$ 24,028,025 \$ 24,290,444 7041

Agency Fund Group 7042

5J9 761-678 Federal Salvage/GSA \$ 100,000 \$ 100,000 7043

TOTAL AGY Agency \$ 100,000 \$ 100,000 7044

TOTAL ALL BUDGET FUND GROUPS - 7045

Highway Safety Information				7046
and Education	\$	24,128,025	\$ 24,390,444	7047
FEDERAL HIGHWAY SAFETY PROGRAM MATCH				7048
The foregoing appropriation item 761-402, Traffic Safety				7049
Match, shall be used to provide the nonfederal portion of the				7050
federal Highway Safety Program. Upon request by the Director of				7051
Public Safety and approval by the Director of Budget and				7052
Management, appropriation item 761-402 shall be used to transfer				7053
cash from the Highway Safety Fund to the Traffic Safety - Federal				7054
Fund (Fund 832) at the beginning of each fiscal year on an				7055
intrastate transfer voucher.				7056
FILM PRODUCTION REIMBURSEMENT FUND				7057
On July 1, 2005, or as soon as possible thereafter, the				7058
Director of Budget and Management shall transfer the cash balance				7059
in the Film Production Reimbursement Fund (Fund 847) to the				7060
Highway Safety Fund (Fund 036) created in section 4501.06 of the				7061
Revised Code. Upon completion of the transfer, notwithstanding any				7062
other provision of law to the contrary, the Film Production				7063
Reimbursement Fund (Fund 847) is abolished.				7064
Section 203.06.03. BUREAU OF MOTOR VEHICLES				7065
State Special Revenue Fund Group				7066
539 762-614 Motor Vehicle Dealers	\$	239,902	\$ 239,902	7067
Board				
TOTAL SSR State Special Revenue				7068
Fund Group	\$	239,902	\$ 239,902	7069
State Highway Safety Fund Group				7070
4W4 762-321 Operating Expense-BMV	\$	77,257,480	\$ 73,702,629	7071
4W4 762-410 Registrations	\$	32,480,610	\$ 32,480,610	7072
Supplement				
5V1 762-682 License Plate	\$	2,388,568	\$ 2,388,568	7073
Contributions				

83R	762-639	Local Immobilization Reimbursement	\$	850,000	\$	850,000	7074
835	762-616	Financial Responsibility Compliance	\$	6,551,535	\$	6,551,535	7075
849	762-627	Automated Title Processing Board	\$	12,818,675	\$	13,146,218	7076
TOTAL HSF State Highway Safety							7077
Fund Group							\$ 132,346,868 \$ 129,119,560 7078
TOTAL ALL BUDGET FUND GROUPS -							7079
Bureau of Motor Vehicles							\$ 132,586,770 \$ 129,359,462 7080
MOTOR VEHICLE REGISTRATION							7081
The Registrar of Motor Vehicles may deposit revenues to meet							7082
the cash needs of the State Bureau of Motor Vehicles Fund (Fund							7083
4W4) established in section 4501.25 of the Revised Code, obtained							7084
under sections 4503.02 and 4504.02 of the Revised Code, less all							7085
other available cash. Revenue deposited pursuant to this section							7086
shall support, in part, appropriations for operating expenses and							7087
defray the cost of manufacturing and distributing license plates							7088
and license plate stickers and enforcing the law relative to the							7089
operation and registration of motor vehicles. Notwithstanding							7090
section 4501.03 of the Revised Code, the revenues shall be paid							7091
into the State Bureau of Motor Vehicles Fund before any revenues							7092
obtained pursuant to sections 4503.02 and 4504.02 of the Revised							7093
Code are paid into any other fund. The deposit of revenues to meet							7094
the aforementioned cash needs shall be in approximate equal							7095
amounts on a monthly basis or as otherwise determined by the							7096
Director of Budget and Management pursuant to a plan submitted by							7097
the Registrar of Motor Vehicles.							7098
CAPITAL PROJECTS							7099
The Registrar of Motor Vehicles may transfer cash from the							7100
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State							7101

Highway Safety Fund (Fund 036) to meet its obligations for capital 7102
 projects CIR-047, Department of Public Safety Office Building, 7103
 CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop. 7104

Section 203.06.06. ENFORCEMENT 7105

State Highway Safety Fund Group 7106

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 7107

036 764-321 Operating Expense - \$ 229,293,561 \$ 237,364,988 7108
 Highway Patrol

036 764-605 Motor Carrier \$ 2,643,022 \$ 2,670,911 7109
 Enforcement Expenses

5AY 764-688 Traffic Safety \$ 3,082,962 \$ 1,999,437 7110
 Operating

83C 764-630 Contraband, \$ 622,894 \$ 622,894 7111
 Forfeiture, Other

83F 764-657 Law Enforcement \$ 7,324,524 \$ 7,544,260 7112
 Automated Data System

83G 764-633 OMVI Fines \$ 820,927 \$ 820,927 7113

831 764-610 Patrol - Federal \$ 2,430,950 \$ 2,455,484 7114

831 764-659 Transportation \$ 4,880,671 \$ 5,027,091 7115
 Enforcement - Federal

837 764-602 Turnpike Policing \$ 9,942,621 \$ 10,240,900 7116

838 764-606 Patrol Reimbursement \$ 222,108 \$ 222,108 7117

840 764-607 State Fair Security \$ 1,496,283 \$ 1,496,283 7118

840 764-617 Security and \$ 8,145,192 \$ 8,145,192 7119
 Investigations

840 764-626 State Fairgrounds \$ 788,375 \$ 788,375 7120
 Police Force

841 764-603 Salvage and Exchange - \$ 1,305,954 \$ 1,339,399 7121
 Highway Patrol

TOTAL HSF State Highway Safety 7122

Fund Group \$ 274,250,044 \$ 281,988,249 7123

General Services Fund Group				7124	
4S2 764-660 MARCS Maintenance	\$	252,432	\$	262,186	7125
TOTAL GSF General Services				7126	
Fund Group	\$	252,432	\$	262,186	7127
TOTAL ALL BUDGET FUND GROUPS -				7128	
Enforcement	\$	274,502,476	\$	282,250,435	7129
COLLECTIVE BARGAINING INCREASES				7130	
Notwithstanding division (D) of section 127.14 and division				7131	
(B) of section 131.35 of the Revised Code, except for the General				7132	
Revenue Fund, the Controlling Board may, upon the request of				7133	
either the Director of Budget and Management, or the Department of				7134	
Public Safety with the approval of the Director of Budget and				7135	
Management, increase appropriations for any fund, as necessary for				7136	
the Department of Public Safety, to assist in paying the costs of				7137	
increases in employee compensation that have occurred pursuant to				7138	
collective bargaining agreements under Chapter 4117. of the				7139	
Revised Code and, for exempt employees, under section 124.152 of				7140	
the Revised Code.				7141	
Section 203.06.09. EMERGENCY MEDICAL SERVICES				7142	
State Highway Safety Fund Group				7143	
83M 765-624 Operating Expenses -	\$	2,587,627	\$	2,587,627	7144
EMS					
83P 765-637 EMS Grants	\$	5,836,744	\$	5,836,744	7145
831 765-610 EMS/Federal	\$	582,007	\$	582,007	7146
TOTAL HSF State Highway Safety				7147	
Fund Group	\$	9,006,378	\$	9,006,378	7148
TOTAL ALL BUDGET FUND GROUPS -				7149	
Emergency Medical Services	\$	9,006,378	\$	9,006,378	7150
CASH TRANSFERS OF SEAT BELT FINE REVENUES				7151	
Notwithstanding any other provision of law to the contrary,				7152	

the Controlling Board, upon request of the Director of Public Safety, may approve the transfer of cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M), the Elementary School Program Fund (Fund 83N), the Trauma and Emergency Medical Services Grants Fund (Fund 83P), and the Seat Belt Education Fund (Fund 844).

Section 203.06.12. INVESTIGATIVE UNIT				7160
State Highway Safety Fund Group				7161
831	767-610	Liquor Enforcement - Federal	\$ 514,184 \$ 514,184	7162
831	769-610	Food Stamp Trafficking Enforcement - Federal	\$ 992,920 \$ 1,032,135	7163
TOTAL HSF State Highway Safety Fund Group				7164
				7165
Liquor Control Fund Group				7166
043	767-321	Liquor Enforcement - Operations	\$ 10,120,365 \$ 10,423,976	7167
TOTAL LCF Liquor Control Fund Group				7168
				7169
State Special Revenue Fund Group				7170
622	767-615	Investigative Contraband and Forfeiture	\$ 404,111 \$ 404,111	7171
850	767-628	Investigative Unit Salvage	\$ 120,000 \$ 120,000	7172
TOTAL SSR State Special Revenue Fund Group				7173
				7174
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement				7175
				7176
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				7177

EQUIPMENT					7178
The Director of Public Safety, using intrastate transfer					7179
vouchers, shall make cash transfers to the State Highway Safety					7180
Fund (Fund 036) from other funds to reimburse the State Highway					7181
Safety Fund for the share of lease rental payments to the Ohio					7182
Building Authority that are associated with appropriation item					7183
CAP-076, Investigative Unit MARCS Equipment.					7184
Section 203.06.15. EMERGENCY MANAGEMENT					7185
Federal Special Revenue Fund Group					7186
3N5 763-644 U.S. DOE Agreement	\$	275,000	\$	275,000	7187
329 763-645 Federal Mitigation	\$	303,504	\$	303,504	7188
Program					
337 763-609 Federal Disaster	\$	27,269,140	\$	27,280,000	7189
Relief					
339 763-647 Emergency Management	\$	129,622,000	\$	129,622,000	7190
Assistance and					
Training					
TOTAL FED Federal Special					7191
Revenue Fund Group	\$	157,469,644	\$	157,480,504	7192
State Special Revenue Fund Group					7193
4V3 763-662 EMA Service and	\$	696,446	\$	696,446	7194
Reimbursement					
657 763-652 Utility Radiological	\$	1,260,000	\$	1,260,000	7195
Safety					
681 763-653 SARA Title III HAZMAT	\$	271,510	\$	271,510	7196
Planning					
TOTAL SSR State Special Revenue					7197
Fund Group	\$	2,227,956	\$	2,227,956	7198
TOTAL ALL BUDGET FUND GROUPS -					7199
Emergency Management	\$	159,697,600	\$	159,708,460	7200
FEDERAL MITIGATION PROGRAM					7201

The fund created by the Controlling Board known as the 7202
Disaster Relief Fund is now the Federal Mitigation Program Fund, 7203
and shall be used to plan and mitigate against future disaster 7204
costs. 7205

STATE DISASTER RELIEF 7206

The appropriation item 763-601, State Disaster Relief, may 7207
accept transfers of cash and appropriations from Controlling Board 7208
appropriation items to reimburse eligible local governments and 7209
private nonprofit organizations for costs related to disasters 7210
that have been declared by local governments or the Governor. The 7211
Ohio Emergency Management Agency shall publish and make available 7212
an application packet outlining eligible items and application 7213
procedures for entities requesting state disaster relief. 7214

Individuals may be eligible for reimbursement of costs 7215
related to disasters that have been declared by the Governor and 7216
the Small Business Administration. The funding in appropriation 7217
item 763-601, State Disaster Relief, shall be used in accordance 7218
with the principles of the federal Individual and Family Grant 7219
Program, which provides grants to households that have been 7220
affected by a disaster to replace basic living items. The Ohio 7221
Emergency Management Agency shall publish and make available an 7222
application procedure for individuals requesting assistance under 7223
the state Individual Assistance Program. 7224

SARA TITLE III HAZMAT PLANNING 7225

The SARA Title III HAZMAT Planning Fund (Fund 681) is 7226
entitled to receive grant funds from the Emergency Response 7227
Commission to implement the Emergency Management Agency's 7228
responsibilities under Chapter 3750. of the Revised Code. 7229

Section 203.06.18. ADMINISTRATION 7230

State Highway Safety Fund Group 7231

036 766-321	Operating Expense -	\$	4,461,836	\$	4,461,836	7232
	Administration					
830 761-603	Salvage and Exchange -	\$	22,070	\$	22,070	7233
	Administration					
TOTAL HSF State Highway Safety						7234
Fund Group		\$	4,483,906	\$	4,483,906	7235
General Services Fund Group						7236
4S3 766-661	Hilltop Utility	\$	500,000	\$	500,000	7237
	Reimbursement					
TOTAL GSF General Services						7238
Fund Group		\$	500,000	\$	500,000	7239
TOTAL ALL BUDGET FUND GROUPS -						7240
Administration		\$	4,983,906	\$	4,983,906	7241

Section 203.06.21. DEBT SERVICE 7243

State Highway Safety Fund Group						7244
036 761-401	Lease Rental Payments	\$	13,387,100	\$	14,407,000	7245
TOTAL HSF State Highway Safety						7246
Fund Group		\$	13,387,100	\$	14,407,000	7247
TOTAL ALL BUDGET FUND GROUPS -						7248
Debt Service		\$	13,387,100	\$	14,407,000	7249

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 7250

The foregoing appropriation item 761-401, Lease Rental 7251
 Payments, shall be used for payments to the Ohio Building 7252
 Authority for the period July 1, 2005, to June 30, 2007, under the 7253
 primary leases and agreements for buildings made under Chapter 7254
 152. of the Revised Code that are pledged for bond service charges 7255
 on related obligations issued under Chapter 152. of the Revised 7256
 Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 7257
 Building Authority may, with approval of the Director of Budget 7258
 and Management, lease capital facilities to the Department of 7259
 Public Safety. 7260

HILLTOP TRANSFER				7261	
The Director of Public Safety shall determine, per an				7262	
agreement with the Director of Transportation, the share of each				7263	
debt service payment made out of appropriation item 761-401, Lease				7264	
Rental Payments, that relates to the Department of				7265	
Transportation's portion of the Hilltop Building Project, and				7266	
shall certify to the Director of Budget and Management the amounts				7267	
of this share. The Director of Budget and Management shall				7268	
transfer the amounts of such shares from the Highway Operating				7269	
Fund (Fund 002) to the Highway Safety Fund (Fund 036).				7270	
Section 203.06.24. REVENUE DISTRIBUTION				7271	
Holding Account Redistribution Fund Group				7272	
R24 762-619 Unidentified Public	\$	1,885,000	\$	1,885,000	7273
Safety Receipts					
R52 762-623 Security Deposits	\$	250,000	\$	250,000	7274
TOTAL 090 Holding Account					7275
Redistribution Fund Group	\$	2,135,000	\$	2,135,000	7276
TOTAL ALL BUDGET FUND GROUPS -					7277
Revenue Distribution	\$	2,135,000	\$	2,135,000	7278
TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE					7279
REFUND FUND					7280
On July 1, 2005, or as soon as possible thereafter, the					7281
Director of Budget and Management shall transfer the cash balance					7282
in the Highway Patrol Fee Refund Fund (Fund R27) created in former					7283
section 4501.12 of the Revised Code to the Unidentified Public					7284
Safety Receipts Fund (Fund R24).					7285
TOTAL Department of Public Safety					7286
TOTAL HSF State Highway Safety					7287
Fund Group	\$	459,009,425	\$	464,841,856	7288
TOTAL SSR State Special Revenue					7289

Fund Group	\$	2,991,969	\$	2,991,969	7290
TOTAL LCF Liquor Control					7291
Fund Group	\$	10,120,365	\$	10,423,976	7292
TOTAL GSF General Services					7293
Fund Group	\$	752,432	\$	762,186	7294
TOTAL FED Federal Revenue Special					7295
Fund Group	\$	157,469,644	\$	157,480,504	7296
TOTAL AGY Agency Fund Group	\$	100,000	\$	100,000	7297
TOTAL 090 Holding Account					7298
Redistribution					
Fund Group	\$	2,135,000	\$	2,135,000	7299
TOTAL ALL BUDGET FUND GROUPS	\$	632,578,835	\$	638,735,491	7300

Section 203.06.27. CASH BALANCE FUND REVIEW 7302

Not later than the first day of April in each fiscal year of 7303
the biennium, the Director of Budget and Management shall review 7304
the cash balances for each fund, except the State Highway Safety 7305
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4), 7306
in the State Highway Safety Fund Group, and shall recommend to the 7307
Controlling Board an amount to be transferred to the credit of the 7308
State Highway Safety Fund or the Bureau of Motor Vehicles Fund, as 7309
appropriate. 7310

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND 7311

The Director of Budget and Management, under a plan submitted 7312
by the Department of Public Safety or as otherwise determined by 7313
the Director, shall set a cash transfer schedule totaling 7314
\$57,181,700 in fiscal year 2006 and \$38,502,400 in fiscal year 7315
2007 from the Highway Operating Fund, created in section 5735.291 7316
of the Revised Code, to the State Highway Safety Fund, created in 7317
section 4501.06 of the Revised Code. The director shall transfer 7318
the cash at such times as is determined by the transfer schedule. 7319

Section 203.09. DEV DEPARTMENT OF DEVELOPMENT	7320
Highway Operating Fund Group	7321
4W0 195-629 Roadwork Development \$ 18,699,900 \$ 18,699,900	7322
TOTAL HOF Highway Operating	7323
Fund Group \$ 17,699,900 \$ 17,699,900	7324
TOTAL ALL BUDGET FUND GROUPS \$ 17,699,900 \$ 17,699,900	7325
ROADWORK DEVELOPMENT FUND	7326
The Roadwork Development Fund shall be used for road	7327
improvements associated with economic development opportunities	7328
that will retain or attract businesses for Ohio. "Road	7329
improvements" are improvements to public roadway facilities	7330
located on, or serving or capable of serving, a project site.	7331
The Department of Transportation, under the direction of the	7332
Department of Development, shall provide these funds in accordance	7333
with all guidelines and requirements established for Department of	7334
Development appropriation item 195-412, Business Development,	7335
including Controlling Board review and approval as well as the	7336
requirements for usage of gas tax revenue prescribed in Section 5a	7337
of Article XII, Ohio Constitution. Should the Department of	7338
Development require the assistance of the Department of	7339
Transportation to bring a project to completion, the Department of	7340
Transportation shall use its authority under Title LV of the	7341
Revised Code to provide such assistance and enter into contracts	7342
on behalf of the Department of Development. In addition, these	7343
funds may be used in conjunction with appropriation item 195-412,	7344
Business Development, or any other state funds appropriated for	7345
infrastructure improvements.	7346
The Director of Budget and Management, pursuant to a plan	7347
submitted by the Department of Development or as otherwise	7348
determined by the Director of Budget and Management, shall set a	7349

cash transfer schedule to meet the cash needs of the Department of 7350
Development's Roadwork Development Fund (Fund 4W0), less any other 7351
available cash. The director shall transfer to the Roadwork 7352
Development Fund from the Highway Operating Fund (Fund 002), 7353
established in section 5735.291 of the Revised Code, such amounts 7354
at such times as determined by the transfer schedule. 7355

TRANSPORTATION IMPROVEMENT DISTRICTS 7356

Notwithstanding section 5540.151 of the Revised Code, of the 7357
foregoing appropriation item 195-629, Roadwork Development, 7358
\$250,000 in each fiscal year of the biennium shall be paid by the 7359
Director of Development to each of the transportation improvement 7360
districts of Butler, Hamilton, Lorain, Medina, Montgomery, 7361
Muskingum, and Stark counties and to the Rossford Transportation 7362
Improvement District in Wood County. Transportation improvement 7363
districts that have received earmarked funding from the foregoing 7364
appropriation item 195-629, Roadwork Development, in any prior 7365
year shall use the payments under this paragraph for 7366
transportation or highway project purposes authorized under 7367
Chapter 5540. of the Revised Code. Transportation improvement 7368
districts that have not received earmarked funding from the 7369
foregoing appropriation item 195-629, Roadwork Development, in any 7370
prior year may use the payments for any purpose authorized under 7371
Chapter 5540. of the Revised Code, including administrative 7372
activities and the purchase of property and rights for the 7373
construction, maintenance, or operation of a project. Any payment 7374
made under this paragraph shall not be subject to the restrictions 7375
of appropriation item 195-629, Roadwork Development. 7376

Section 203.12. PWC PUBLIC WORKS COMMISSION 7377

Local Transportation Improvements Fund Group 7378
052 150-402 LTIP - Operating \$ 294,245 \$ 306,509 7379
052 150-701 Local Transportation \$ 66,000,000 \$ 66,000,000 7380

Improvement Program			
TOTAL 052 Local Transportation			7381
Improvements Fund Group	\$ 66,294,245	\$ 66,306,509	7382
Local Infrastructure Improvements Fund Group			7383
038 150-321 SCIP - Operating	\$ 891,324	\$ 919,397	7384
Expenses			
TOTAL LIF Local Infrastructure			7385
Improvements Fund Group	\$ 891,324	\$ 919,397	7386
TOTAL ALL BUDGET FUND GROUPS	\$ 67,185,569	\$ 67,225,906	7387

DISTRICT ADMINISTRATION COSTS 7388

The Director of the Public Works Commission is authorized to 7389
create a District Administration Costs Program from interest 7390
earnings of the Capital Improvements Fund and Local Transportation 7391
Improvement Program Fund proceeds. The program shall be used to 7392
provide for the direct costs of district administration of the 7393
nineteen public works districts. Districts choosing to participate 7394
in the program shall only expend Capital Improvements Fund moneys 7395
for Capital Improvements Fund costs and Local Transportation 7396
Improvement Program Fund moneys for Local Transportation 7397
Improvement Program Fund costs. The account shall not exceed 7398
\$760,000 per fiscal year. Each public works district may be 7399
eligible for up to \$40,000 per fiscal year from its district 7400
allocation as provided in sections 164.08 and 164.14 of the 7401
Revised Code. 7402

The director, by rule, shall define allowable and 7403
nonallowable costs for the purpose of the District Administration 7404
Costs Program. Nonallowable costs include indirect costs, elected 7405
official salaries and benefits, and project-specific costs. No 7406
district public works committee may participate in the District 7407
Administration Costs Program without the approval of those costs 7408
by the district public works committee under section 164.04 of the 7409
Revised Code. 7410

REAPPROPRIATIONS 7411

All capital appropriations from the Local Transportation 7412
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 87 of the 7413
125th General Assembly remaining unencumbered as of June 30, 2005, 7414
are reappropriated for use during the period July 1, 2005, through 7415
June 30, 2006, for the same purpose. 7416

Notwithstanding division (B) of section 127.14 of the Revised 7417
Code, all capital appropriations and reappropriations from the 7418
Local Transportation Improvement Program Fund (Fund 052) in this 7419
act remaining unencumbered as of June 30, 2006, are reappropriated 7420
for use during the period July 1, 2006, through June 30, 2007, for 7421
the same purposes, subject to the availability of revenue as 7422
determined by the Director of the Public Works Commission. 7423

Section 303.03. PROVISIONS OF LAW GENERALLY APPLICABLE TO 7424
APPROPRIATIONS 7425

Law contained in the main operating appropriations act of the 7426
126th General Assembly that is generally applicable to the 7427
appropriations made in the main operating appropriations act also 7428
is generally applicable to the appropriations made in this act. 7429

Section 303.06. LEASE PAYMENTS TO OBA AND TREASURER 7430

Certain appropriations are in this act for the purpose of 7431
lease payments to the Ohio Building Authority or to the Treasurer 7432
of State under leases and agreements relating to bonds or notes 7433
issued by the Ohio Building Authority or the Treasurer of State 7434
under the Ohio Constitution and acts of the General Assembly. If 7435
it is determined that additional appropriations are necessary for 7436
this purpose, such amounts are hereby appropriated. 7437

Section 503.03. From July 1, 2005, through June 30, 2007, 7438
three or fewer steel coils are deemed to be a nondivisible load 7439

for purposes of special permits issued under section 4513.34 of 7440
the Revised Code, provided that the maximum overall gross vehicle 7441
weight of the vehicle and load shall not exceed 92,000 pounds. 7442

Section 503.06. Notwithstanding section 127.16 of the Revised 7443
Code, the Director of Transportation may enter into agreements as 7444
provided in this section with the United States or any department 7445
or agency of the United States, including, but not limited to, the 7446
United States Army Corps of Engineers, the United States Forest 7447
Service, the United States Environmental Protection Agency, and 7448
the United States Fish and Wildlife Service. An agreement entered 7449
into pursuant to this section shall be solely for the purpose of 7450
dedicating staff to the expeditious and timely review of 7451
environmentally related documents submitted by the Department of 7452
Transportation, as necessary for the approval of federal permits. 7453
Such agreements may include provisions for advance payment by the 7454
Department of Transportation for labor and all other identifiable 7455
costs of providing the services by the United States or any 7456
department or agency of the United States, as may be estimated by 7457
the United States, or the department or agency of the United 7458
States. Not later than thirty days after the execution of such an 7459
agreement, the Director shall submit a written report to the 7460
Controlling Board indicating the amount of the agreement, the 7461
services to be performed by the United States or the department or 7462
agency of the United States, and the circumstances giving rise to 7463
the agreement. 7464

Section 606.03. If any item of law that constitutes the whole 7465
or part of a codified or uncodified section of law contained in 7466
this act, or if any application of any item of law that 7467
constitutes the whole or part of a codified or uncodified section 7468
of law contained in this act, is held invalid, the invalidity does 7469
not affect other items of law or applications of items of law that 7470

can be given effect without the invalid item of law or 7471
application. To this end, the items of law of which the codified 7472
and uncodified sections contained in this act are composed, and 7473
their applications, are independent and severable. 7474

Section 612.03. Except as otherwise specifically provided in 7475
this act, the codified sections of law amended or enacted in this 7476
act, and the items of law of which the codified sections of law 7477
amended or enacted in this act are composed, are subject to the 7478
referendum. Therefore, under Ohio Constitution, Article II, 7479
Section 1c and section 1.471 of the Revised Code, the codified 7480
sections of law amended or enacted by this act, and the items of 7481
law of which the codified sections of law as amended or enacted by 7482
this act are composed, take effect on the ninety-first day after 7483
this act is filed with the Secretary of State. If, however, a 7484
referendum petition is filed against any such codified section of 7485
law as amended or enacted by this act, or against any item of law 7486
of which any such codified section of law as amended or enacted by 7487
this act is composed, the codified section of law as amended or 7488
enacted, or item of law, unless rejected at the referendum, takes 7489
effect at the earliest time permitted by law. 7490

Section 612.09. Sections 109.572, 4501.26, 4503.26, 4503.40, 7491
4503.42, 4508.06, 4508.10, 4509.27, 4749.03, 4749.06, and 4749.10 7492
of the Revised Code, as amended or enacted by this act, and the 7493
items of law of which such sections as amended or enacted by this 7494
act are composed, are not subject to the referendum. Therefore, 7495
under Ohio Constitution, Article II, Section 1d and section 1.471 7496
of the Revised Code, such sections as amended or enacted by this 7497
act, and the items of law of which such sections as amended or 7498
enacted by this act are composed, are entitled to go into 7499
immediate effect when this act becomes law. However, those 7500
sections as amended by this act, and the items of law which those 7501

sections as amended by this act are composed, take effect on July 1, 2005. 7502
7503

Section 612.12. The repeal by this act of sections 4501.12 and 4501.35 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such repeals are entitled to go into immediate effect when this act becomes law. However, those sections as repealed by this act, and the items of law which those sections as repealed by this act are composed, go into effect on July 1, 2005. 7504
7505
7506
7507
7508
7509
7510
7511

Section 612.18. If the amendment or enactment in this act of a codified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment, enactment, or repeal by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the amending, enacting, or repeal clauses commanding the amendment, enactment, or repeal also are not subject to the referendum, the same as the amendment, enactment, or repeal. 7512
7513
7514
7515
7516
7517
7518
7519
7520
7521
7522

Section 615.03. The items in the uncodified sections of law contained in this act that appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation for the current expenses of state government are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, these items go into immediate effect when this act becomes law. 7523
7524
7525
7526
7527
7528
7529
7530

The items in the uncodified sections of law contained in this 7531

act that appropriate money other than for the current expenses of 7532
state government, earmark this class of appropriations, or do not 7533
depend for their implementation upon an appropriation for the 7534
current expenses of state government are subject to the 7535
referendum. Therefore, under Ohio Constitution, Article II, 7536
Section 1c and section 1.471 of the Revised Code, these items take 7537
effect on the ninety-first day after this act is filed with the 7538
Secretary of State. If, however, a referendum petition is filed 7539
against such an item, the item, unless rejected at the referendum, 7540
takes effect at the earliest time permitted by law. 7541

This section is not subject to the referendum. Therefore, 7542
under Ohio Constitution, Article II, Section 1d and section 1.471 7543
of the Revised Code, this section goes into immediate effect when 7544
this act becomes law. 7545

Section 618.03. The General Assembly, applying the principle 7546
stated in division (B) of section 1.52 of the Revised Code that 7547
amendments are to be harmonized if reasonably capable of 7548
simultaneous operation, finds that the following sections, 7549
presented in this act as composites of the sections as amended by 7550
the acts indicated, are the resulting versions of the sections in 7551
effect prior to the effective date of the sections as presented in 7552
this act: 7553

Section 109.572 of the Revised Code as amended by Am. Sub. 7554
H.B. 117, Am. Sub. H.B. 306, Am. Sub. S.B. 53, and Am. S.B. 178, 7555
all of the 125th General Assembly. 7556

Section 307.12 of the Revised Code as amended by both Sub. 7557
H.B. 204 and Sub. H.B. 323 of the 125th General Assembly. 7558

Section 2935.03 of the Revised Code as amended by Sub. H.B. 7559
545, H.B. 675, and Am. Sub. S.B. 123 of the 124th General 7560
Assembly. 7561