

As Introduced

128th General Assembly
Regular Session
2009-2010

H. B. No. 2

Representative Ujvagi

—

A BILL

To amend sections 121.51, 125.11, 133.52, 151.01, 1
151.09, 151.40, 1548.14, 2949.094, 4501.01, 2
4501.03, 4501.044, 4501.06, 4501.34, 4503.04, 3
4503.042, 4503.07, 4503.10, 4503.182, 4503.26, 4
4503.65, 4505.14, 4506.08, 4507.05, 4507.071, 5
4507.23, 4507.24, 4509.05, 4511.093, 4513.263, 6
4519.63, 4561.17, 4561.18, 4561.21, 5501.03, 7
5501.311, 5501.34, 5502.03, 5502.39, 5502.67, 8
5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 9
5531.09, 5537.07, 5537.99, 5703.053, 5703.70, 10
5735.06, 5735.145, 5735.16, and 5735.23; to enact 11
sections 5502.131, 5531.11, 5531.12, 5531.13, 12
5531.14, 5531.15, 5531.16, 5531.17, 5531.18, 13
5531.99, 5539.01, 5539.02, 5539.03, 5539.04, 14
5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 15
5539.10, and 5539.11; to repeal section 5735.141 16
of the Revised Code; to amend Section 229.10 of 17
Am. Sub. H.B. 67 of the 127th General Assembly, as 18
subsequently amended; to amend Sections 217.10, 19
217.11, 239.10, 241.10, 243.10, and 243.11 of Am. 20
Sub. H.B. 562 of the 127th General Assembly; and 21
to amend the version of section 5703.70 of the 22
Revised Code that is scheduled to take effect 23
January 1, 2010, to continue the provisions of 24

this act on and after that effective date to make 25
appropriations for programs related to 26
transportation and public safety for the biennium 27
beginning July 1, 2009, and ending June 30, 2011, 28
and to provide authorization and conditions for 29
the operation of those programs. 30
31

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

Section 101.01. That sections 121.51, 125.11, 133.52, 151.01, 32
151.09, 151.40, 1548.14, 2949.094, 4501.01, 4501.03, 4501.044, 33
4501.06, 4501.34, 4503.04, 4503.042, 4503.07, 4503.10, 4503.182, 34
4503.26, 4503.65, 4505.14, 4506.08, 4507.05, 4507.071, 4507.23, 35
4507.24, 4509.05, 4511.093, 4513.263, 4519.63, 4561.17, 4561.18, 36
4561.21, 5501.03, 5501.311, 5501.34, 5502.03, 5502.39, 5502.67, 37
5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 38
5537.99, 5703.053, 5703.70, 5735.06, 5735.145, 5735.16, and 39
5735.23 be amended and sections 5502.131, 5531.11, 5531.12, 40
5531.13, 5531.14, 5531.15, 5531.16, 5531.17, 5531.18, 5531.99, 41
5539.01, 5539.02, 5539.03, 5539.04, 5539.05, 5539.06, 5539.07, 42
5539.08, 5539.09, 5539.10, and 5539.11 of the Revised Code be 43
enacted to read as follows: 44

Sec. 121.51. There is hereby created in the office of the 45
inspector general the position of deputy inspector general for the 46
department of transportation. The inspector general shall appoint 47
the deputy inspector general, and the deputy inspector general 48
shall serve at the pleasure of the inspector general. A person 49
employed as the deputy inspector general shall have the same 50
qualifications as those specified in section 121.49 of the Revised 51
Code for the inspector general. The inspector general shall 52
provide technical, professional, and clerical assistance to the 53

~~deputy inspector general. The inspector general shall certify to 54
the director of budget and management the costs, including the 55
salaries of the deputy inspector general and the employees 56
assisting the deputy inspector general, that the inspector general 57
expects the deputy inspector general to incur during the fiscal 58
year or such lesser period for which the certification is made. 59
The director of budget and management shall transfer the amounts 60
certified to 61~~

There is hereby created in the state treasury the deputy 62
inspector general for ODOT fund, which is hereby created in the 63
state treasury, from the appropriation made to the department of 64
transportation from which expenditures for general administrative 65
purposes, as distinguished from specific infrastructure projects, 66
are made. The transfers shall be made in accordance with a 67
schedule that the inspector general considers to be appropriate 68
but shall not be in amounts that would create a balance in the 69
fund in excess of need or that would exceed the amount 70
appropriated from the fund. The fund shall consist of money 71
credited to the fund for the payment of costs incurred by the 72
deputy inspector general in performing the duties of the deputy 73
inspector general as specified in this section. The inspector 74
general shall use the ~~deputy inspector general for ODOT fund to 75
pay costs incurred by the deputy inspector general in performing 76
the duties of the deputy inspector general as required under this 77
section. 78~~

The deputy inspector general shall investigate all wrongful 79
acts or omissions that have been committed or are being committed 80
by employees of the department. In addition, the deputy inspector 81
general shall conduct a program of random review of the processing 82
of contracts associated with building and maintaining the state's 83
infrastructure. The random review program shall be designed by the 84
inspector general. The program shall be confidential and may be 85

altered by the inspector general at any time. The deputy inspector 86
general has the same powers and duties regarding matters 87
concerning the department as those specified in sections 121.42, 88
121.43, and 121.45 of the Revised Code for the inspector general. 89
Complaints may be filed with the deputy inspector general in the 90
same manner as prescribed for complaints filed with the inspector 91
general under section 121.46 of the Revised Code. All 92
investigations conducted and reports issued by the deputy 93
inspector general are subject to section 121.44 of the Revised 94
Code. 95

All officers and employees of the department shall cooperate 96
with and provide assistance to the deputy inspector general in the 97
performance of any investigation conducted by the deputy inspector 98
general. In particular, those persons shall make their premises, 99
equipment, personnel, books, records, and papers readily available 100
to the deputy inspector general. In the course of an 101
investigation, the deputy inspector general may question any 102
officers or employees of the department and any person transacting 103
business with the department and may inspect and copy any books, 104
records, or papers in the possession of the department, taking 105
care to preserve the confidentiality of information contained in 106
responses to questions or the books, records, or papers that are 107
made confidential by law. In performing any investigation, the 108
deputy inspector general shall avoid interfering with the ongoing 109
operations of the department, except insofar as is reasonably 110
necessary to complete the investigation successfully. 111

At the conclusion of an investigation by the deputy inspector 112
general, the deputy inspector general shall deliver to the 113
director of transportation and the governor any case for which 114
remedial action is necessary. The deputy inspector general shall 115
maintain a public record of the activities of the deputy inspector 116
general to the extent permitted under this section, ensuring that 117

the rights of the parties involved in each case are protected. The 118
inspector general shall include in the annual report required by 119
section 121.48 of the Revised Code a summary of the deputy 120
inspector general's activities during the previous year. 121

No person shall disclose any information that is designated 122
as confidential in accordance with section 121.44 of the Revised 123
Code or any confidential information that is acquired in the 124
course of an investigation conducted under this section to any 125
person who is not legally entitled to disclosure of that 126
information. 127

Sec. 125.11. (A) Subject to division (B) of this section, 128
contracts awarded pursuant to a reverse auction under section 129
125.072 of the Revised Code or pursuant to competitive sealed 130
bidding, including contracts awarded under section 125.081 of the 131
Revised Code, shall be awarded to the lowest responsive and 132
responsible bidder on each item in accordance with section 9.312 133
of the Revised Code. When the contract is for meat products as 134
defined in section 918.01 of the Revised Code or poultry products 135
as defined in section 918.21 of the Revised Code, only those bids 136
received from vendors offering products from establishments on the 137
current list of meat and poultry vendors established and 138
maintained by the director of administrative services under 139
section 125.17 of the Revised Code shall be eligible for 140
acceptance. The department of administrative services may accept 141
or reject any or all bids in whole or by items, except that when 142
the contract is for services or products available from a 143
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 144
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 145
awarded to that agency. 146

(B)(1) Prior to awarding a contract under division (A) of 147
this section, the department of administrative services or the 148

state agency responsible for evaluating a contract for the 149
purchase of products shall evaluate the bids received according to 150
the criteria and procedures established pursuant to divisions 151
(C)(1) and (2) of section 125.09 of the Revised Code for 152
determining if a product is produced or mined in the United States 153
and if a product is produced or mined in this state. The 154
department or other state agency shall first remove bids that 155
offer products that have not been or that will not be produced or 156
mined in the United States. From among the remaining bids, the 157
department or other state agency shall select the lowest 158
responsive and responsible bid, in accordance with section 9.312 159
of the Revised Code, from among the bids that offer products that 160
have been produced or mined in this state where sufficient 161
competition can be generated within this state to ensure that 162
compliance with these requirements will not result in an excessive 163
price for the product or acquiring a disproportionately inferior 164
product. If there are two or more qualified bids that offer 165
products that have been produced or mined in this state, it shall 166
be deemed that there is sufficient competition to prevent an 167
excessive price for the product or the acquiring of a 168
disproportionately inferior product. 169

(2) The requirement of division (B)(1) of this section that 170
deems sufficient competition exists does not apply to the 171
acquisition of materials necessary for the removal of snow and ice 172
by the department of transportation under section 5501.41 of the 173
Revised Code. 174

(C) Division (B) of this section applies to contracts for 175
which competitive bidding is waived by the controlling board. 176

(D) Division (B) of this section does not apply to the 177
purchase by the division of liquor control of spirituous liquor. 178

(E) The director of administrative services shall publish in 179
the form of a model act for use by counties, townships, municipal 180

corporations, or any other political subdivision described in 181
division (B) of section 125.04 of the Revised Code, a system of 182
preferences for products mined and produced in this state and in 183
the United States and for Ohio-based contractors. The model act 184
shall reflect substantial equivalence to the system of preferences 185
in purchasing and public improvement contracting procedures under 186
which the state operates pursuant to this chapter and section 187
153.012 of the Revised Code. To the maximum extent possible, 188
consistent with the Ohio system of preferences in purchasing and 189
public improvement contracting procedures, the model act shall 190
incorporate all of the requirements of the federal "Buy America 191
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 192
the rules adopted under that act. 193

Before and during the development and promulgation of the 194
model act, the director shall consult with appropriate statewide 195
organizations representing counties, townships, and municipal 196
corporations so as to identify the special requirements and 197
concerns these political subdivisions have in their purchasing and 198
public improvement contracting procedures. The director shall 199
promulgate the model act by rule adopted pursuant to Chapter 119. 200
of the Revised Code and shall revise the act as necessary to 201
reflect changes in this chapter or section 153.012 of the Revised 202
Code. 203

The director shall make available copies of the model act, 204
supporting information, and technical assistance to any township, 205
county, or municipal corporation wishing to incorporate the 206
provisions of the act into its purchasing or public improvement 207
contracting procedure. 208

Sec. 133.52. A county, municipal corporation, or township may 209
issue or incur public obligations, including general obligations, 210
to provide, or assist in providing, grants, loans, loan 211

guarantees, or contributions for conservation and revitalization 212
purposes pursuant to ~~Section~~ Sections 2o and 2g of Article VIII, 213
Ohio Constitution. 214

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 215
151.40 of the Revised Code and in the applicable bond proceedings 216
unless otherwise provided: 217

(1) "Bond proceedings" means the resolutions, orders, 218
agreements, and credit enhancement facilities, and amendments and 219
supplements to them, or any one or more or combination of them, 220
authorizing, awarding, or providing for the terms and conditions 221
applicable to or providing for the security or liquidity of, the 222
particular obligations, and the provisions contained in those 223
obligations. 224

(2) "Bond service fund" means the respective bond service 225
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 226
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 227
any accounts in that fund, including all moneys and investments, 228
and earnings from investments, credited and to be credited to that 229
fund and accounts as and to the extent provided in the applicable 230
bond proceedings. 231

(3) "Capital facilities" means capital facilities or projects 232
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 233
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 234

(4) "Costs of capital facilities" means the costs of 235
acquiring, constructing, reconstructing, rehabilitating, 236
remodeling, renovating, enlarging, improving, equipping, or 237
furnishing capital facilities, and of the financing of those 238
costs. "Costs of capital facilities" includes, without limitation, 239
and in addition to costs referred to in section 151.03, 151.04, 240
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 241
of the Revised Code, the cost of clearance and preparation of the 242

site and of any land to be used in connection with capital 243
facilities, the cost of any indemnity and surety bonds and 244
premiums on insurance, all related direct administrative expenses 245
and allocable portions of direct costs of the issuing authority, 246
costs of engineering and architectural services, designs, plans, 247
specifications, surveys, and estimates of cost, financing costs, 248
interest on obligations from their date to the time when interest 249
is to be paid from sources other than proceeds of obligations, 250
amounts necessary to establish any reserves as required by the 251
bond proceedings, the reimbursement of all moneys advanced or 252
applied by or borrowed from any person or governmental agency or 253
entity for the payment of any item of costs of capital facilities, 254
and all other expenses necessary or incident to planning or 255
determining feasibility or practicability with respect to capital 256
facilities, and such other expenses as may be necessary or 257
incident to the acquisition, construction, reconstruction, 258
rehabilitation, remodeling, renovation, enlargement, improvement, 259
equipment, and furnishing of capital facilities, the financing of 260
those costs, and the placing of the capital facilities in use and 261
operation, including any one, part of, or combination of those 262
classes of costs and expenses. For purposes of sections 122.085 to 263
122.0820 of the Revised Code, "costs of capital facilities" 264
includes "allowable costs" as defined in section 122.085 of the 265
Revised Code. 266

(5) "Credit enhancement facilities," "financing costs," and 267
"interest" or "interest equivalent" have the same meanings as in 268
section 133.01 of the Revised Code. 269

(6) "Debt service" means principal, including any mandatory 270
sinking fund or redemption requirements for retirement of 271
obligations, interest and other accreted amounts, interest 272
equivalent, and any redemption premium, payable on obligations. If 273
not prohibited by the applicable bond proceedings, debt service 274

may include costs relating to credit enhancement facilities that 275
are related to and represent, or are intended to provide a source 276
of payment of or limitation on, other debt service. 277

(7) "Issuing authority" means the Ohio public facilities 278
commission created in section 151.02 of the Revised Code for 279
obligations issued under section 151.03, 151.04, 151.05, 151.07, 280
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 281
treasurer of state, or the officer who by law performs the 282
functions of that office, for obligations issued under section 283
151.06 or 151.40 of the Revised Code. 284

(8) "Net proceeds" means amounts received from the sale of 285
obligations, excluding amounts used to refund or retire 286
outstanding obligations, amounts required to be deposited into 287
special funds pursuant to the applicable bond proceedings, and 288
amounts to be used to pay financing costs. 289

(9) "Obligations" means bonds, notes, or other evidences of 290
obligation of the state, including any appertaining interest 291
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 292
Article VIII, Ohio Constitution, and pursuant to sections 151.01 293
to 151.11 or 151.40 of the Revised Code or other general assembly 294
authorization. 295

(10) "Principal amount" means the aggregate of the amount as 296
stated or provided for in the applicable bond proceedings as the 297
amount on which interest or interest equivalent on particular 298
obligations is initially calculated. Principal amount does not 299
include any premium paid to the state by the initial purchaser of 300
the obligations. "Principal amount" of a capital appreciation 301
bond, as defined in division (C) of section 3334.01 of the Revised 302
Code, means its face amount, and "principal amount" of a zero 303
coupon bond, as defined in division (J) of section 3334.01 of the 304
Revised Code, means the discounted offering price at which the 305
bond is initially sold to the public, disregarding any purchase 306

price discount to the original purchaser, if provided for pursuant 307
to the bond proceedings. 308

(11) "Special funds" or "funds," unless the context indicates 309
otherwise, means the bond service fund, and any other funds, 310
including any reserve funds, created under the bond proceedings 311
and stated to be special funds in those proceedings, including 312
moneys and investments, and earnings from investments, credited 313
and to be credited to the particular fund. Special funds do not 314
include the school building program assistance fund created by 315
section 3318.25 of the Revised Code, the higher education 316
improvement fund created by division (F) of section 154.21 of the 317
Revised Code, the highway capital improvement bond fund created by 318
section 5528.53 of the Revised Code, the state parks and natural 319
resources fund created by section 1557.02 of the Revised Code, the 320
coal research and development fund created by section 1555.15 of 321
the Revised Code, the clean Ohio conservation fund created by 322
section 164.27 of the Revised Code, the clean Ohio revitalization 323
fund created by section 122.658 of the Revised Code, the job ready 324
site development fund created by section 122.0820 of the Revised 325
Code, the third frontier research and development fund created by 326
section 184.19 of the Revised Code, the third frontier research 327
and development taxable bond fund created by section 184.191 of 328
the Revised Code, or other funds created by the bond proceedings 329
that are not stated by those proceedings to be special funds. 330

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, or 15, and 331
Section 17, of Article VIII, Ohio Constitution, the state, by the 332
issuing authority, is authorized to issue and sell, as provided in 333
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 334
respective aggregate principal amounts as from time to time 335
provided or authorized by the general assembly, general 336
obligations of this state for the purpose of paying costs of 337
capital facilities or projects identified by or pursuant to 338

general assembly action. 339

(C) Each issue of obligations shall be authorized by 340
resolution or order of the issuing authority. The bond proceedings 341
shall provide for or authorize the manner for determining the 342
principal amount or maximum principal amount of obligations of an 343
issue, the principal maturity or maturities, the interest rate or 344
rates, the date of and the dates of payment of interest on the 345
obligations, their denominations, and the place or places of 346
payment of debt service which may be within or outside the state. 347
Unless otherwise provided by law, the latest principal maturity 348
may not be later than the earlier of the thirty-first day of 349
December of the twenty-fifth calendar year after the year of 350
issuance of the particular obligations or of the twenty-fifth 351
calendar year after the year in which the original obligation to 352
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 353
and 9.983 of the Revised Code apply to obligations. The purpose of 354
the obligations may be stated in the bond proceedings in general 355
terms, such as, as applicable, "financing or assisting in the 356
financing of projects as provided in Section 2l of Article VIII, 357
Ohio Constitution," "financing or assisting in the financing of 358
highway capital improvement projects as provided in Section 2m of 359
Article VIII, Ohio Constitution," "paying costs of capital 360
facilities for a system of common schools throughout the state as 361
authorized by Section 2n of Article VIII, Ohio Constitution," 362
"paying costs of capital facilities for state-supported and 363
state-assisted institutions of higher education as authorized by 364
Section 2n of Article VIII, Ohio Constitution," "paying costs of 365
coal research and development as authorized by Section 15 of 366
Article VIII, Ohio Constitution," "financing or assisting in the 367
financing of local subdivision capital improvement projects as 368
authorized by Section 2m of Article VIII, Ohio Constitution," 369
"paying costs of conservation projects as authorized by ~~Section~~ 370
Sections 2o and 2q of Article VIII, Ohio Constitution," "paying 371

costs of revitalization projects as authorized by ~~Section~~ Sections 372
2o and 2g of Article VIII, Ohio Constitution," "paying costs of 373
preparing sites for industry, commerce, distribution, or research 374
and development as authorized by Section 2p of Article VIII, Ohio 375
Constitution," or "paying costs of research and development as 376
authorized by Section 2p of Article VIII, Ohio Constitution." 377

(D) The issuing authority may appoint or provide for the 378
appointment of paying agents, bond registrars, securities 379
depositories, clearing corporations, and transfer agents, and may 380
without need for any other approval retain or contract for the 381
services of underwriters, investment bankers, financial advisers, 382
accounting experts, marketing, remarketing, indexing, and 383
administrative agents, other consultants, and independent 384
contractors, including printing services, as are necessary in the 385
judgment of the issuing authority to carry out the issuing 386
authority's functions under this chapter. When the issuing 387
authority is the Ohio public facilities commission, the issuing 388
authority also may without need for any other approval retain or 389
contract for the services of attorneys and other professionals for 390
that purpose. Financing costs are payable, as may be provided in 391
the bond proceedings, from the proceeds of the obligations, from 392
special funds, or from other moneys available for the purpose. 393

(E) The bond proceedings may contain additional provisions 394
customary or appropriate to the financing or to the obligations or 395
to particular obligations including, but not limited to, 396
provisions for: 397

(1) The redemption of obligations prior to maturity at the 398
option of the state or of the holder or upon the occurrence of 399
certain conditions, and at particular price or prices and under 400
particular terms and conditions; 401

(2) The form of and other terms of the obligations; 402

(3) The establishment, deposit, investment, and application 403
of special funds, and the safeguarding of moneys on hand or on 404
deposit, in lieu of the applicability of provisions of Chapter 405
131. or 135. of the Revised Code, but subject to any special 406
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 407
Code with respect to the application of particular funds or 408
moneys. Any financial institution that acts as a depository of any 409
moneys in special funds or other funds under the bond proceedings 410
may furnish indemnifying bonds or pledge securities as required by 411
the issuing authority. 412

(4) Any or every provision of the bond proceedings being 413
binding upon the issuing authority and upon such governmental 414
agency or entity, officer, board, commission, authority, agency, 415
department, institution, district, or other person or body as may 416
from time to time be authorized to take actions as may be 417
necessary to perform all or any part of the duty required by the 418
provision; 419

(5) The maintenance of each pledge or instrument comprising 420
part of the bond proceedings until the state has fully paid or 421
provided for the payment of the debt service on the obligations or 422
met other stated conditions; 423

(6) In the event of default in any payments required to be 424
made by the bond proceedings, or by any other agreement of the 425
issuing authority made as part of a contract under which the 426
obligations were issued or secured, including a credit enhancement 427
facility, the enforcement of those payments by mandamus, a suit in 428
equity, an action at law, or any combination of those remedial 429
actions; 430

(7) The rights and remedies of the holders or owners of 431
obligations or of book-entry interests in them, and of third 432
parties under any credit enhancement facility, and provisions for 433
protecting and enforcing those rights and remedies, including 434

limitations on rights of individual holders or owners;	435
(8) The replacement of mutilated, destroyed, lost, or stolen obligations;	436 437
(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;	438 439 440 441
(10) Amendment of the bond proceedings;	442
(11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing.	443 444 445 446
(F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings. Any obligations may be signed by the individual who on the date of execution is the authorized signer although on the date of these obligations that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.	447 448 449 450 451 452 453 454 455 456 457 458
(G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange,	459 460 461 462 463 464 465

conversion, and transfer. Pending preparation of final 466
obligations, the issuing authority may provide for the issuance of 467
interim instruments to be exchanged for the final obligations. 468

(H) Obligations may be sold at public sale or at private 469
sale, in such manner, and at such price at, above or below par, 470
all as determined by and provided by the issuing authority in the 471
bond proceedings. 472

(I) Except to the extent that rights are restricted by the 473
bond proceedings, any owner of obligations or provider of a credit 474
enhancement facility may by any suitable form of legal proceedings 475
protect and enforce any rights relating to obligations or that 476
facility under the laws of this state or granted by the bond 477
proceedings. Those rights include the right to compel the 478
performance of all applicable duties of the issuing authority and 479
the state. Each duty of the issuing authority and that authority's 480
officers, staff, and employees, and of each state entity or 481
agency, or using district or using institution, and its officers, 482
members, staff, or employees, undertaken pursuant to the bond 483
proceedings, is hereby established as a duty of the entity or 484
individual having authority to perform that duty, specifically 485
enjoined by law and resulting from an office, trust, or station 486
within the meaning of section 2731.01 of the Revised Code. The 487
individuals who are from time to time the issuing authority, 488
members or officers of the issuing authority, or those members' 489
designees acting pursuant to section 151.02 of the Revised Code, 490
or the issuing authority's officers, staff, or employees, are not 491
liable in their personal capacities on any obligations or 492
otherwise under the bond proceedings. 493

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15, 494
and Section 17, of Article VIII, Ohio Constitution and sections 495
151.01 to 151.11 or 151.40 of the Revised Code, the issuing 496
authority may, in addition to the authority referred to in 497

division (B) of this section, authorize and provide for the 498
issuance of: 499

(a) Obligations in the form of bond anticipation notes, and 500
may provide for the renewal of those notes from time to time by 501
the issuance of new notes. The holders of notes or appertaining 502
interest coupons have the right to have debt service on those 503
notes paid solely from the moneys and special funds that are or 504
may be pledged to that payment, including the proceeds of bonds or 505
renewal notes or both, as the issuing authority provides in the 506
bond proceedings authorizing the notes. Notes may be additionally 507
secured by covenants of the issuing authority to the effect that 508
the issuing authority and the state will do all things necessary 509
for the issuance of bonds or renewal notes in such principal 510
amount and upon such terms as may be necessary to provide moneys 511
to pay when due the debt service on the notes, and apply their 512
proceeds to the extent necessary, to make full and timely payment 513
of debt service on the notes as provided in the applicable bond 514
proceedings. In the bond proceedings authorizing the issuance of 515
bond anticipation notes the issuing authority shall set forth for 516
the bonds anticipated an estimated schedule of annual principal 517
payments the latest of which shall be no later than provided in 518
division (C) of this section. While the notes are outstanding 519
there shall be deposited, as shall be provided in the bond 520
proceedings for those notes, from the sources authorized for 521
payment of debt service on the bonds, amounts sufficient to pay 522
the principal of the bonds anticipated as set forth in that 523
estimated schedule during the time the notes are outstanding, 524
which amounts shall be used solely to pay the principal of those 525
notes or of the bonds anticipated. 526

(b) Obligations for the refunding, including funding and 527
retirement, and advance refunding with or without payment or 528
redemption prior to maturity, of any obligations previously 529

issued. Refunding obligations may be issued in amounts sufficient 530
to pay or to provide for repayment of the principal amount, 531
including principal amounts maturing prior to the redemption of 532
the remaining prior obligations, any redemption premium, and 533
interest accrued or to accrue to the maturity or redemption date 534
or dates, payable on the prior obligations, and related financing 535
costs and any expenses incurred or to be incurred in connection 536
with that issuance and refunding. Subject to the applicable bond 537
proceedings, the portion of the proceeds of the sale of refunding 538
obligations issued under division (J)(1)(b) of this section to be 539
applied to debt service on the prior obligations shall be credited 540
to an appropriate separate account in the bond service fund and 541
held in trust for the purpose by the issuing authority or by a 542
corporate trustee. Obligations authorized under this division 543
shall be considered to be issued for those purposes for which the 544
prior obligations were issued. 545

(2) Except as otherwise provided in sections 151.01 to 151.11 546
or 151.40 of the Revised Code, bonds or notes authorized pursuant 547
to division (J) of this section are subject to the provisions of 548
those sections pertaining to obligations generally. 549

(3) The principal amount of refunding or renewal obligations 550
issued pursuant to division (J) of this section shall be in 551
addition to the amount authorized by the general assembly as 552
referred to in division (B) of the following sections: section 553
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 554
151.11, or 151.40 of the Revised Code. 555

(K) Obligations are lawful investments for banks, savings and 556
loan associations, credit union share guaranty corporations, trust 557
companies, trustees, fiduciaries, insurance companies, including 558
domestic for life and domestic not for life, trustees or other 559
officers having charge of sinking and bond retirement or other 560
special funds of the state and political subdivisions and taxing 561

districts of this state, the sinking fund, the administrator of 562
workers' compensation subject to the approval of the workers' 563
compensation board, the state teachers retirement system, the 564
public employees retirement system, the school employees 565
retirement system, and the Ohio police and fire pension fund, 566
notwithstanding any other provisions of the Revised Code or rules 567
adopted pursuant to those provisions by any state agency with 568
respect to investments by them, and are also acceptable as 569
security for the repayment of the deposit of public moneys. The 570
exemptions from taxation in Ohio as provided for in particular 571
sections of the Ohio Constitution and section 5709.76 of the 572
Revised Code apply to the obligations. 573

(L)(1) Unless otherwise provided or provided for in any 574
applicable bond proceedings, moneys to the credit of or in a 575
special fund shall be disbursed on the order of the issuing 576
authority. No such order is required for the payment, from the 577
bond service fund or other special fund, when due of debt service 578
or required payments under credit enhancement facilities. 579

(2) Payments received by the state under interest rate hedges 580
entered into as credit enhancement facilities under this chapter 581
shall be deposited to the credit of the bond service fund for the 582
obligations to which those credit enhancement facilities relate. 583

(M) The full faith and credit, revenue, and taxing power of 584
the state are and shall be pledged to the timely payment of debt 585
service on outstanding obligations as it comes due, all in 586
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 587
Article VIII, Ohio Constitution, and section 151.03, 151.04, 588
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 589
Revised Code. Moneys referred to in Section 5a of Article XII, 590
Ohio Constitution, may not be pledged or used for the payment of 591
debt service except on obligations referred to in section 151.06 592
of the Revised Code. Net state lottery proceeds, as provided for 593

and referred to in section 3770.06 of the Revised Code, may not be 594
pledged or used for the payment of debt service except on 595
obligations referred to in section 151.03 of the Revised Code. The 596
state covenants, and that covenant shall be controlling 597
notwithstanding any other provision of law, that the state and the 598
applicable officers and agencies of the state, including the 599
general assembly, shall, so long as any obligations are 600
outstanding in accordance with their terms, maintain statutory 601
authority for and cause to be levied, collected and applied 602
sufficient pledged excises, taxes, and revenues of the state so 603
that the revenues shall be sufficient in amounts to pay debt 604
service when due, to establish and maintain any reserves and other 605
requirements, and to pay financing costs, including costs of or 606
relating to credit enhancement facilities, all as provided for in 607
the bond proceedings. Those excises, taxes, and revenues are and 608
shall be deemed to be levied and collected, in addition to the 609
purposes otherwise provided for by law, to provide for the payment 610
of debt service and financing costs in accordance with sections 611
151.01 to 151.11 of the Revised Code and the bond proceedings. 612

(N) The general assembly may from time to time repeal or 613
reduce any excise, tax, or other source of revenue pledged to the 614
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 615
2o, 2p, 2q, or 15 of Article VIII, Ohio Constitution, and sections 616
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 617
collect and apply any new or increased excise, tax, or revenue to 618
meet the pledge, to the payment of debt service on outstanding 619
obligations, of the state's full faith and credit, revenue and 620
taxing power, or of designated revenues and receipts, except fees, 621
excises or taxes referred to in Section 5a of Article XII, Ohio 622
Constitution, for other than obligations referred to in section 623
151.06 of the Revised Code and except net state lottery proceeds 624
for other than obligations referred to in section 151.03 of the 625
Revised Code. Nothing in division (N) of this section authorizes 626

any impairment of the obligation of this state to levy and collect 627
sufficient excises, taxes, and revenues to pay debt service on 628
obligations outstanding in accordance with their terms. 629

(O) Each bond service fund is a trust fund and is hereby 630
pledged to the payment of debt service on the applicable 631
obligations. Payment of that debt service shall be made or 632
provided for by the issuing authority in accordance with the bond 633
proceedings without necessity for any act of appropriation. The 634
bond proceedings may provide for the establishment of separate 635
accounts in the bond service fund and for the application of those 636
accounts only to debt service on specific obligations, and for 637
other accounts in the bond service fund within the general 638
purposes of that fund. 639

(P) Subject to the bond proceedings pertaining to any 640
obligations then outstanding in accordance with their terms, the 641
issuing authority may in the bond proceedings pledge all, or such 642
portion as the issuing authority determines, of the moneys in the 643
bond service fund to the payment of debt service on particular 644
obligations, and for the establishment and maintenance of any 645
reserves for payment of particular debt service. 646

(Q) The issuing authority shall by the fifteenth day of July 647
of each fiscal year, certify or cause to be certified to the 648
office of budget and management the total amount of moneys 649
required during the current fiscal year to meet in full all debt 650
service on the respective obligations and any related financing 651
costs payable from the applicable bond service fund and not from 652
the proceeds of refunding or renewal obligations. The issuing 653
authority shall make or cause to be made supplemental 654
certifications to the office of budget and management for each 655
debt service payment date and at such other times during each 656
fiscal year as may be provided in the bond proceedings or 657
requested by that office. Debt service, costs of credit 658

enhancement facilities, and other financing costs shall be set 659
forth separately in each certification. If and so long as the 660
moneys to the credit of the bond service fund, together with any 661
other moneys available for the purpose, are insufficient to meet 662
in full all payments when due of the amount required as stated in 663
the certificate or otherwise, the office of budget and management 664
shall at the times as provided in the bond proceedings, and 665
consistent with any particular provisions in sections 151.03 to 666
151.11 and 151.40 of the Revised Code, transfer a sufficient 667
amount to the bond service fund from the pledged revenues in the 668
case of obligations issued pursuant to section 151.40 of the 669
Revised Code, and in the case of other obligations from the 670
revenues derived from excises, taxes, and other revenues, 671
including net state lottery proceeds in the case of obligations 672
referred to in section 151.03 of the Revised Code. 673

(R) Unless otherwise provided in any applicable bond 674
proceedings, moneys to the credit of special funds may be invested 675
by or on behalf of the state only in one or more of the following: 676

(1) Notes, bonds, or other direct obligations of the United 677
States or of any agency or instrumentality of the United States, 678
or in no-front-end-load money market mutual funds consisting 679
exclusively of those obligations, or in repurchase agreements, 680
including those issued by any fiduciary, secured by those 681
obligations, or in collective investment funds consisting 682
exclusively of those obligations; 683

(2) Obligations of this state or any political subdivision of 684
this state; 685

(3) Certificates of deposit of any national bank located in 686
this state and any bank, as defined in section 1101.01 of the 687
Revised Code, subject to inspection by the superintendent of 688
financial institutions; 689

(4) The treasurer of state's pooled investment program under 690
section 135.45 of the Revised Code. 691

The income from investments referred to in division (R) of 692
this section shall, unless otherwise provided in sections 151.01 693
to 151.11 or 151.40 of the Revised Code, be credited to special 694
funds or otherwise as the issuing authority determines in the bond 695
proceedings. Those investments may be sold or exchanged at times 696
as the issuing authority determines, provides for, or authorizes. 697

(S) The treasurer of state shall have responsibility for 698
keeping records, making reports, and making payments, relating to 699
any arbitrage rebate requirements under the applicable bond 700
proceedings. 701

Sec. 151.09. (A) As used in this section: 702

(1) "Costs of conservation projects" includes related direct 703
administrative expenses and allocable portions of the direct costs 704
of those projects of the department of agriculture, the department 705
of natural resources, or the Ohio public works commission. 706

(2) "Obligations" means obligations as defined in section 707
151.01 of the Revised Code issued to pay costs of projects for 708
conservation purposes as referred to in division (A)(1) of Section 709
2o of Article VIII, Ohio Constitution and division (A)(1) of 710
Section 2q of Article VIII, Ohio Constitution. 711

(B)(1) The issuing authority shall issue general obligations 712
of the state to pay costs of conservation projects pursuant to 713
division (B)(1) of Section 2o of Article VIII, Ohio Constitution, 714
division (B)(1) of Section 2q of Article VIII, Ohio Constitution, 715
section 151.01 of the Revised Code, and this section. The issuing 716
authority, upon the certification to it by the Ohio public works 717
commission of amounts needed in and for the purposes of the clean 718
Ohio conservation fund created by section 164.27 of the Revised 719

Code, the clean Ohio agricultural easement fund created by section 720
901.21 of the Revised Code, and the clean Ohio trail fund created 721
by section 1519.05 of the Revised Code, shall issue obligations in 722
the amount determined by the issuing authority to be required for 723
those purposes. Not more than ~~two~~ four hundred million dollars 724
principal amount of obligations issued under this section for 725
conservation purposes may be outstanding at any one time. Not more 726
than fifty million dollars principal amount of obligations, plus 727
the principal amount of obligations that in any prior fiscal year 728
could have been, but were not issued within the 729
fifty-million-dollar fiscal year limit, may be issued in any 730
fiscal year. 731

(2) In making the certification required under division 732
(B)(1) of this section, the Ohio public works commission shall 733
consult with the department of agriculture and the department of 734
natural resources. The commission shall certify amounts that 735
correspond to the distribution of the net proceeds of obligations 736
provided in division (C) of this section. 737

(C) Net proceeds of obligations shall be deposited as 738
follows: 739

(1) Seventy-five per cent into the clean Ohio conservation 740
fund created by section 164.27 of the Revised Code; 741

(2) Twelve and one-half per cent into the clean Ohio 742
agricultural easement fund created by section 901.21 of the 743
Revised Code; 744

(3) Twelve and one-half per cent into the clean Ohio trail 745
fund created by section 1519.05 of the Revised Code. 746

(D) There is hereby created in the state treasury the 747
conservation projects bond service fund. All moneys received by 748
the state and required by the bond proceedings, consistent with 749
section 151.01 of the Revised Code and this section, to be 750

deposited, transferred, or credited to the bond service fund, and 751
all other moneys transferred or allocated to or received for the 752
purposes of that fund, shall be deposited and credited to the bond 753
service fund, subject to any applicable provisions of the bond 754
proceedings, but without necessity for any act of appropriation. 755
During the period beginning with the date of the first issuance of 756
obligations and continuing during the time that any obligations 757
are outstanding in accordance with their terms, so long as moneys 758
in the bond service fund are insufficient to pay debt service when 759
due on those obligations payable from that fund, except the 760
principal amounts of bond anticipation notes payable from the 761
proceeds of renewal notes or bonds anticipated, and due in the 762
particular fiscal year, a sufficient amount of revenues of the 763
state is committed and, without necessity for further act of 764
appropriation, shall be paid to the bond service fund for the 765
purpose of paying that debt service when due. 766

Sec. 151.40. (A) As used in this section: 767

(1) "Bond proceedings" includes any trust agreements, and any 768
amendments or supplements to them, as authorized by this section. 769

(2) "Costs of revitalization projects" includes related 770
direct administrative expenses and allocable portions of the 771
direct costs of those projects of the department of development or 772
the environmental protection agency. 773

(3) "Issuing authority" means the treasurer of state. 774

(4) "Obligations" means obligations as defined in section 775
151.01 of the Revised Code issued to pay the costs of projects for 776
revitalization purposes as referred to in division (A)(2) of 777
Section 2o of Article VIII, Ohio Constitution and division (A)(2) 778
of Section 2q of Article VIII, Ohio Constitution. 779

(5) "Pledged liquor profits" means all receipts of the state 780

representing the gross profit on the sale of spirituous liquor, as 781
referred to in division (B)(4) of section 4301.10 of the Revised 782
Code, after paying all costs and expenses of the division of 783
liquor control and providing an adequate working capital reserve 784
for the division of liquor control as provided in that division, 785
but excluding the sum required by the second paragraph of section 786
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 787
to be paid into the state treasury. 788

(6) "Pledged receipts" means, as and to the extent provided 789
in bond proceedings: 790

(a) Pledged liquor profits. The pledge of pledged liquor 791
profits to obligations is subject to the priority of the pledge of 792
those profits to obligations issued and to be issued pursuant to 793
Chapter 166. of the Revised Code. 794

(b) Moneys accruing to the state from the lease, sale, or 795
other disposition or use of revitalization projects or from the 796
repayment, including any interest, of loans or advances made from 797
net proceeds; 798

(c) Accrued interest received from the sale of obligations; 799

(d) Income from the investment of the special funds; 800

(e) Any gifts, grants, donations, or pledges, and receipts 801
therefrom, available for the payment of debt service; 802

(f) Additional or any other specific revenues or receipts 803
lawfully available to be pledged, and pledged, pursuant to further 804
authorization by the general assembly, to the payment of debt 805
service. 806

(B)(1) The issuing authority shall issue obligations of the 807
state to pay costs of revitalization projects pursuant to division 808
(B)(2) of Section 2o of Article VIII, Ohio Constitution, division 809
(B)(2) of Section 2q of Article VIII, Ohio Constitution, section 810

151.01 of the Revised Code as applicable to this section, and this 811
section. The issuing authority, upon the certification to it by 812
the clean Ohio council of the amount of moneys needed in and for 813
the purposes of the clean Ohio revitalization fund created by 814
section 122.658 of the Revised Code, shall issue obligations in 815
the amount determined by the issuing authority to be required for 816
those purposes. Not more than ~~two~~ four hundred million dollars 817
principal amount of obligations issued under this section for 818
revitalization purposes may be outstanding at any one time. Not 819
more than fifty million dollars principal amount of obligations, 820
plus the principal amount of obligations that in any prior fiscal 821
year could have been, but were not issued within the 822
fifty-million-dollar fiscal year limit, may be issued in any 823
fiscal year. 824

(2) The provisions and authorizations in section 151.01 of 825
the Revised Code apply to the obligations and the bond proceedings 826
except as otherwise provided or provided for in those obligations 827
and bond proceedings. 828

(C) Net proceeds of obligations shall be deposited in the 829
clean Ohio revitalization fund created in section 122.658 of the 830
Revised Code. 831

(D) There is hereby created the revitalization projects bond 832
service fund, which shall be in the custody of the treasurer of 833
state, but shall be separate and apart from and not a part of the 834
state treasury. All money received by the state and required by 835
the bond proceedings, consistent with section 151.01 of the 836
Revised Code and this section, to be deposited, transferred, or 837
credited to the bond service fund, and all other money transferred 838
or allocated to or received for the purposes of that fund, shall 839
be deposited and credited to the bond service fund, subject to any 840
applicable provisions of the bond proceedings, but without 841
necessity for any act of appropriation. During the period 842

beginning with the date of the first issuance of obligations and 843
continuing during the time that any obligations are outstanding in 844
accordance with their terms, so long as moneys in the bond service 845
fund are insufficient to pay debt service when due on those 846
obligations payable from that fund, except the principal amounts 847
of bond anticipation notes payable from the proceeds of renewal 848
notes or bonds anticipated, and due in the particular fiscal year, 849
a sufficient amount of pledged receipts is committed and, without 850
necessity for further act of appropriation, shall be paid to the 851
bond service fund for the purpose of paying that debt service when 852
due. 853

(E) The issuing authority may pledge all, or such portion as 854
the issuing authority determines, of the pledged receipts to the 855
payment of the debt service charges on obligations issued under 856
this section, and for the establishment and maintenance of any 857
reserves, as provided in the bond proceedings, and make other 858
provisions in the bond proceedings with respect to pledged 859
receipts as authorized by this section, which provisions are 860
controlling notwithstanding any other provisions of law pertaining 861
to them. 862

(F) The issuing authority may covenant in the bond 863
proceedings, and such covenants shall be controlling 864
notwithstanding any other provision of law, that the state and 865
applicable officers and state agencies, including the general 866
assembly, so long as any obligations issued under this section are 867
outstanding, shall maintain statutory authority for and cause to 868
be charged and collected wholesale or retail prices for spirituous 869
liquor sold by the state or its agents so that the available 870
pledged receipts are sufficient in time and amount to meet debt 871
service payable from pledged liquor profits and for the 872
establishment and maintenance of any reserves and other 873
requirements provided for in the bond proceedings. 874

(G) Obligations may be further secured, as determined by the 875
issuing authority, by a trust agreement between the state and a 876
corporate trustee, which may be any trust company or bank having a 877
place of business within the state. Any trust agreement may 878
contain the resolution or order authorizing the issuance of the 879
obligations, any provisions that may be contained in any bond 880
proceedings, and other provisions that are customary or 881
appropriate in an agreement of that type, including, but not 882
limited to: 883

(1) Maintenance of each pledge, trust agreement, or other 884
instrument comprising part of the bond proceedings until the state 885
has fully paid or provided for the payment of debt service on the 886
obligations secured by it; 887

(2) In the event of default in any payments required to be 888
made by the bond proceedings, enforcement of those payments or 889
agreements by mandamus, the appointment of a receiver, suit in 890
equity, action at law, or any combination of them; 891

(3) The rights and remedies of the holders or owners of 892
obligations and of the trustee and provisions for protecting and 893
enforcing them, including limitations on rights of individual 894
holders and owners. 895

(H) The obligations shall not be general obligations of the 896
state and the full faith and credit, revenue, and taxing power of 897
the state shall not be pledged to the payment of debt service on 898
them. The holders or owners of the obligations shall have no right 899
to have any moneys obligated or pledged for the payment of debt 900
service except as provided in this section and in the applicable 901
bond proceedings. The rights of the holders and owners to payment 902
of debt service are limited to all or that portion of the pledged 903
receipts, and those special funds, pledged to the payment of debt 904
service pursuant to the bond proceedings in accordance with this 905
section, and each obligation shall bear on its face a statement to 906

that effect. 907

Sec. 1548.14. (A) The chief of the division of watercraft, 908
upon the application of any person and payment of the proper fees 909
fee, may prepare and furnish title information in such form and 910
subject to such territorial division or other classification as he 911
the chief may direct. The chief may search the records of the 912
division of watercraft and make furnish reports thereof, and make 913
photographic copies of the division those records and attestations 914
thereof under the signature of the chief. In addition, the 915
registrar of motor vehicles and the clerk of the court of common 916
pleas, upon the application of any person and payment of the 917
proper fee, may prepare and furnish title information in such form 918
and subject to such territorial division or other classification 919
as the registrar or clerk may direct. The registrar and the clerk 920
may search the records of the bureau of motor vehicles of 921
certificates of title issued under this chapter and issue reports 922
of those records under the signature of the registrar or clerk, as 923
the case may be. 924

~~Fees therefor~~ (B) A fee of two dollars shall be charged and 925
collected as follows: 926

~~(A) For searches~~ for each report of a search of the records 927
and reports thereof, two dollars for each name, number, or fact 928
reported on; 929

~~(B) For photographic copies of records and attestations~~ 930
thereof, furnished under the signature of the chief, two dollars 931
per copy the registrar, or the clerk, except that on and after 932
October 1, 2009, the fee shall be eight dollars per copy. A copy 933
of any such report 934

~~Such copies~~ shall be taken as prima-facie evidence of the 935
facts therein stated in any court of the state. The chief, the 936
registrar, and the clerk ~~of the court of common pleas~~ shall 937

furnish information on any title without charge to state highway 938
patrol troopers, sheriffs, or chiefs of police. 939

(C)(1) Fees collected as provided in this section prior to 940
October 1, 2009, shall be received by the chief, the registrar, or 941
the clerk, as the case may be. The chief shall pay all such fees 942
into the state treasury to the credit of the waterways safety fund 943
established under section 1547.75 of the Revised Code after 944
complying with section 1548.22 of the Revised Code, the registrar 945
shall pay all such fees into the state treasury to the credit of 946
the state bureau of motor vehicles fund established in section 947
4501.25 of the Revised Code, and the clerk of the court of common 948
pleas shall deposit all such fees into the certificate of title 949
administration fund created by section 325.33 of the Revised Code. 950

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(2) On and after October 1, 2009, the following apply: 952

(a) Of the eight-dollar fee the chief collects under this 953
section, the chief shall deposit two dollars into the state 954
treasury to the credit of the waterways safety fund established 955
under section 1547.75 of the Revised Code after complying with 956
section 1548.22 of the Revised Code, one dollar and twenty-five 957
cents into the state treasury to the credit of the trauma and 958
emergency medical services fund established in section 4513.263 of 959
the Revised Code, one dollar and twenty-five cents into the state 960
treasury to the credit of the homeland security fund established 961
under section 5502.03 of the Revised Code, seventy-five cents into 962
the state treasury to the credit of the investigations fund 963
established in section 5502.131 of the Revised Code, two dollars 964
and twenty-five cents into the state treasury to the credit of the 965
emergency management agency service and reimbursement fund 966
established in section 5502.39 of the Revised Code, and fifty 967
cents into the state treasury to the credit of the justice program 968
services fund established in section 5502.67 of the Revised Code. 969

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(b) The registrar shall deposit two dollars of each fee the registrar collects under this section into the state treasury to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code. Of the remaining six dollars of each such fee the registrar collects, the registrar shall deposit one dollar and twenty-five cents into the state treasury to the credit of the trauma and emergency medical services fund established in section 4513.263 of the Revised Code, one dollar and twenty-five cents into the state treasury to the credit of the homeland security fund established under section 5502.03 of the Revised Code, seventy-five cents into the state treasury to the credit of the investigations fund established in section 5502.131 of the Revised Code, two dollars and twenty-five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and fifty cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.

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(c) The clerk of the court of common pleas shall deposit two dollars of each fee the clerk collects under this section into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall forward the remaining six dollars to the registrar not later than the fifth day of the month next succeeding that in which the transaction occurred. Of that remaining six dollars, the registrar shall deposit one dollar and twenty-five cents into the state treasury to the credit of the trauma and emergency medical services fund established in section 4513.263 of the Revised Code, one dollar and twenty-five cents into the state treasury to the credit of the homeland security fund established under section 5502.03 of the Revised Code, seventy-five cents into the state treasury to the credit of the

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investigations fund established in section 5502.131 of the Revised Code, two dollars and twenty-five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and fifty cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.

Sec. 2949.094. (A) The court in which any person is convicted of or pleads guilty to any moving violation shall impose an additional court cost of ten dollars upon the offender. The court shall not waive the payment of the ten dollars unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

The clerk of the court shall transmit thirty-five per cent of all additional court costs collected pursuant to this division during a month on or before the twenty-third day of the following month to the ~~division of criminal justice services, and the division of criminal justice services shall deposit the money so transmitted into~~ state treasury of which ninety-seven per cent shall be credited to the drug law enforcement fund created under section 5502.68 of the Revised Code and the remaining three per cent shall be credited to the justice program services fund created under section 5502.67 of the Revised Code. The clerk shall transmit fifteen per cent of all additional court costs so collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the indigent drivers alcohol treatment fund created under section 4511.191 of the Revised Code and to be distributed by the department of alcohol and drug addiction services as provided in division (H) of that section. The clerk shall transmit fifty per cent of all additional court costs so collected during a month on or before the twenty-third day of the following month to the state

treasury to be credited to the indigent defense support fund 1034
created pursuant to section 120.08 of the Revised Code. 1035

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(B) The juvenile court in which a child is found to be a 1037
juvenile traffic offender for an act that is a moving violation 1038
shall impose an additional court cost of ten dollars upon the 1039
juvenile traffic offender. The juvenile court shall not waive the 1040
payment of the ten dollars unless the court determines that the 1041
juvenile is indigent and waives the payment of all court costs 1042
imposed upon the indigent offender. 1043

The clerk of the court shall transmit thirty-five per cent of 1044
all additional court costs collected pursuant to this division 1045
during a month on or before the twenty-third day of the following 1046
month to the ~~division of criminal justice services, and the~~ 1047
~~division of criminal justice services shall deposit the money so~~ 1048
~~transmitted into state treasury of which ninety-seven per cent~~ 1049
shall be credited to the drug law enforcement fund created under 1050
section 5502.68 of the Revised Code and the remaining three per 1051
cent shall be credited to the justice program services fund 1052
created under section 5502.67 of the Revised Code. The clerk shall 1053
transmit fifteen per cent of all additional court costs so 1054
collected during a month on or before the twenty-third day of the 1055
following month to the state treasury to be credited to the 1056
indigent drivers alcohol treatment fund created under that section 1057
4511.191 of the Revised Code and to be distributed by the 1058
department of alcohol and drug addiction services as provided in 1059
division (H) of that section. The clerk shall transmit fifty per 1060
cent of all additional court costs so collected during a month on 1061
or before the twenty-third day of the following month to the state 1062
treasury to be credited to the indigent defense support fund 1063
created pursuant to section 120.08 of the Revised Code. 1064

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(C) Whenever a person is charged with any offense that is a moving violation and posts bail, the court shall add to the amount of the bail the ten dollars required to be paid by division (A) of this section. The clerk of the court shall retain the ten dollars until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit three dollars and fifty cents out of the ten dollars to the ~~division of criminal justice services, and the division of eriminal justice services shall deposit the money so transmitted~~ into state treasury of which ninety-seven per cent shall be credited to the drug law enforcement fund created under section 5502.68 of the Revised Code and the remaining three per cent shall be credited to the justice program services fund created under section 5502.67 of the Revised Code, the clerk shall transmit one dollar and fifty cents out of the ten dollars to the state treasury to be credited to the indigent drivers alcohol treatment fund created under section 4511.191 of the Revised Code and to be distributed by the department of alcohol and drug addiction services as provided in division (H) of that section, and the clerk shall transmit five dollars out of the ten dollars to the state treasury to be credited to the indigent defense support fund created under section 120.08 of the Revised Code. If the person is found not guilty or the charges are dismissed, the clerk shall return the ten dollars to the person.

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(D) No person shall be placed or held in a detention facility for failing to pay the court cost or bail that is required to be paid by this section.

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(E) As used in this section:

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(1) "Bail" and "moving violation" have the same meanings as in section 2949.093 of the Revised Code.

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(2) "Detention facility" has the same meaning as in section 1098
2921.01 of the Revised Code. 1099

(3) "Division of criminal justice services" means the 1100
division of criminal justice services of the department of public 1101
safety, created by section 5502.62 of the Revised Code. 1102

Sec. 4501.01. As used in this chapter and Chapters 4503., 1103
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 1104
Revised Code, and in the penal laws, except as otherwise provided: 1105

(A) "Vehicles" means everything on wheels or runners, 1106
including motorized bicycles, but does not mean electric personal 1107
assistive mobility devices, vehicles that are operated exclusively 1108
on rails or tracks or from overhead electric trolley wires, and 1109
vehicles that belong to any police department, municipal fire 1110
department, or volunteer fire department, or that are used by such 1111
a department in the discharge of its functions. 1112

(B) "Motor vehicle" means any vehicle, including mobile homes 1113
and recreational vehicles, that is propelled or drawn by power 1114
other than muscular power or power collected from overhead 1115
electric trolley wires. "Motor vehicle" does not include utility 1116
vehicles as defined in division (VV) of this section, motorized 1117
bicycles, road rollers, traction engines, power shovels, power 1118
cranes, and other equipment used in construction work and not 1119
designed for or employed in general highway transportation, 1120
well-drilling machinery, ditch-digging machinery, farm machinery, 1121
and trailers that are designed and used exclusively to transport a 1122
boat between a place of storage and a marina, or in and around a 1123
marina, when drawn or towed on a public road or highway for a 1124
distance of no more than ten miles and at a speed of twenty-five 1125
miles per hour or less. 1126

(C) "Agricultural tractor" and "traction engine" mean any 1127
self-propelling vehicle that is designed or used for drawing other 1128

vehicles or wheeled machinery, but has no provisions for carrying 1129
loads independently of such other vehicles, and that is used 1130
principally for agricultural purposes. 1131

(D) "Commercial tractor," except as defined in division (C) 1132
of this section, means any motor vehicle that has motive power and 1133
either is designed or used for drawing other motor vehicles, or is 1134
designed or used for drawing another motor vehicle while carrying 1135
a portion of the other motor vehicle or its load, or both. 1136

(E) "Passenger car" means any motor vehicle that is designed 1137
and used for carrying not more than nine persons and includes any 1138
motor vehicle that is designed and used for carrying not more than 1139
fifteen persons in a ridesharing arrangement. 1140

(F) "Collector's vehicle" means any motor vehicle or 1141
agricultural tractor or traction engine that is of special 1142
interest, that has a fair market value of one hundred dollars or 1143
more, whether operable or not, and that is owned, operated, 1144
collected, preserved, restored, maintained, or used essentially as 1145
a collector's item, leisure pursuit, or investment, but not as the 1146
owner's principal means of transportation. "Licensed collector's 1147
vehicle" means a collector's vehicle, other than an agricultural 1148
tractor or traction engine, that displays current, valid license 1149
tags issued under section 4503.45 of the Revised Code, or a 1150
similar type of motor vehicle that displays current, valid license 1151
tags issued under substantially equivalent provisions in the laws 1152
of other states. 1153

(G) "Historical motor vehicle" means any motor vehicle that 1154
is over twenty-five years old and is owned solely as a collector's 1155
item and for participation in club activities, exhibitions, tours, 1156
parades, and similar uses, but that in no event is used for 1157
general transportation. 1158

(H) "Noncommercial motor vehicle" means any motor vehicle, 1159

including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

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

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

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

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

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between

a local place of storage or supply and the farm when drawn or 1191
towed on a public road or highway at a speed greater than 1192
twenty-five miles per hour, and a vehicle that is designed and 1193
used exclusively to transport a boat between a place of storage 1194
and a marina, or in and around a marina, when drawn or towed on a 1195
public road or highway for a distance of more than ten miles or at 1196
a speed of more than twenty-five miles per hour. "Trailer" does 1197
not include a manufactured home or travel trailer. 1198

(N) "Noncommercial trailer" means any trailer, except a 1199
travel trailer or trailer that is used to transport a boat as 1200
described in division (B) of this section, but, where applicable, 1201
includes a vehicle that is used to transport a boat as described 1202
in division (M) of this section, that has a gross weight of no 1203
more than three thousand pounds, and that is used exclusively for 1204
purposes other than engaging in business for a profit. 1205

(O) "Mobile home" means a building unit or assembly of closed 1206
construction that is fabricated in an off-site facility, is more 1207
than thirty-five body feet in length or, when erected on site, is 1208
three hundred twenty or more square feet, is built on a permanent 1209
chassis, is transportable in one or more sections, and does not 1210
qualify as a manufactured home as defined in division (C)(4) of 1211
section 3781.06 of the Revised Code or as an industrialized unit 1212
as defined in division (C)(3) of section 3781.06 of the Revised 1213
Code. 1214

(P) "Semitrailer" means any vehicle of the trailer type that 1215
does not have motive power and is so designed or used with another 1216
and separate motor vehicle that in operation a part of its own 1217
weight or that of its load, or both, rests upon and is carried by 1218
the other vehicle furnishing the motive power for propelling 1219
itself and the vehicle referred to in this division, and includes, 1220
for the purpose only of registration and taxation under those 1221
chapters, any vehicle of the dolly type, such as a trailer dolly, 1222

that is designed or used for the conversion of a semitrailer into 1223
a trailer. 1224

(Q) "Recreational vehicle" means a vehicular portable 1225
structure that meets all of the following conditions: 1226

(1) It is designed for the sole purpose of recreational 1227
travel. 1228

(2) It is not used for the purpose of engaging in business 1229
for profit. 1230

(3) It is not used for the purpose of engaging in intrastate 1231
commerce. 1232

(4) It is not used for the purpose of commerce as defined in 1233
49 C.F.R. 383.5, as amended. 1234

(5) It is not regulated by the public utilities commission 1235
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 1236

(6) It is classed as one of the following: 1237

(a) "Travel trailer" means a nonself-propelled recreational 1238
vehicle that does not exceed an overall length of thirty-five 1239
feet, exclusive of bumper and tongue or coupling, and contains 1240
less than three hundred twenty square feet of space when erected 1241
on site. "Travel trailer" includes a tent-type fold-out camping 1242
trailer as defined in section 4517.01 of the Revised Code. 1243

(b) "Motor home" means a self-propelled recreational vehicle 1244
that has no fifth wheel and is constructed with permanently 1245
installed facilities for cold storage, cooking and consuming of 1246
food, and for sleeping. 1247

(c) "Truck camper" means a nonself-propelled recreational 1248
vehicle that does not have wheels for road use and is designed to 1249
be placed upon and attached to a motor vehicle. "Truck camper" 1250
does not include truck covers that consist of walls and a roof, 1251
but do not have floors and facilities enabling them to be used as 1252

a dwelling. 1253

(d) "Fifth wheel trailer" means a vehicle that is of such 1254
size and weight as to be movable without a special highway permit, 1255
that has a gross trailer area of four hundred square feet or less, 1256
that is constructed with a raised forward section that allows a 1257
bi-level floor plan, and that is designed to be towed by a vehicle 1258
equipped with a fifth-wheel hitch ordinarily installed in the bed 1259
of a truck. 1260

(e) "Park trailer" means a vehicle that is commonly known as 1261
a park model recreational vehicle, meets the American national 1262
standard institute standard A119.5 (1988) for park trailers, is 1263
built on a single chassis, has a gross trailer area of four 1264
hundred square feet or less when set up, is designed for seasonal 1265
or temporary living quarters, and may be connected to utilities 1266
necessary for the operation of installed features and appliances. 1267

(R) "Pneumatic tires" means tires of rubber and fabric or 1268
tires of similar material, that are inflated with air. 1269

(S) "Solid tires" means tires of rubber or similar elastic 1270
material that are not dependent upon confined air for support of 1271
the load. 1272

(T) "Solid tire vehicle" means any vehicle that is equipped 1273
with two or more solid tires. 1274

(U) "Farm machinery" means all machines and tools that are 1275
used in the production, harvesting, and care of farm products, and 1276
includes trailers that are used to transport agricultural produce 1277
or agricultural production materials between a local place of 1278
storage or supply and the farm, agricultural tractors, threshing 1279
machinery, hay-baling machinery, corn shellers, hammermills, and 1280
machinery used in the production of horticultural, agricultural, 1281
and vegetable products. 1282

(V) "Owner" includes any person or firm, other than a 1283

manufacturer or dealer, that has title to a motor vehicle, except 1284
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 1285
includes in addition manufacturers and dealers. 1286

(W) "Manufacturer" and "dealer" include all persons and firms 1287
that are regularly engaged in the business of manufacturing, 1288
selling, displaying, offering for sale, or dealing in motor 1289
vehicles, at an established place of business that is used 1290
exclusively for the purpose of manufacturing, selling, displaying, 1291
offering for sale, or dealing in motor vehicles. A place of 1292
business that is used for manufacturing, selling, displaying, 1293
offering for sale, or dealing in motor vehicles shall be deemed to 1294
be used exclusively for those purposes even though snowmobiles or 1295
all-purpose vehicles are sold or displayed for sale thereat, even 1296
though farm machinery is sold or displayed for sale thereat, or 1297
even though repair, accessory, gasoline and oil, storage, parts, 1298
service, or paint departments are maintained thereat, or, in any 1299
county having a population of less than seventy-five thousand at 1300
the last federal census, even though a department in a place of 1301
business is used to dismantle, salvage, or rebuild motor vehicles 1302
by means of used parts, if such departments are operated for the 1303
purpose of furthering and assisting in the business of 1304
manufacturing, selling, displaying, offering for sale, or dealing 1305
in motor vehicles. Places of business or departments in a place of 1306
business used to dismantle, salvage, or rebuild motor vehicles by 1307
means of using used parts are not considered as being maintained 1308
for the purpose of assisting or furthering the manufacturing, 1309
selling, displaying, and offering for sale or dealing in motor 1310
vehicles. 1311

(X) "Operator" includes any person who drives or operates a 1312
motor vehicle upon the public highways. 1313

(Y) "Chauffeur" means any operator who operates a motor 1314
vehicle, other than a taxicab, as an employee for hire; or any 1315

operator whether or not the owner of a motor vehicle, other than a 1316
taxicab, who operates such vehicle for transporting, for gain, 1317
compensation, or profit, either persons or property owned by 1318
another. Any operator of a motor vehicle who is voluntarily 1319
involved in a ridesharing arrangement is not considered an 1320
employee for hire or operating such vehicle for gain, 1321
compensation, or profit. 1322

(Z) "State" includes the territories and federal districts of 1323
the United States, and the provinces of Canada. 1324

(AA) "Public roads and highways" for vehicles includes all 1325
public thoroughfares, bridges, and culverts. 1326

(BB) "Manufacturer's number" means the manufacturer's 1327
original serial number that is affixed to or imprinted upon the 1328
chassis or other part of the motor vehicle. 1329

(CC) "Motor number" means the manufacturer's original number 1330
that is affixed to or imprinted upon the engine or motor of the 1331
vehicle. 1332

(DD) "Distributor" means any person who is authorized by a 1333
motor vehicle manufacturer to distribute new motor vehicles to 1334
licensed motor vehicle dealers at an established place of business 1335
that is used exclusively for the purpose of distributing new motor 1336
vehicles to licensed motor vehicle dealers, except when the 1337
distributor also is a new motor vehicle dealer, in which case the 1338
distributor may distribute at the location of the distributor's 1339
licensed dealership. 1340

(EE) "Ridesharing arrangement" means the transportation of 1341
persons in a motor vehicle where the transportation is incidental 1342
to another purpose of a volunteer driver and includes ridesharing 1343
arrangements known as carpools, vanpools, and buspools. 1344

(FF) "Apportionable vehicle" means any vehicle that is used 1345
or intended for use in two or more international registration plan 1346

member jurisdictions that allocate or proportionally register 1347
vehicles, that is used for the transportation of persons for hire 1348
or designed, used, or maintained primarily for the transportation 1349
of property, and that meets any of the following qualifications: 1350

(1) Is a power unit having a gross vehicle weight in excess 1351
of twenty-six thousand pounds; 1352

(2) Is a power unit having three or more axles, regardless of 1353
the gross vehicle weight; 1354

(3) Is a combination vehicle with a gross vehicle weight in 1355
excess of twenty-six thousand pounds. 1356

"Apportionable vehicle" does not include recreational 1357
vehicles, vehicles displaying restricted plates, city pick-up and 1358
delivery vehicles, buses used for the transportation of chartered 1359
parties, or vehicles owned and operated by the United States, this 1360
state, or any political subdivisions thereof. 1361

(GG) "Chartered party" means a group of persons who contract 1362
as a group to acquire the exclusive use of a passenger-carrying 1363
motor vehicle at a fixed charge for the vehicle in accordance with 1364
the carrier's tariff, lawfully on file with the United States 1365
department of transportation, for the purpose of group travel to a 1366
specified destination or for a particular itinerary, either agreed 1367
upon in advance or modified by the chartered group after having 1368
left the place of origin. 1369

(HH) "International registration plan" means a reciprocal 1370
agreement of member jurisdictions that is endorsed by the American 1371
association of motor vehicle administrators, and that promotes and 1372
encourages the fullest possible use of the highway system by 1373
authorizing apportioned registration of fleets of vehicles and 1374
recognizing registration of vehicles apportioned in member 1375
jurisdictions. 1376

(II) "Restricted plate" means a license plate that has a 1377

restriction of time, geographic area, mileage, or commodity, and 1378
includes license plates issued to farm trucks under division (J) 1379
of section 4503.04 of the Revised Code. 1380

(JJ) "Gross vehicle weight," with regard to any commercial 1381
car, trailer, semitrailer, or bus that is taxed at the rates 1382
established under section 4503.042 or 4503.65 of the Revised Code, 1383
means the unladen weight of the vehicle fully equipped plus the 1384
maximum weight of the load to be carried on the vehicle. 1385

(KK) "Combined gross vehicle weight" with regard to any 1386
combination of a commercial car, trailer, and semitrailer, that is 1387
taxed at the rates established under section 4503.042 or 4503.65 1388
of the Revised Code, means the total unladen weight of the 1389
combination of vehicles fully equipped plus the maximum weight of 1390
the load to be carried on that combination of vehicles. 1391

(LL) "Chauffeured limousine" means a motor vehicle that is 1392
designed to carry nine or fewer passengers and is operated for 1393
hire on an hourly basis pursuant to a prearranged contract for the 1394
transportation of passengers on public roads and highways along a 1395
route under the control of the person hiring the vehicle and not 1396
over a defined and regular route. "Prearranged contract" means an 1397
agreement, made in advance of boarding, to provide transportation 1398
from a specific location in a chauffeured limousine at a fixed 1399
rate per hour or trip. "Chauffeured limousine" does not include 1400
any vehicle that is used exclusively in the business of funeral 1401
directing. 1402

(MM) "Manufactured home" has the same meaning as in division 1403
(C)(4) of section 3781.06 of the Revised Code. 1404

(NN) "Acquired situs," with respect to a manufactured home or 1405
a mobile home, means to become located in this state by the 1406
placement of the home on real property, but does not include the 1407
placement of a manufactured home or a mobile home in the inventory 1408

of a new motor vehicle dealer or the inventory of a manufacturer, 1409
remanufacturer, or distributor of manufactured or mobile homes. 1410

(OO) "Electronic" includes electrical, digital, magnetic, 1411
optical, electromagnetic, or any other form of technology that 1412
entails capabilities similar to these technologies. 1413

(PP) "Electronic record" means a record generated, 1414
communicated, received, or stored by electronic means for use in 1415
an information system or for transmission from one information 1416
system to another. 1417

(QQ) "Electronic signature" means a signature in electronic 1418
form attached to or logically associated with an electronic 1419
record. 1420

(RR) "Financial transaction device" has the same meaning as 1421
in division (A) of section 113.40 of the Revised Code. 1422

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1423
dealer licensed under Chapter 4517. of the Revised Code whom the 1424
registrar of motor vehicles determines meets the criteria 1425
designated in section 4503.035 of the Revised Code for electronic 1426
motor vehicle dealers and designates as an electronic motor 1427
vehicle dealer under that section. 1428

(TT) "Electric personal assistive mobility device" means a 1429
self-balancing two non-tandem wheeled device that is designed to 1430
transport only one person, has an electric propulsion system of an 1431
average of seven hundred fifty watts, and when ridden on a paved 1432
level surface by an operator who weighs one hundred seventy pounds 1433
has a maximum speed of less than twenty miles per hour. 1434

(UU) "Limited driving privileges" means the privilege to 1435
operate a motor vehicle that a court grants under section 4510.021 1436
of the Revised Code to a person whose driver's or commercial 1437
driver's license or permit or nonresident operating privilege has 1438
been suspended. 1439

(VV) "Utility vehicle" means a self-propelled vehicle 1440
designed with a bed, principally for the purpose of transporting 1441
material or cargo in connection with construction, agricultural, 1442
forestry, grounds maintenance, lawn and garden, materials 1443
handling, or similar activities. "Utility vehicle" includes a 1444
vehicle with a maximum attainable speed of twenty miles per hour 1445
or less that is used exclusively within the boundaries of state 1446
parks by state park employees or volunteers for the operation or 1447
maintenance of state park facilities. 1448

Sec. 4501.03. The registrar of motor vehicles shall open an 1449
account with each county and district of registration in the 1450
state, and may assign each county and district of registration in 1451
the state a unique code for identification purposes. Except as 1452
provided in section 4501.044 or division ~~(B)~~(A) (1) of section 1453
4501.045 of the Revised Code, the registrar shall pay all moneys 1454
the registrar receives under sections 4503.02, 4503.12, and 1455
4504.09 of the Revised Code into the state treasury to the credit 1456
of the auto registration distribution fund, which is hereby 1457
created, for distribution in the manner provided for in this 1458
section and sections 4501.04, 4501.041, 4501.042, and 4501.043 of 1459
the Revised Code. All other moneys received by the registrar shall 1460
be deposited in the state bureau of motor vehicles fund 1461
established in section 4501.25 of the Revised Code for the 1462
purposes enumerated in that section, unless otherwise provided by 1463
law. 1464

All moneys credited to the auto registration distribution 1465
fund shall be distributed to the counties and districts of 1466
registration, except for funds received by the registrar under 1467
section 4504.09 of the Revised Code, after receipt of 1468
certifications from the commissioners of the sinking fund 1469
certifying, as required by sections 5528.15 and 5528.35 of the 1470
Revised Code, that there are sufficient moneys to the credit of 1471

the highway improvement bond retirement fund created by section 1472
5528.12 of the Revised Code to meet in full all payments of 1473
interest, principal, and charges for the retirement of bonds and 1474
other obligations issued pursuant to Section 2g of Article VIII, 1475
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1476
Code due and payable during the current calendar year, and that 1477
there are sufficient moneys to the credit of the highway 1478
obligations bond retirement fund created by section 5528.32 of the 1479
Revised Code to meet in full all payments of interest, principal, 1480
and charges for the retirement of highway obligations issued 1481
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1482
sections 5528.30 and 5528.31 of the Revised Code due and payable 1483
during the current calendar year, in the manner provided in 1484
section 4501.04 of the Revised Code. 1485

The treasurer of state may invest any portion of the moneys 1486
credited to the auto registration distribution fund, in the same 1487
manner and subject to all the laws with respect to the investment 1488
of state funds by the treasurer of state, and all investment 1489
earnings of the fund shall be credited to the fund. 1490

Once each month the registrar shall prepare vouchers in favor 1491
of the county auditor of each county for the amount of the tax 1492
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1493
Code apportioned to the county and to the districts of 1494
registration located wholly or in part in the county auditor's 1495
county. The county auditor shall distribute the proceeds of the 1496
tax collections due the county and the districts of registration 1497
in the manner provided in section 4501.04 of the Revised Code. 1498

Once each month the registrar also shall prepare vouchers in 1499
favor of the county auditor of each county levying a county motor 1500
vehicle license tax pursuant to section 4504.02, 4504.15, or 1501
4504.16 of the Revised Code and of each county in which is located 1502
one or more townships levying a township motor vehicle license tax 1503

pursuant to section 4504.18 of the Revised Code for the amount of 1504
the tax due the county or townships in the county. 1505

All moneys received by the registrar under sections 4503.02, 1506
4503.12, and 4504.09 of the Revised Code shall be distributed to 1507
counties, townships, and municipal corporations within thirty days 1508
of the expiration of the registration year, except that a sum 1509
equal to five per cent of the total amount received under sections 1510
4503.02 and 4503.12 of the Revised Code may be reserved to make 1511
final adjustments in accordance with the formula for distribution 1512
set forth in section 4501.04 of the Revised Code. If amounts set 1513
aside to make the adjustments are inadequate, necessary 1514
adjustments shall be made immediately out of funds available for 1515
distribution for the following two registration years. 1516

Sec. 4501.044. (A) All moneys received under section 4503.65 1517
of the Revised Code and from the tax imposed by section 4503.02 of 1518
the Revised Code on vehicles that are apportionable and to which 1519
the rates specified in divisions (A)(1) to (21) and division (B) 1520
of section 4503.042 of the Revised Code apply shall be paid into 1521
the international registration plan distribution fund, which is 1522
hereby created in the state treasury, and distributed as follows: 1523

(1) First, to make payments to other states that are members 1524
of the international registration plan of the portions of 1525
registration taxes the states are eligible to receive because of 1526
the operation within their borders of apportionable vehicles that 1527
are registered in Ohio; 1528

(2) Second, two and five-tenths per cent of all the moneys 1529
received from apportionable vehicles under section 4503.65 of the 1530
Revised Code that are collected from other international 1531
registration plan jurisdictions commencing on and after October 1, 1532
2009, shall be deposited into the state highway safety fund 1533
established in section 4501.06 of the Revised Code; 1534

(3) Third, forty-two and six-tenths per cent of the moneys received from apportionable vehicles under divisions (A)(8) to (21) of section 4503.042 and forty-two and six-tenths per cent of the balance remaining from the moneys received under section 4503.65 of the Revised Code after distribution under division (A)(2) of this section shall be deposited in the state treasury to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code and used solely for the purposes set forth in that section, except that, from the date the commissioners of the sinking fund make the certification to the treasurer of state on the sufficiency of funds in the highway obligation bond retirement fund as required by section 5528.38 of the Revised Code, and until the thirty-first day of December of the year in which the certification is made, the amounts distributed under division (A)~~(2)~~(3) of this section shall be credited to the highway operating fund created by section 5735.291 of the Revised Code;

~~(3) Third~~ (4) Fourth, an amount estimated as the annual costs that the department of taxation will incur in conducting audits of persons who have registered motor vehicles under the international registration plan, one-twelfth of which amount shall be paid by the registrar of motor vehicles into the international registration plan auditing fund created by section 5703.12 of the Revised Code by the fifteenth day of each month;

~~(4) Fourth~~ (5) Fifth, to the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code, to offset operating expenses incurred by the bureau of motor vehicles in administering the international registration plan;

~~(5)(6)~~ Any moneys remaining in the international registration plan distribution fund after distribution under divisions (A)(1) to ~~(4)~~(5) of this section shall be distributed in accordance with division (B) of this section.

(B)(1) Moneys received from the tax imposed by section 1567
4503.02 of the Revised Code on vehicles that are apportionable and 1568
to which the rates specified in divisions (A)(1) to (21) and 1569
division (B) of section 4503.042 of the Revised Code apply shall 1570
be distributed and used in the manner provided in section 4501.04 1571
of the Revised Code and rules adopted by the registrar of motor 1572
vehicles for moneys deposited to the credit of the auto 1573
registration distribution fund. 1574

(2) Moneys received from collections under section 4503.65 of 1575
the Revised Code shall be distributed under divisions (B)(2) and 1576
(3) of this section. 1577

Each county, township, and municipal corporation shall 1578
receive an amount such that the ratio that the amount of moneys 1579
received by that county, township, or municipal corporation under 1580
division (B)(1) of this section from apportionable vehicles 1581
registered in Ohio and under section 4503.65 of the Revised Code 1582
from apportionable vehicles registered in other international 1583
registration plan jurisdictions bears to the total amount of 1584
moneys received by all counties, townships, and municipal 1585
corporations under division (B)(1) of this section from 1586
apportionable vehicles registered in Ohio and under section 1587
4503.65 of the Revised Code from apportionable vehicles registered 1588
in other international registration plan jurisdictions equals the 1589
ratio that the amount of moneys that the county, township, or 1590
municipal corporation would receive from apportionable vehicles 1591
registered in Ohio were the moneys from such vehicles distributed 1592
under section 4501.04 of the Revised Code, based solely on the 1593
weight schedules contained in section 4503.042 of the Revised 1594
Code, bears to the total amount of money that all counties, 1595
townships, and municipal corporations would receive from 1596
apportionable vehicles registered in Ohio were the moneys from 1597
such vehicles distributed under section 4501.04 of the Revised 1598

Code, based solely on the weight schedules contained in section 1599
4503.042 of the Revised Code. 1600

No county, township, or municipal corporation shall receive 1601
under division (B)(2) of this section an amount greater than the 1602
amount of money that that county, township, or municipal 1603
corporation would receive from apportionable vehicles registered 1604
in Ohio were the money from the taxation of such vehicles 1605
distributed under section 4501.04 of the Revised Code based solely 1606
on the weight schedules contained in section 4503.042 of the 1607
Revised Code. 1608

(3) If, at the end of the distribution year, the total of all 1609
moneys received under section 4503.65 of the Revised Code exceeds 1610
the total moneys subject to distribution under division (B)(2) of 1611
this section, the registrar shall distribute to each county, 1612
township, and municipal corporation a portion of the excess. The 1613
excess shall be distributed to counties, townships, and municipal 1614
corporations in the same proportion that the revenues received by 1615
each county, township, and municipal corporation from collections 1616
under section 4503.02 and from collections under section 4503.65 1617
of the Revised Code during that distribution year bears to the 1618
total revenues received by counties, townships, and municipal 1619
corporations from taxes levied under section 4503.02 and from 1620
collections under section 4503.65 of the Revised Code during that 1621
distribution year. 1622

(C) All moneys received from the administrative fee imposed 1623
by division (C) of section 4503.042 of the Revised Code shall be 1624
deposited to the credit of the state bureau of motor vehicles fund 1625
established in section 4501.25 of the Revised Code, to offset 1626
operating expenses incurred by the bureau of motor vehicles in 1627
administering the international registration plan. 1628

(D) All investment earnings of the international registration 1629
plan distribution fund shall be credited to the fund. 1630

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1631
referred to in division (O) of section 4503.04, division (E) of 1632
section 4503.042, division (B) of section 4503.07, division (C)(1) 1633
of section 4503.10, division (D) of section 4503.182, division 1634
(D)(2) of section 4507.24, division (A) of section 4508.06, and 1635
sections 4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 1636
4923.12, and 5502.12 of the Revised Code, and the taxes charged in 1637
section 4503.65 that are distributed in accordance with division 1638
(A)(2) of section 4501.044 of the Revised Code unless otherwise 1639
designated by law, shall be deposited in the state treasury to the 1640
credit of the state highway safety fund, which is hereby created, 1641
and shall, after receipt of certifications from the commissioners 1642
of the sinking fund certifying, as required by sections 5528.15 1643
and 5528.35 of the Revised Code, that there are sufficient moneys 1644
to the credit of the highway improvement bond retirement fund 1645
created by section 5528.12 of the Revised Code to meet in full all 1646
payments of interest, principal, and charges for the retirement of 1647
bonds and other obligations issued pursuant to Section 2g of 1648
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 1649
of the Revised Code due and payable during the current calendar 1650
year, and that there are sufficient moneys to the credit of the 1651
highway obligations bond retirement fund created by section 1652
5528.32 of the Revised Code to meet in full all payments of 1653
interest, principal, and charges for the retirement of highway 1654
obligations issued pursuant to Section 2i of Article VIII, Ohio 1655
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1656
due and payable during the current calendar year, be used for the 1657
purpose of enforcing and paying the expenses of administering the 1658
law relative to the registration and operation of motor vehicles 1659
on the public roads or highways. Amounts credited to the fund may 1660
also be used to pay the expenses of administering and enforcing 1661
the laws under which such fees were collected. All investment 1662

earnings of the state highway safety fund shall be credited to the 1663
fund. 1664

Sec. 4501.34. (A) The registrar of motor vehicles may adopt 1665
and publish rules to govern the registrar's proceedings. All 1666
proceedings of the registrar shall be open to the public, and all 1667
documents in the registrar's possession are public records. The 1668
registrar shall adopt a seal bearing the inscription: "Motor 1669
Vehicle Registrar of Ohio." The seal shall be affixed to all writs 1670
and authenticated copies of records, and, when it has been so 1671
attached, the copies shall be received in evidence with the same 1672
effect as other public records. All courts shall take judicial 1673
notice of the seal. 1674

(B) Upon the request of any person accompanied by a 1675
nonrefundable fee of ~~two~~ eight dollars per name, the registrar may 1676
furnish lists of names and addresses as they appear upon the 1677
applications for driver's licenses, provided that any further 1678
information contained in the applications shall not be disclosed. 1679
The registrar shall pay ~~all the fees~~ two dollars of each fee 1680
collected into the state treasury to the credit of the state 1681
bureau of motor vehicles fund established in section 4501.25 of 1682
the Revised Code. Of the remaining six dollars of each such fee 1683
the registrar collects, the registrar shall deposit one dollar and 1684
twenty-five cents into the state treasury to the credit of the 1685
trauma and emergency medical services fund established in section 1686
4513.263 of the Revised Code, one dollar and twenty-five cents 1687
into the state treasury to the credit of the homeland security 1688
fund established in section 5502.03 of the Revised Code, 1689
seventy-five cents into the state treasury to the credit of the 1690
investigations fund established in section 5502.131 of the Revised 1691
Code, two dollars and twenty-five cents into the state treasury to 1692
the credit of the emergency management agency service and 1693
reimbursement fund established in section 5502.39 of the Revised 1694

Code, and fifty cents into the state treasury to the credit of the 1695
justice program services fund established in section 5502.67 of 1696
the Revised Code. 1697

This division does not apply to the list of qualified driver 1698
licensees required to be compiled and filed pursuant to section 1699
2313.06 of the Revised Code. 1700

Sec. 4503.04. Except as provided in ~~section~~ sections 4503.042 1701
and 4503.65 of the Revised Code for the registration of commercial 1702
cars, trailers, semitrailers, and certain buses, the rates of the 1703
taxes imposed by section 4503.02 of the Revised Code shall be as 1704
follows: 1705

(A) For motor vehicles having three wheels or less, the 1706
license tax is: 1707

(1) For each motorized bicycle, ten dollars; 1708

(2) For each motorcycle, fourteen dollars. 1709

(B) For each passenger car, twenty dollars; 1710

(C) For each manufactured home, each mobile home, and each 1711
travel trailer, ten dollars; 1712

(D) For each noncommercial motor vehicle designed by the 1713
manufacturer to carry a load of no more than three-quarters of one 1714
ton and for each motor home, thirty-five dollars; for each 1715
noncommercial motor vehicle designed by the manufacturer to carry 1716
a load of more than three-quarters of one ton, but not more than 1717
one ton, seventy dollars; 1718

(E) For each noncommercial trailer, the license tax is: 1719

(1) Eighty-five cents for each one hundred pounds or part 1720
thereof for the first two thousand pounds or part thereof of 1721
weight of vehicle fully equipped; 1722

(2) One dollar and forty cents for each one hundred pounds or 1723

part thereof in excess of two thousand pounds up to and including 1724
three thousand pounds. 1725

(F) Notwithstanding its weight, twelve dollars for any: 1726

(1) Vehicle equipped, owned, and used by a charitable or 1727
nonprofit corporation exclusively for the purpose of administering 1728
chest x-rays or receiving blood donations; 1729

(2) Van used principally for the transportation of 1730
handicapped persons that has been modified by being equipped with 1731
adaptive equipment to facilitate the movement of such persons into 1732
and out of the van; 1733

(3) Bus used principally for the transportation of 1734
handicapped persons or persons sixty-five years of age or older; 1735

(G) Notwithstanding its weight, twenty dollars for any bus 1736
used principally for the transportation of persons in a 1737
ridesharing arrangement. 1738

(H) For each transit bus having motor power the license tax 1739
is twelve dollars. 1740

"Transit bus" means either a motor vehicle having a seating 1741
capacity of more than seven persons which is operated and used by 1742
any person in the rendition of a public mass transportation 1743
service primarily in a municipal corporation or municipal 1744
corporations and provided at least seventy-five per cent of the 1745
annual mileage of such service and use is within such municipal 1746
corporation or municipal corporations or a motor vehicle having a 1747
seating capacity of more than seven persons which is operated 1748
solely for the transportation of persons associated with a 1749
charitable or nonprofit corporation, but does not mean any motor 1750
vehicle having a seating capacity of more than seven persons when 1751
such vehicle is used in a ridesharing capacity or any bus 1752
described by division (F)(3) of this section. 1753

The application for registration of such transit bus shall be 1754
accompanied by an affidavit prescribed by the registrar of motor 1755
vehicles and signed by the person or an agent of the firm or 1756
corporation operating such bus stating that the bus has a seating 1757
capacity of more than seven persons, and that it is either to be 1758
operated and used in the rendition of a public mass transportation 1759
service and that at least seventy-five per cent of the annual 1760
mileage of such operation and use shall be within one or more 1761
municipal corporations or that it is to be operated solely for the 1762
transportation of persons associated with a charitable or 1763
nonprofit corporation. 1764

The form of the license plate, and the manner of its 1765
attachment to the vehicle, shall be prescribed by the registrar of 1766
motor vehicles. 1767

(I) The minimum tax for any vehicle having motor power other 1768
than a farm truck, a motorized bicycle, or motorcycle is ten 1769
dollars and eighty cents, and for each noncommercial trailer, five 1770
dollars. 1771

(J)(1) Except as otherwise provided in division (J) of this 1772
section, for each farm truck, except a noncommercial motor 1773
vehicle, that is owned, controlled, or operated by one or more 1774
farmers exclusively in farm use as defined in this section, and 1775
not for commercial purposes, and provided that at least 1776
seventy-five per cent of such farm use is by or for the one or 1777
more owners, controllers, or operators of the farm in the 1778
operation of which a farm truck is used, the license tax is five 1779
dollars plus: 1780

(a) Fifty cents per one hundred pounds or part thereof for 1781
the first three thousand pounds; 1782

(b) Seventy cents per one hundred pounds or part thereof in 1783
excess of three thousand pounds up to and including four thousand 1784

pounds;	1785
(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;	1786 1787 1788
(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;	1789 1790 1791
(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;	1792 1793
(f) The minimum license tax for any farm truck shall be twelve dollars.	1794 1795
(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code.	1796 1797 1798 1799 1800
(3) A farm bus may be registered for a period of ninety days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than any two ninety-day periods in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products.	1801 1802 1803 1804 1805 1806
(4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety.	1807 1808 1809
(5) Every person registering a farm truck or bus under this section shall furnish an affidavit certifying that the truck or bus licensed to that person is to be so used as to meet the requirements necessary for the farm truck or farm bus classification.	1810 1811 1812 1813 1814

Any farmer may use a truck owned by the farmer for commercial purposes by paying the difference between the commercial truck registration fee and the farm truck registration fee for the remaining part of the registration period for which the truck is registered. Such remainder shall be calculated from the beginning of the semiannual period in which application for such commercial license is made.

Taxes at the rates provided in this section are in lieu of all taxes on or with respect to the ownership of such motor vehicles, except as provided in section 4503.042 and section 4503.06 of the Revised Code.

(K) Other than trucks registered under the international registration plan in another jurisdiction and for which this state has received an apportioned registration fee, the license tax for each truck which is owned, controlled, or operated by a nonresident, and licensed in another state, and which is used exclusively for the transportation of nonprocessed agricultural products intrastate, from the place of production to the place of processing, is twenty-four dollars.

"Truck," as used in this division, means any pickup truck, straight truck, semitrailer, or trailer other than a travel trailer. Nonprocessed agricultural products, as used in this division, does not include livestock or grain.

A license issued under this division shall be issued for a period of one hundred thirty days in the same manner in which all other licenses are issued under this section, provided that no truck shall be so licensed for more than one one-hundred-thirty-day period during any calendar year.

The license issued pursuant to this division shall consist of a windshield decal to be designed by the director of public safety.

Every person registering a truck under this division shall 1846
furnish an affidavit certifying that the truck licensed to the 1847
person is to be used exclusively for the purposes specified in 1848
this division. 1849

(L) Every person registering a motor vehicle as a 1850
noncommercial motor vehicle as defined in section 4501.01 of the 1851
Revised Code, or registering a trailer as a noncommercial trailer 1852
as defined in that section, shall furnish an affidavit certifying 1853
that the motor vehicle or trailer so licensed to the person is to 1854
be so used as to meet the requirements necessary for the 1855
noncommercial vehicle classification. 1856

(M) Every person registering a van or bus as provided in 1857
divisions (F)(2) and (3) of this section shall furnish a notarized 1858
statement certifying that the van or bus licensed to the person is 1859
to be used for the purposes specified in those divisions. The form 1860
of the license plate issued for such motor vehicles shall be 1861
prescribed by the registrar. 1862

(N) Every person registering as a passenger car a motor 1863
vehicle designed and used for carrying more than nine but not more 1864
than fifteen passengers, and every person registering a bus as 1865
provided in division (G) of this section, shall furnish an 1866
affidavit certifying that the vehicle so licensed to the person is 1867
to be used in a ridesharing arrangement and that the person will 1868
have in effect whenever the vehicle is used in a ridesharing 1869
arrangement a policy of liability insurance with respect to the 1870
motor vehicle in amounts and coverages no less than those required 1871
by section 4509.79 of the Revised Code. The form of the license 1872
plate issued for such a motor vehicle shall be prescribed by the 1873
registrar. 1874

(O) Commencing on October 1, 2009, if an application for 1875
registration renewal is not applied for prior to the expiration 1876
date of the registration, the registrar or deputy registrar shall 1877

collect a fee of ten dollars for the issuance of the vehicle 1878
registration, but may waive the fee for good cause shown if the 1879
application is accompanied by supporting evidence as the registrar 1880
may require. The fee shall be in addition to all other fees 1881
established by this section. A deputy registrar shall retain fifty 1882
cents of the fee and shall transmit the remaining amount to the 1883
registrar at the time and in the manner provided by section 1884
4503.10 of the Revised Code. The registrar shall deposit all 1885
moneys received under this division into the state highway safety 1886
fund established in section 4501.06 of the Revised Code. 1887

(P) As used in this section: 1888

(1) "Van" means any motor vehicle having a single rear axle 1889
and an enclosed body without a second seat. 1890

(2) "Handicapped person" means any person who has lost the 1891
use of one or both legs, or one or both arms, or is blind, deaf, 1892
or so severely disabled as to be unable to move about without the 1893
aid of crutches or a wheelchair. 1894

(3) "Farm truck" means a truck used in the transportation 1895
from the farm of products of the farm, including livestock and its 1896
products, poultry and its products, floricultural and 1897
horticultural products, and in the transportation to the farm of 1898
supplies for the farm, including tile, fence, and every other 1899
thing or commodity used in agricultural, floricultural, 1900
horticultural, livestock, and poultry production and livestock, 1901
poultry, and other animals and things used for breeding, feeding, 1902
or other purposes connected with the operation of the farm. 1903

(4) "Farm bus" means a bus used only for the transportation 1904
of agricultural employees and used only in the transportation of 1905
such employees as are necessary in the operation of the farm. 1906

(5) "Farm supplies" includes fuel used exclusively in the 1907
operation of a farm, including one or more homes located on and 1908

used in the operation of one or more farms, and furniture and 1909
other things used in and around such homes. 1910

Sec. 4503.042. The registrar of motor vehicles shall adopt 1911
rules establishing the date, subsequent to this state's entry into 1912
membership in the international registration plan, when the rates 1913
established by this section become operative. 1914

(A) The rates of the taxes imposed by section 4503.02 of the 1915
Revised Code are as follows for commercial cars having a gross 1916
vehicle weight or combined gross vehicle weight of: 1917

(1) Not more than two thousand pounds, forty-five dollars; 1918

(2) More than two thousand but not more than six thousand 1919
pounds, seventy dollars; 1920

(3) More than six thousand but not more than ten thousand 1921
pounds, eighty-five dollars; 1922

(4) More than ten thousand but not more than fourteen 1923
thousand pounds, one hundred five dollars; 1924

(5) More than fourteen thousand but not more than eighteen 1925
thousand pounds, one hundred twenty-five dollars; 1926

(6) More than eighteen thousand but not more than twenty-two 1927
thousand pounds, one hundred fifty dollars; 1928

(7) More than twenty-two thousand but not more than 1929
twenty-six thousand pounds, one hundred seventy-five dollars; 1930

(8) More than twenty-six thousand but not more than thirty 1931
thousand pounds, three hundred fifty-five dollars; 1932

(9) More than thirty thousand but not more than thirty-four 1933
thousand pounds, four hundred twenty dollars; 1934

(10) More than thirty-four thousand but not more than 1935
thirty-eight thousand pounds, four hundred eighty dollars; 1936

(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	1937 1938
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	1939 1940
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	1941 1942
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	1943 1944
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	1945 1946
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	1947 1948
(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	1949 1950
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	1951 1952
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	1953 1954
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	1955 1956
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	1957 1958
(B) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for buses having a gross vehicle weight or combined gross vehicle weight of:	1959 1960 1961
(1) Not more than two thousand pounds, ten dollars;	1962
(2) More than two thousand but not more than six thousand pounds, forty dollars;	1963 1964
(3) More than six thousand but not more than ten thousand	1965

pounds, one hundred dollars;	1966
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	1967 1968
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	1969 1970
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	1971 1972
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	1973 1974
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	1975 1976
(9) More than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	1977 1978
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars;	1979 1980
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars;	1981 1982
(12) More than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars;	1983 1984
(13) More than forty-six thousand but not more than fifty thousand pounds, nine hundred forty dollars;	1985 1986
(14) More than fifty thousand but not more than fifty-four thousand pounds, one thousand dollars;	1987 1988
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, one thousand ninety dollars;	1989 1990
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, one thousand one hundred eighty dollars;	1991 1992 1993
(17) More than sixty-two thousand but not more than sixty-six	1994

thousand pounds, one thousand two hundred seventy dollars; 1995

(18) More than sixty-six thousand but not more than seventy 1996
thousand pounds, one thousand three hundred sixty dollars; 1997

(19) More than seventy thousand but not more than 1998
seventy-four thousand pounds, one thousand four hundred fifty 1999
dollars; 2000

(20) More than seventy-four thousand but not more than 2001
seventy-eight thousand pounds, one thousand five hundred forty 2002
dollars; 2003

(21) More than seventy-eight thousand pounds, one thousand 2004
six hundred thirty dollars. 2005

(C) In addition to the license taxes imposed at the rates 2006
specified in divisions (A) and (B) of this section, an 2007
administrative fee of three dollars and ~~twenty-five~~ fifty cents, 2008
plus an appropriate amount to cover the cost of postage, shall be 2009
collected by the registrar for each international registration 2010
plan license processed by the registrar. ~~If the deputy registrar 2011
fees are increased on January 1, 2004, in accordance with section 2012
4503.034 of the Revised Code, the administrative fee collected 2013
under this section is three dollars and fifty cents, commencing on 2014
that date, plus postage.~~ 2015

(D) The rate of the tax for each trailer and semitrailer is 2016
twenty-five dollars. 2017

(E) Commencing on October 1, 2009, if an application for 2018
registration renewal is not applied for prior to the expiration 2019
date of the registration, the registrar or deputy registrar shall 2020
collect a fee of ten dollars for the issuance of the vehicle 2021
registration, but may waive the fee for good cause shown if the 2022
application is accompanied by supporting evidence as the registrar 2023
may require. The fee shall be in addition to all other fees 2024
established by this section. A deputy registrar shall retain fifty 2025

cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(F) The rates established by this section shall not apply to any of the following:

(1) Vehicles equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;

(2) Vans used principally for the transportation of handicapped persons that have been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the vans;

(3) Buses used principally for the transportation of handicapped persons or persons sixty-five years of age or older;

(4) Buses used principally for the transportation of persons in a ridesharing arrangement;

(5) Transit buses having motor power;

(6) Noncommercial trailers, mobile homes, or manufactured homes.

Sec. 4503.07. (A) In lieu of the schedule of rates for commercial cars fixed in section 4503.04 of the Revised Code, the fee shall be ten dollars for each church bus used exclusively to transport members of a church congregation to and from church services or church functions or to transport children and their authorized supervisors to and from any camping function sponsored by a nonprofit, tax-exempt, charitable or philanthropic organization. A church within the meaning of this section is an organized religious group, duly constituted with officers and a

board of trustees, regularly holding religious services, and 2056
presided over or administered to by a properly accredited 2057
ecclesiastical officer, whose name and standing is published in 2058
the official publication of the officer's religious group. 2059

(B) Commencing on October 1, 2009, if an application for 2060
registration renewal is not applied for prior to the expiration 2061
date of the registration, the registrar or deputy registrar shall 2062
collect a fee of ten dollars for the issuance of the vehicle 2063
registration, but may waive the fee for good cause shown if the 2064
application is accompanied by supporting evidence as the registrar 2065
may require. The fee shall be in addition to all other fees 2066
established by this section. A deputy registrar shall retain fifty 2067
cents of the fee and shall transmit the remaining amount to the 2068
registrar at the time and in the manner provided by section 2069
4503.10 of the Revised Code. The registrar shall deposit all 2070
moneys received under this division into the state highway safety 2071
fund established in section 4501.06 of the Revised Code. 2072

(C) The application for registration of such bus shall be 2073
accompanied by the following, as applicable: 2074

~~(A)~~(1) An affidavit, prescribed by the registrar of motor 2075
vehicles and signed by either the senior pastor, minister, priest, 2076
or rabbi of the church making application or by the head of the 2077
governing body of the church making application, stating that the 2078
bus is to be used exclusively to transport members of a church 2079
congregation to and from church services or church functions or to 2080
transport children and their authorized supervisors to and from 2081
any camping function sponsored by a nonprofit, tax-exempt, 2082
charitable, or philanthropic organization; 2083

~~(B)~~(2) A certificate from the state highway patrol stating 2084
that the bus involved is safe for operation in accordance with 2085
such standards as are prescribed by the state highway patrol if 2086
the bus meets either of the following: 2087

~~(1)~~(a) It originally was designed by the manufacturer to transport sixteen or more passengers, including the driver;

~~(2)~~(b) It has a gross vehicle weight rating of ten thousand one pounds or more.

(D) The form of the license plate and the manner of its attachment to the vehicle shall be prescribed by the registrar.

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration

and registration renewal notices shall be filed at the times 2119
established by the registrar pursuant to section 4503.101 of the 2120
Revised Code. A motor vehicle owner also may elect to apply for or 2121
renew a motor vehicle registration by electronic means using 2122
electronic signature in accordance with rules adopted by the 2123
registrar. Except as provided in division (J) of this section, 2124
applications for registration shall be made on blanks furnished by 2125
the registrar for that purpose, containing the following 2126
information: 2127

(1) A brief description of the motor vehicle to be 2128
registered, including the year, make, model, and vehicle 2129
identification number, and, in the case of commercial cars, the 2130
gross weight of the vehicle fully equipped computed in the manner 2131
prescribed in section 4503.08 of the Revised Code; 2132

(2) The name and residence address of the owner, and the 2133
township and municipal corporation in which the owner resides; 2134

(3) The district of registration, which shall be determined 2135
as follows: 2136

(a) In case the motor vehicle to be registered is used for 2137
hire or principally in connection with any established business or 2138
branch business, conducted at a particular place, the district of 2139
registration is the municipal corporation in which that place is 2140
located or, if not located in any municipal corporation, the 2141
county and township in which that place is located. 2142

(b) In case the vehicle is not so used, the district of 2143
registration is the municipal corporation or county in which the 2144
owner resides at the time of making the application. 2145

(4) Whether the motor vehicle is a new or used motor vehicle; 2146

(5) The date of purchase of the motor vehicle; 2147

(6) Whether the fees required to be paid for the registration 2148

or transfer of the motor vehicle, during the preceding 2149
registration year and during the preceding period of the current 2150
registration year, have been paid. Each application for 2151
registration shall be signed by the owner, either manually or by 2152
electronic signature, or pursuant to obtaining a limited power of 2153
attorney authorized by the registrar for registration, or other 2154
document authorizing such signature. If the owner elects to apply 2155
for or renew the motor vehicle registration with the registrar by 2156
electronic means, the owner's manual signature is not required. 2157

(7) The owner's social security number, driver's license 2158
number, or state identification number, or, where a motor vehicle 2159
to be registered is used for hire or principally in connection 2160
with any established business, the owner's federal taxpayer 2161
identification number. The bureau of motor vehicles shall retain 2162
in its records all social security numbers provided under this 2163
section, but the bureau shall not place social security numbers on 2164
motor vehicle certificates of registration. 2165

(B) Except as otherwise provided in this division, each time 2166
an applicant first registers a motor vehicle in the applicant's 2167
name, the applicant shall present for inspection a physical 2168
certificate of title or memorandum certificate showing title to 2169
the motor vehicle to be registered in the name of the applicant if 2170
a physical certificate of title or memorandum certificate has been 2171
issued by a clerk of a court of common pleas. If, under sections 2172
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 2173
instead has issued an electronic certificate of title for the 2174
applicant's motor vehicle, that certificate may be presented for 2175
inspection at the time of first registration in a manner 2176
prescribed by rules adopted by the registrar. An applicant is not 2177
required to present a certificate of title to an electronic motor 2178
vehicle dealer acting as a limited authority deputy registrar in 2179
accordance with rules adopted by the registrar. When a motor 2180

vehicle inspection and maintenance program is in effect under 2181
section 3704.14 of the Revised Code and rules adopted under it, 2182
each application for registration for a vehicle required to be 2183
inspected under that section and those rules shall be accompanied 2184
by an inspection certificate for the motor vehicle issued in 2185
accordance with that section. The application shall be refused if 2186
any of the following applies: 2187

(1) The application is not in proper form. 2188

(2) The application is prohibited from being accepted by 2189
division (D) of section 2935.27, division (A) of section 2937.221, 2190
division (A) of section 4503.13, division (B) of section 4510.22, 2191
or division (B)(1) of section 4521.10 of the Revised Code. 2192

(3) A certificate of title or memorandum certificate of title 2193
is required but does not accompany the application or, in the case 2194
of an electronic certificate of title, is required but is not 2195
presented in a manner prescribed by the registrar's rules. 2196

(4) All registration and transfer fees for the motor vehicle, 2197
for the preceding year or the preceding period of the current 2198
registration year, have not been paid. 2199

(5) The owner or lessee does not have an inspection 2200
certificate for the motor vehicle as provided in section 3704.14 2201
of the Revised Code, and rules adopted under it, if that section 2202
is applicable. 2203

This section does not require the payment of license or 2204
registration taxes on a motor vehicle for any preceding year, or 2205
for any preceding period of a year, if the motor vehicle was not 2206
taxable for that preceding year or period under sections 4503.02, 2207
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 2208
Revised Code. When a certificate of registration is issued upon 2209
the first registration of a motor vehicle by or on behalf of the 2210
owner, the official issuing the certificate shall indicate the 2211

issuance with a stamp on the certificate of title or memorandum 2212
certificate or, in the case of an electronic certificate of title, 2213
an electronic stamp or other notation as specified in rules 2214
adopted by the registrar, and with a stamp on the inspection 2215
certificate for the motor vehicle, if any. The official also shall 2216
indicate, by a stamp or by other means the registrar prescribes, 2217
on the registration certificate issued upon the first registration 2218
of a motor vehicle by or on behalf of the owner the odometer 2219
reading of the motor vehicle as shown in the odometer statement 2220
included in or attached to the certificate of title. Upon each 2221
subsequent registration of the motor vehicle by or on behalf of 2222
the same owner, the official also shall so indicate the odometer 2223
reading of the motor vehicle as shown on the immediately preceding 2224
certificate of registration. 2225

The registrar shall include in the permanent registration 2226
record of any vehicle required to be inspected under section 2227
3704.14 of the Revised Code the inspection certificate number from 2228
the inspection certificate that is presented at the time of 2229
registration of the vehicle as required under this division. 2230

(C)(1) ~~Commencing with~~ For each registration renewal with an 2231
expiration date ~~on or after~~ before October 1, ~~2003~~ 2009, and for 2232
each initial application for registration received ~~on and after~~ 2233
before that date, the registrar and each deputy registrar shall 2234
collect an additional fee of eleven dollars for each application 2235
for registration and registration renewal received. Except for 2236
vehicles specified in divisions (A)(1) to (21) of section 4503.042 2237
of the Revised Code, commencing with each registration renewal 2238
with an expiration date on or after October 1, 2009, and for each 2239
initial application for registration received on or after that 2240
date, the registrar and each deputy registrar shall collect an 2241
additional fee of sixteen dollars and seventy-five cents for each 2242
application for registration and registration renewal received. 2243

For vehicles specified in divisions (A)(1) to (21) of section 2244
4503.042 of the Revised Code, commencing with each registration 2245
renewal with an expiration date on or after October 1, 2009, and 2246
for each initial application received on or after that date, the 2247
registrar and deputy registrar shall collect an additional fee of 2248
thirty dollars for each application for registration and 2249
registration renewal received. The additional fee is for the 2250
purpose of defraying the department of public safety's costs 2251
associated with the administration and enforcement of the motor 2252
vehicle and traffic laws of Ohio. Each deputy registrar shall 2253
transmit the fees collected under division (C)(1) of this section 2254
in the time and manner provided in this section. The registrar 2255
shall deposit all moneys received under division (C)(1) of this 2256
section into the state highway safety fund established in section 2257
4501.06 of the Revised Code. 2258

(2) In addition, a charge of twenty-five cents shall be made 2259
for each reflectorized safety license plate issued, and a single 2260
charge of twenty-five cents shall be made for each county 2261
identification sticker or each set of county identification 2262
stickers issued, as the case may be, to cover the cost of 2263
producing the license plates and stickers, including material, 2264
manufacturing, and administrative costs. Those fees shall be in 2265
addition to the license tax. If the total cost of producing the 2266
plates is less than twenty-five cents per plate, or if the total 2267
cost of producing the stickers is less than twenty-five cents per 2268
sticker or per set issued, any excess moneys accruing from the 2269
fees shall be distributed in the same manner as provided by 2270
section 4501.04 of the Revised Code for the distribution of 2271
license tax moneys. If the total cost of producing the plates 2272
exceeds twenty-five cents per plate, or if the total cost of 2273
producing the stickers exceeds twenty-five cents per sticker or 2274
per set issued, the difference shall be paid from the license tax 2275
moneys collected pursuant to section 4503.02 of the Revised Code. 2276

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 2277
~~dollars and seventy five cents commencing on July 1, 2001, three~~ 2278
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 2279
three dollars and fifty cents ~~commencing on January 1, 2004,~~ for 2280
each application for registration and registration renewal notice 2281
the deputy registrar receives, which shall be for the purpose of 2282
compensating the deputy registrar for the deputy registrar's 2283
services, and such office and rental expenses, as may be necessary 2284
for the proper discharge of the deputy registrar's duties in the 2285
receiving of applications and renewal notices and the issuing of 2286
registrations. 2287

(E) Upon the certification of the registrar, the county 2288
sheriff or local police officials shall recover license plates 2289
erroneously or fraudulently issued. 2290

(F) Each deputy registrar, upon receipt of any application 2291
for registration or registration renewal notice, together with the 2292
license fee and any local motor vehicle license tax levied 2293
pursuant to Chapter 4504. of the Revised Code, shall transmit that 2294
fee and tax, if any, in the manner provided in this section, 2295
together with the original and duplicate copy of the application, 2296
to the registrar. The registrar, subject to the approval of the 2297
director of public safety, may deposit the funds collected by 2298
those deputies in a local bank or depository to the credit of the 2299
"state of Ohio, bureau of motor vehicles." Where a local bank or 2300
depository has been designated by the registrar, each deputy 2301
registrar shall deposit all moneys collected by the deputy 2302
registrar into that bank or depository not more than one business 2303
day after their collection and shall make reports to the registrar 2304
of the amounts so deposited, together with any other information, 2305
some of which may be prescribed by the treasurer of state, as the 2306
registrar may require and as prescribed by the registrar by rule. 2307
The registrar, within three days after receipt of notification of 2308

the deposit of funds by a deputy registrar in a local bank or 2309
depository, shall draw on that account in favor of the treasurer 2310
of state. The registrar, subject to the approval of the director 2311
and the treasurer of state, may make reasonable rules necessary 2312
for the prompt transmittal of fees and for safeguarding the 2313
interests of the state and of counties, townships, municipal 2314
corporations, and transportation improvement districts levying 2315
local motor vehicle license taxes. The registrar may pay service 2316
charges usually collected by banks and depositories for such 2317
service. If deputy registrars are located in communities where 2318
banking facilities are not available, they shall transmit the fees 2319
forthwith, by money order or otherwise, as the registrar, by rule 2320
approved by the director and the treasurer of state, may 2321
prescribe. The registrar may pay the usual and customary fees for 2322
such service. 2323

(G) This section does not prevent any person from making an 2324
application for a motor vehicle license directly to the registrar 2325
by mail, by electronic means, or in person at any of the 2326
registrar's offices, upon payment of a service fee of ~~two dollars~~ 2327
~~and seventy five cents commencing on July 1, 2001, three dollars~~ 2328
~~and twenty five cents commencing on January 1, 2003, and three~~ 2329
dollars and fifty cents ~~commencing on January 1, 2004,~~ for each 2330
application. 2331

(H) No person shall make a false statement as to the district 2332
of registration in an application required by division (A) of this 2333
section. Violation of this division is falsification under section 2334
2921.13 of the Revised Code and punishable as specified in that 2335
section. 2336

(I)(1) Where applicable, the requirements of division (B) of 2337
this section relating to the presentation of an inspection 2338
certificate issued under section 3704.14 of the Revised Code and 2339
rules adopted under it for a motor vehicle, the refusal of a 2340

license for failure to present an inspection certificate, and the 2341
stamping of the inspection certificate by the official issuing the 2342
certificate of registration apply to the registration of and 2343
issuance of license plates for a motor vehicle under sections 2344
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 2345
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 2346
4503.47, and 4503.51 of the Revised Code. 2347

(2)(a) The registrar shall adopt rules ensuring that each 2348
owner registering a motor vehicle in a county where a motor 2349
vehicle inspection and maintenance program is in effect under 2350
section 3704.14 of the Revised Code and rules adopted under it 2351
receives information about the requirements established in that 2352
section and those rules and about the need in those counties to 2353
present an inspection certificate with an application for 2354
registration or preregistration. 2355

(b) Upon request, the registrar shall provide the director of 2356
environmental protection, or any person that has been awarded a 2357
contract under division (D) of section 3704.14 of the Revised 2358
Code, an on-line computer data link to registration information 2359
for all passenger cars, noncommercial motor vehicles, and 2360
commercial cars that are subject to that section. The registrar 2361
also shall provide to the director of environmental protection a 2362
magnetic data tape containing registration information regarding 2363
passenger cars, noncommercial motor vehicles, and commercial cars 2364
for which a multi-year registration is in effect under section 2365
4503.103 of the Revised Code or rules adopted under it, including, 2366
without limitation, the date of issuance of the multi-year 2367
registration, the registration deadline established under rules 2368
adopted under section 4503.101 of the Revised Code that was 2369
applicable in the year in which the multi-year registration was 2370
issued, and the registration deadline for renewal of the 2371
multi-year registration. 2372

(J) Application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle.

The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate that could legally be transferred to the vehicle.

Placards or windshield stickers shall be issued only for the applicant's use of the vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall be displayed on no other motor vehicle.

Placards or windshield stickers issued under this section are valid for a period of thirty days from date of issuance and are not transferable or renewable.

The fee for the placards or windshield stickers issued under this section is two dollars plus a service fee of ~~two dollars and~~

~~seventy five cents commencing on July 1, 2001, three dollars and 2403
twenty five cents commencing on January 1, 2003, and three dollars 2404
and fifty cents commencing on January 1, 2004. 2405~~

(B)(1) The registrar of motor vehicles may issue to a 2406
motorized bicycle dealer or a licensed motor vehicle dealer 2407
temporary license placards to be issued to purchasers for use on 2408
vehicles sold by the dealer, in accordance with rules prescribed 2409
by the registrar. The dealer shall notify the registrar, within 2410
forty-eight hours, of the issuance of a placard by electronic 2411
means via computer equipment purchased and maintained by the 2412
dealer or in any other manner prescribed by the registrar. 2413

(2) The fee for each placard issued by the registrar to a 2414
dealer is ~~seven~~ twelve dollars, of which ~~five~~ ten dollars shall be 2415
deposited and used in accordance with division (D) of this 2416
section. The registrar shall charge an additional three dollars 2417
and fifty cents for each placard issued to a dealer who notifies 2418
the registrar of the issuance of the placards in a manner other 2419
than by approved electronic means. 2420

(3) When a dealer issues a temporary license placard to a 2421
purchaser, the dealer shall collect and retain the fees 2422
established under divisions (A) and (D) of this section. 2423

(C) The registrar of motor vehicles, at the registrar's 2424
discretion, may issue a temporary license placard. Such a placard 2425
may be issued in the case of extreme hardship encountered by a 2426
citizen from this state or another state who has attempted to 2427
comply with all registration laws, but for extreme circumstances 2428
is unable to properly register the citizen's vehicle. 2429

(D) In addition to the fees charged under divisions (A) and 2430
(B) of this section, commencing on October 1, 2003, the registrar 2431
and each deputy registrar shall collect a fee of five dollars and 2432
commencing on October 1, 2009, a fee of ten dollars, for each 2433

temporary license placard issued. The additional fee is for the 2434
purpose of defraying the department of public safety's costs 2435
associated with the administration and enforcement of the motor 2436
vehicle and traffic laws of Ohio. Each deputy registrar shall 2437
transmit the fees collected under this division in the same manner 2438
as provided for transmission of fees collected under division (A) 2439
of this section. The registrar shall deposit all moneys received 2440
under this division into the state highway safety fund established 2441
in section 4501.06 of the Revised Code. 2442

(E) The registrar shall adopt rules, in accordance with 2443
division (B) of section 111.15 of the Revised Code, to specify the 2444
procedures for reporting the information from applications for 2445
temporary license placards and windshield stickers and for 2446
providing the information from these applications to law 2447
enforcement agencies. 2448

(F) Temporary license placards issued under this section 2449
shall bear a distinctive combination of seven letters, numerals, 2450
or letters and numerals, and shall incorporate a security feature 2451
that, to the greatest degree possible, prevents tampering with any 2452
of the information that is entered upon a placard when it is 2453
issued. 2454

(G) Whoever violates division (A) of this section is guilty 2455
of a misdemeanor of the fourth degree. Whoever violates division 2456
(B) of this section is guilty of a misdemeanor of the first 2457
degree. 2458

(H) As used in this section, "motorized bicycle dealer" means 2459
any person engaged in the business of selling at retail, 2460
displaying, offering for sale, or dealing in motorized bicycles 2461
who is not subject to section 4503.09 of the Revised Code. 2462

Sec. 4503.26. (A) As used in this section, "registration 2463
information" means information in license plate applications on 2464

file with the bureau of motor vehicles. 2465

(B) The director of public safety may advertise for and 2466
accept sealed bids for the preparation of lists containing 2467
registration information in such form as the director authorizes. 2468
Where the expenditure is more than five hundred dollars, the 2469
director shall give notice to bidders as provided in section 2470
5513.01 of the Revised Code as for purchases by the department of 2471
transportation. The notice shall include the latest date, as 2472
determined by the director, on which bids will be accepted and the 2473
date, also determined by the director, on which bids will be 2474
opened by the director at the central office of the department of 2475
public safety. The contract to prepare the list shall be awarded 2476
to the lowest responsive and responsible bidder, in accordance 2477
with section 9.312 of the Revised Code, provided there is 2478
compliance with the specifications. Such contract shall not extend 2479
beyond twenty-four consecutive registration periods as provided in 2480
section 4503.101 of the Revised Code. The successful bidder shall 2481
furnish without charge a complete list to the bureau of motor 2482
vehicles, and shall also furnish without charge to the county 2483
sheriffs or chiefs of police in cities, at such times and in such 2484
manner as the director determines necessary, lists of registration 2485
information for the county in which they are situated. The 2486
registrar shall provide to the successful bidder all necessary 2487
information for the preparation of such lists. 2488

The registrar ~~may~~, upon application of any person and payment 2489
of the proper fee, may search the records of the bureau and ~~make~~ 2490
furnish reports ~~thereof, and make photographic copies of the~~ 2491
~~bureau~~ those records and ~~attestations thereof~~ under the signature 2492
of the registrar. 2493

~~Fees therefor are as follows:~~ 2494

~~(A) For searches~~ (C) A fee of eight dollars shall be charged 2495
and collected for each search of the records and ~~written reports~~ 2496

thereof, ~~two dollars for each name, number, or fact searched or reported on;~~ 2497
2498

~~(B) For photographic copies of records and attestations~~ 2499
~~thereof, report of those records furnished~~ under the signature and 2500
seal of the registrar, ~~two dollars a copy. Such~~ A copy of any such 2501
report is prima-facie evidence of the facts therein stated, in any 2502
court. 2503

The registrar shall receive these fees and deposit ~~them~~ two 2504
dollars of each such fee into the state treasury to the credit of 2505
the state bureau of motor vehicles fund established in section 2506
4501.25 of the Revised Code. Of the remaining six dollars of each 2507
such fee the registrar collects, the registrar shall deposit one 2508
dollar and twenty-five cents into the state treasury to the credit 2509
of the trauma and emergency medical services fund established in 2510
section 4513.263 of the Revised Code, one dollar and twenty-five 2511
cents into the state treasury to the credit of the homeland 2512
security fund established under section 5502.03 of the Revised 2513
Code, seventy-five cents into the state treasury to the credit of 2514
the investigations fund established in section 5502.131 of the 2515
Revised Code, two dollars and twenty-five cents into the state 2516
treasury to the credit of the emergency management agency service 2517
and reimbursement fund established in section 5502.39 of the 2518
Revised Code, and fifty cents into the state treasury to the 2519
credit of the justice program services fund established in section 2520
5502.67 of the Revised Code. 2521

Sec. 4503.65. The registrar of motor vehicles shall take all 2522
steps necessary to determine and collect, ~~at the tax rates~~ 2523
~~established under section 4503.042 of the Revised Code,~~ the 2524
apportioned registration tax due for vehicles registered in 2525
another international registration plan jurisdiction that lists 2526
Ohio for apportionment purposes on a uniform mileage schedule. The 2527

registration taxes to be charged shall be determined on the basis 2528
of the annual tax otherwise due on the motor vehicle, prorated in 2529
accordance with the number of months for which the motor vehicle 2530
is registered. Until October 1, 2009, such vehicles shall be taxed 2531
at the rates established under section 4503.042 of the Revised 2532
Code. The rates in this section become effective on and after 2533
October 1, 2009. 2534

(A) The rates of the taxes imposed by this section are as 2535
follows for commercial cars having a gross vehicle weight or 2536
combined gross vehicle weight of: 2537

(1) Not more than two thousand pounds, forty-seven dollars; 2538

(2) More than two thousand but not more than six thousand 2539
pounds, seventy-two dollars; 2540

(3) More than six thousand but not more than ten thousand 2541
pounds, eighty-eight dollars; 2542

(4) More than ten thousand but not more than fourteen 2543
thousand pounds, one hundred eight dollars; 2544

(5) More than fourteen thousand but not more than eighteen 2545
thousand pounds, one hundred twenty-nine dollars; 2546

(6) More than eighteen thousand but not more than twenty-two 2547
thousand pounds, one hundred fifty-four dollars; 2548

(7) More than twenty-two thousand but not more than 2549
twenty-six thousand pounds, one hundred eighty dollars; 2550

(8) More than twenty-six thousand but not more than thirty 2551
thousand pounds, three hundred sixty-four dollars; 2552

(9) More than thirty thousand but not more than thirty-four 2553
thousand pounds, four hundred thirty-one dollars; 2554

(10) More than thirty-four thousand but not more than 2555
thirty-eight thousand pounds, four hundred ninety-two dollars; 2556

<u>(11) More than thirty-eight thousand but not more than</u>	2557
<u>forty-two thousand pounds, five hundred fifty-four dollars;</u>	2558
<u>(12) More than forty-two thousand but not more than forty-six</u>	2559
<u>thousand pounds, six hundred fifteen dollars;</u>	2560
<u>(13) More than forty-six thousand but not more than fifty</u>	2561
<u>thousand pounds, six hundred seventy-seven dollars;</u>	2562
<u>(14) More than fifty thousand but not more than fifty-four</u>	2563
<u>thousand pounds, seven hundred forty-four dollars;</u>	2564
<u>(15) More than fifty-four thousand but not more than</u>	2565
<u>fifty-eight thousand pounds, eight hundred five dollars;</u>	2566
<u>(16) More than fifty-eight thousand but not more than</u>	2567
<u>sixty-two thousand pounds, eight hundred seventy-seven dollars;</u>	2568
<u>(17) More than sixty-two thousand but not more than sixty-six</u>	2569
<u>thousand pounds, nine hundred forty-nine dollars;</u>	2570
<u>(18) More than sixty-six thousand but not more than seventy</u>	2571
<u>thousand pounds, one thousand twenty dollars;</u>	2572
<u>(19) More than seventy thousand but not more than</u>	2573
<u>seventy-four thousand pounds, one thousand one hundred seven</u>	2574
<u>dollars;</u>	2575
<u>(20) More than seventy-four thousand but not more than</u>	2576
<u>seventy-eight thousand pounds, one thousand two hundred thirty</u>	2577
<u>dollars;</u>	2578
<u>(21) More than seventy-eight thousand pounds, one thousand</u>	2579
<u>three hundred seventy-three dollars and fifty cents.</u>	2580
<u>(B) The rates of the taxes imposed by this section are as</u>	2581
<u>follows for buses having a gross vehicle weight or combined gross</u>	2582
<u>vehicle weight of:</u>	2583
<u>(1) Not more than two thousand pounds, eleven dollars;</u>	2584
<u>(2) More than two thousand but not more than six thousand</u>	2585

<u>pounds, forty-one dollars;</u>	2586
<u>(3) More than six thousand but not more than ten thousand</u>	2587
<u>pounds, one hundred three dollars;</u>	2588
<u>(4) More than ten thousand but not more than fourteen</u>	2589
<u>thousand pounds, one hundred eighty-five dollars;</u>	2590
<u>(5) More than fourteen thousand but not more than eighteen</u>	2591
<u>thousand pounds, two hundred sixty-seven dollars;</u>	2592
<u>(6) More than eighteen thousand but not more than twenty-two</u>	2593
<u>thousand pounds, three hundred forty-nine dollars;</u>	2594
<u>(7) More than twenty-two thousand but not more than</u>	2595
<u>twenty-six thousand pounds, four hundred thirty-one dollars;</u>	2596
<u>(8) More than twenty-six thousand but not more than thirty</u>	2597
<u>thousand pounds, five hundred thirteen dollars;</u>	2598
<u>(9) More than thirty thousand but not more than thirty-four</u>	2599
<u>thousand pounds, five hundred ninety-five dollars;</u>	2600
<u>(10) More than thirty-four thousand but not more than</u>	2601
<u>thirty-eight thousand pounds, six hundred seventy-seven dollars;</u>	2602
<u>(11) More than thirty-eight thousand but not more than</u>	2603
<u>forty-two thousand pounds, seven hundred fifty-nine dollars;</u>	2604
<u>(12) More than forty-two thousand but not more than forty-six</u>	2605
<u>thousand pounds, eight hundred forty dollars and twenty-five</u>	2606
<u>cents;</u>	2607
<u>(13) More than forty-six thousand but not more than fifty</u>	2608
<u>thousand pounds, nine hundred sixty dollars and twenty-five cents;</u>	2609
<u>(14) More than fifty thousand but not more than fifty-four</u>	2610
<u>thousand pounds, one thousand twenty dollars and twenty-five</u>	2611
<u>cents;</u>	2612
<u>(15) More than fifty-four thousand but not more than</u>	2613
<u>fifty-eight thousand pounds, one thousand one hundred ten dollars</u>	2614

<u>and twenty-five cents;</u>	2615
<u>(16) More than fifty-eight thousand but not more than</u>	2616
<u>sixty-two thousand pounds, one thousand two hundred dollars and</u>	2617
<u>twenty-five cents;</u>	2618
<u>(17) More than sixty-two thousand but not more than sixty-six</u>	2619
<u>thousand pounds, one thousand two hundred ninety dollars and</u>	2620
<u>twenty-five cents;</u>	2621
<u>(18) More than sixty-six thousand but not more than seventy</u>	2622
<u>thousand pounds, one thousand three hundred eighty dollars and</u>	2623
<u>twenty-five cents;</u>	2624
<u>(19) More than seventy thousand but not more than</u>	2625
<u>seventy-four thousand pounds, one thousand four hundred seventy</u>	2626
<u>dollars and twenty-five cents;</u>	2627
<u>(20) More than seventy-four thousand but not more than</u>	2628
<u>seventy-eight thousand pounds, one thousand five hundred sixty</u>	2629
<u>dollars and twenty-five cents;</u>	2630
<u>(21) More than seventy-eight thousand pounds, one thousand</u>	2631
<u>six hundred fifty dollars and twenty-five cents.</u>	2632
Sec. 4505.14. (A) <u>The registrar of motor vehicles, or the</u>	2633
<u>clerk of the court of common pleas, upon the application of any</u>	2634
<u>person and payment of the proper fees <u>fee</u>, may prepare and furnish</u>	2635
<u>lists containing title information in such form and subject to</u>	2636
<u>such territorial division or other classification as they may</u>	2637
<u>direct. The registrar or the clerk may search the records of the</u>	2638
<u>bureau of motor vehicles and the clerk and make <u>furnish</u> reports</u>	2639
<u>thereof, and make copies of their title information and</u>	2640
<u>attestations thereof <u>those records under the signature of the</u></u>	2641
<u>registrar or the clerk.</u>	2642
<u>(B)(1) Fees therefor <u>for lists containing title information</u></u>	2643
<u>shall be charged and collected as follows:</u>	2644

~~(A)(a)~~ For lists containing three thousand titles or more, 2645
twenty-five dollars per thousand or part thereof.; 2646

~~(B)(b)~~ For ~~searches~~ each report of a search of the records 2647
~~and written reports thereof, two dollars for each name, number, or~~ 2648
~~fact searched or reported on.~~ 2649

~~(C)~~ ~~For copies of records and attestations thereof, two~~ 2650
dollars per copy except that on and after October 1, 2009, the fee 2651
shall be eight dollars per copy. The registrar and the clerk may 2652
certify copies of records generated by an automated title 2653
processing system. 2654

~~Such copies~~ (2) A copy of any such report shall be taken as 2655
prima-facie evidence of the facts therein stated, in any court of 2656
the state. The registrar and the clerk shall furnish information 2657
on any title without charge to the state highway patrol, sheriffs, 2658
chiefs of police, or the attorney general. The clerk also may 2659
provide a copy of a certificate of title to a public agency 2660
without charge. 2661

(C)(1) Those fees collected by the registrar as provided in 2662
division (B)(1)(a) of this section shall be paid to the treasurer 2663
of state to the credit of the state bureau of motor vehicles fund 2664
established in section 4501.25 of the Revised Code. Those fees 2665
collected by the clerk as provided in division (B)(1)(a) of this 2666
section shall be paid to the certificate of title administration 2667
fund created by section 325.33 of the Revised Code. 2668

(2) Prior to October 1, 2009, the registrar shall pay those 2669
fees the registrar collects under division (B)(1)(b) of this 2670
section into the state treasury to the credit of the state bureau 2671
of motor vehicles fund established in section 4501.25 of the 2672
Revised Code. Prior to October 1, 2009, the clerk shall pay those 2673
fees the clerk collects under division (B)(1)(b) of this section 2674
to the certificate of title administration fund created by section 2675

325.33 of the Revised Code. 2676

(3) On and after October 1, 2009, the registrar shall pay two 2677
dollars of each fee the registrar collects under division 2678
(B)(1)(b) of this section into the state treasury to the credit of 2679
the state bureau of motor vehicles fund established in section 2680
4501.25 of the Revised Code. Of the remaining six dollars of each 2681
such fee the registrar collects, the registrar shall deposit one 2682
dollar and twenty-five cents into the state treasury to the credit 2683
of the trauma and emergency medical services fund established in 2684
section 4513.263 of the Revised Code, one dollar and twenty-five 2685
cents into the state treasury to the credit of the homeland 2686
security fund established under section 5502.03 of the Revised 2687
Code, seventy-five cents into the state treasury to the credit of 2688
the investigations fund established in section 5502.131 of the 2689
Revised Code, two dollars and twenty-five cents into the state 2690
treasury to the credit of the emergency management agency service 2691
and reimbursement fund established in section 5502.39 of the 2692
Revised Code, and fifty cents into the state treasury to the 2693
credit of the justice program services fund established in section 2694
5502.67 of the Revised Code. 2695

(4) On and after October 1, 2009, the clerk of the court of 2696
common pleas shall retain two dollars of each fee the clerk 2697
collects under division (B)(1)(b) of this section and deposit that 2698
two dollars into the certificate of title administration fund 2699
created by section 325.33 of the Revised Code. The clerk shall 2700
forward the remaining six dollars to the registrar not later than 2701
the fifth day of the month next succeeding that in which the 2702
transaction occurred. Of that remaining six dollars, the registrar 2703
shall deposit one dollar and twenty-five cents into the state 2704
treasury to the credit of the trauma and emergency medical 2705
services fund established in section 4513.263 of the Revised Code, 2706
one dollar and twenty-five cents into the state treasury to the 2707

credit of the homeland security fund established under section 2708
5502.03 of the Revised Code, seventy-five cents into the state 2709
treasury to the credit of the investigations fund established in 2710
section 5502.131 of the Revised Code, two dollars and twenty-five 2711
cents into the state treasury to the credit of the emergency 2712
management agency service and reimbursement fund established in 2713
section 5502.39 of the Revised Code, and fifty cents into the 2714
state treasury to the credit of the justice program services fund 2715
established in section 5502.67 of the Revised Code. 2716

Sec. 4506.08. (A)(1) Each application for a commercial 2717
driver's license temporary instruction permit shall be accompanied 2718
by a fee of ten dollars. Each application for a commercial 2719
driver's license, restricted commercial driver's license, renewal 2720
of such a license, or waiver for farm-related service industries 2721
shall be accompanied by a fee of twenty-five dollars, except that 2722
an application for a commercial driver's license or restricted 2723
commercial driver's license received pursuant to division (A)(3) 2724
of section 4506.14 of the Revised Code shall be accompanied by a 2725
fee of eighteen dollars and seventy-five cents if the license will 2726
expire on the licensee's birthday three years after the date of 2727
issuance, a fee of twelve dollars and fifty cents if the license 2728
will expire on the licensee's birthday two years after the date of 2729
issuance, and a fee of six dollars and twenty-five cents if the 2730
license will expire on the licensee's birthday one year after the 2731
date of issuance. Each application for a duplicate commercial 2732
driver's license shall be accompanied by a fee of ten dollars. 2733

(2) In addition, the registrar of motor vehicles or deputy 2734
registrar may collect and retain an additional fee of no more than 2735
~~two dollars and seventy five cents commencing on July 1, 2001,~~ 2736
~~three dollars and twenty five cents commencing on January 1, 2003,~~ 2737
~~and three dollars and fifty cents commencing on January 1, 2004,~~ 2738
for each application for a commercial driver's license temporary 2739

instruction permit, commercial driver's license, renewal of a 2740
commercial driver's license, or duplicate commercial driver's 2741
license received by the registrar or deputy. 2742

~~(B) Each deputy registrar shall transmit the fees collected 2743
under division (A)(1) of this section to the registrar at the time 2744
and in the manner prescribed by the registrar by rule. The 2745
registrar shall pay the fees into the state highway safety fund 2746
established in section 4501.06 of the Revised Code. 2747~~

~~(C) In addition to the fees imposed under division (A) of 2748
this section, the registrar of motor vehicles or deputy registrar 2749
shall collect a fee of twelve dollars ~~commencing on October 1,~~ 2750
~~2003,~~ for each application for a commercial driver's license 2751
temporary instruction permit, commercial driver's license, or 2752
duplicate commercial driver's license and for each application for 2753
renewal of a commercial driver's license ~~with an expiration date~~ 2754
~~on or after that date received by the registrar or deputy~~ 2755
~~registrar.~~ The additional fee is for the purpose of defraying the 2756
department of public safety's costs associated with the 2757
administration and enforcement of the motor vehicle and traffic 2758
laws of Ohio. ~~Each~~ 2759~~

(C) Commencing on October 1, 2009, if an application for a 2760
commercial driver's license made by a person who previously held 2761
such a license is not applied for within the period specified in 2762
section 4506.14 of the Revised Code, the registrar or deputy 2763
registrar shall collect a fee of ten dollars for the issuance of 2764
the commercial driver's license, but may waive the fee for good 2765
cause shown if the application is accompanied by supporting 2766
evidence as the registrar may require. The fee is in addition to 2767
all other fees established by this section. A deputy registrar 2768
shall retain fifty cents of the fee and shall transmit the 2769
remaining amount in accordance with division (D) of this section. 2770

(D) Each deputy registrar shall transmit the fees collected 2771

under ~~division~~ divisions (A)(1), (B), and (C) of this section in 2772
the time and manner prescribed by the registrar. The registrar 2773
shall deposit all moneys received under division ~~(C)~~ (D) of this 2774
section into the state highway safety fund established in section 2775
4501.06 of the Revised Code. 2776

~~(D)~~(E) Information regarding the driving record of any person 2777
holding a commercial driver's license issued by this state shall 2778
be furnished by the registrar, upon request and payment of a fee 2779
of ~~two~~ eight dollars, to the employer or prospective employer of 2780
such a person and to any insurer. 2781

Of each eight-dollar fee the registrar collects under this 2782
division, the registrar shall pay two dollars into the state 2783
treasury to the credit of the state bureau of motor vehicles fund 2784
established in section 4501.25 of the Revised Code, one dollar and 2785
twenty-five cents into the state treasury to the credit of the 2786
trauma and emergency medical services fund established in section 2787
4513.263 of the Revised Code, one dollar and twenty-five cents 2788
into the state treasury to the credit of the homeland security 2789
fund established in section 5502.03 of the Revised Code, 2790
seventy-five cents into the state treasury to the credit of the 2791
investigations fund established in section 5502.131 of the Revised 2792
Code, two dollars and twenty-five cents into the state treasury to 2793
the credit of the emergency management agency service and 2794
reimbursement fund established in section 5502.39 of the Revised 2795
Code, and fifty cents into the state treasury to the credit of the 2796
justice program services fund established in section 5502.67 of 2797
the Revised Code. 2798

Sec. 4507.05. (A) The registrar of motor vehicles, or a 2799
deputy registrar, upon receiving an application for a temporary 2800
instruction permit and a temporary instruction permit 2801
identification card for a driver's license from any person who is 2802

at least fifteen years six months of age, may issue such a permit 2803
and identification card entitling the applicant to drive a motor 2804
vehicle, other than a commercial motor vehicle, upon the highways 2805
under the following conditions: 2806

(1) If the permit is issued to a person who is at least 2807
fifteen years six months of age, but less than sixteen years of 2808
age: 2809

(a) The permit and identification card are in the holder's 2810
immediate possession; 2811

(b) The holder is accompanied by an eligible adult who 2812
actually occupies the seat beside the permit holder and does not 2813
have a prohibited concentration of alcohol in the whole blood, 2814
blood serum or plasma, breath, or urine as provided in division 2815
(A) of section 4511.19 of the Revised Code; 2816

(c) The total number of occupants of the vehicle does not 2817
exceed the total number of occupant restraining devices originally 2818
installed in the motor vehicle by its manufacturer, and each 2819
occupant of the vehicle is wearing all of the available elements 2820
of a properly adjusted occupant restraining device. 2821

(2) If the permit is issued to a person who is at least 2822
sixteen years of age: 2823

(a) The permit and identification card are in the holder's 2824
immediate possession; 2825

(b) The holder is accompanied by a licensed operator who is 2826
at least twenty-one years of age, is actually occupying a seat 2827
beside the driver, and does not have a prohibited concentration of 2828
alcohol in the whole blood, blood serum or plasma, breath, or 2829
urine as provided in division (A) of section 4511.19 of the 2830
Revised Code; 2831

(c) The total number of occupants of the vehicle does not 2832

exceed the total number of occupant restraining devices originally 2833
installed in the motor vehicle by its manufacturer, and each 2834
occupant of the vehicle is wearing all of the available elements 2835
of a properly adjusted occupant restraining device. 2836

(B) The registrar or a deputy registrar, upon receiving from 2837
any person an application for a temporary instruction permit and 2838
temporary instruction permit identification card to operate a 2839
motorcycle or motorized bicycle, may issue such a permit and 2840
identification card entitling the applicant, while having the 2841
permit and identification card in the applicant's immediate 2842
possession, to drive a motorcycle or motorized bicycle under 2843
restrictions determined by the registrar. A temporary instruction 2844
permit and temporary instruction permit identification card to 2845
operate a motorized bicycle may be issued to a person fourteen or 2846
fifteen years old. 2847

(C) Any permit and identification card issued under this 2848
section shall be issued in the same manner as a driver's license, 2849
upon a form to be furnished by the registrar. A temporary 2850
instruction permit to drive a motor vehicle other than a 2851
commercial motor vehicle shall be valid for a period of one year. 2852

(D) Any person having in the person's possession a valid and 2853
current driver's license or motorcycle operator's license or 2854
endorsement issued to the person by another jurisdiction 2855
recognized by this state is exempt from obtaining a temporary 2856
instruction permit for a driver's license, but shall submit to the 2857
regular examination in obtaining a driver's license or motorcycle 2858
operator's endorsement in this state. 2859

(E) The registrar may adopt rules governing the use of 2860
temporary instruction permits and temporary instruction permit 2861
identification cards. 2862

(F)(1) No holder of a permit issued under division (A) of 2863

this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section.

(2) Except as provided in division (F)(2) of this section, no holder of a permit that is issued under division (A) of this section and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code.

~~(G)(1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (A) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in~~

~~that division has been or is being violated, or for causing the~~ 2896
~~arrest of or commencing a prosecution of a person for a violation~~ 2897
~~of that requirement.~~ 2898

(2) Notwithstanding any other provision of law to the 2899
contrary, no law enforcement officer shall cause the operator of a 2900
motor vehicle being operated on any street or highway to stop the 2901
motor vehicle for the sole purpose of determining whether a 2902
violation of division (F)(2) of this section has been or is being 2903
committed or for the sole purpose of issuing a ticket, citation, 2904
or summons for such a violation or for causing the arrest of or 2905
commencing a prosecution of a person for such violation. 2906

(H) As used in this section: 2907

(1) "Eligible adult" means any of the following: 2908

(a) An instructor of a driver training course approved by the 2909
department of public safety; 2910

(b) Any of the following persons who holds a current valid 2911
driver's or commercial driver's license issued by this state: 2912

(i) A parent, guardian, or custodian of the permit holder; 2913

(ii) A person twenty-one years of age or older who acts in 2914
loco parentis of the permit holder. 2915

(2) "Occupant restraining device" has the same meaning as in 2916
section 4513.263 of the Revised Code. 2917

(I) Whoever violates division (F)(1) or (2) of this section 2918
is guilty of a minor misdemeanor. 2919

Sec. 4507.071. (A) No driver's license shall be issued to any 2920
person under eighteen years of age, except that a probationary 2921
license may be issued to a person who is at least sixteen years of 2922
age and has held a temporary instruction permit for a period of at 2923
least six months. 2924

(B)(1)(a) No holder of a probationary driver's license who 2925
has not attained the age of seventeen years shall operate a motor 2926
vehicle upon a highway or any public or private property used by 2927
the public for purposes of vehicular travel or parking between the 2928
hours of midnight and six a.m. unless the holder is accompanied by 2929
the holder's parent or guardian. 2930

(b) No holder of a probationary driver's license who has 2931
attained the age of seventeen years but has not attained the age 2932
of eighteen years shall operate a motor vehicle upon a highway or 2933
any public or private property used by the public for purposes of 2934
vehicular travel or parking between the hours of one a.m. and five 2935
a.m. unless the holder is accompanied by the holder's parent or 2936
guardian. 2937

(2)(a) Subject to division (D)(1)(a) of this section, 2938
division (B)(1)(a) of this section does not apply to the holder of 2939
a probationary driver's license who is traveling to or from work 2940
between the hours of midnight and six a.m. and has in the holder's 2941
immediate possession written documentation from the holder's 2942
employer. 2943

(b) Division (B)(1)(b) of this section does not apply to the 2944
holder of a probationary driver's license who is traveling to or 2945
from work between the hours of one a.m. and five a.m. and has in 2946
the holder's immediate possession written documentation from the 2947
holder's employer. 2948

(3) An employer is not liable in damages in a civil action 2949
for any injury, death, or loss to person or property that 2950
allegedly arises from, or is related to, the fact that the 2951
employer provided an employee who is the holder of a probationary 2952
driver's license with the written documentation described in 2953
division (B)(2) of this section. 2954

The registrar of motor vehicles shall make available at no 2955

cost a form to serve as the written documentation described in 2956
division (B)(2) of this section, and employers and holders of 2957
probationary driver's licenses may utilize that form or may choose 2958
to utilize any other written documentation to meet the 2959
requirements of that division. 2960

(4) No holder of a probationary driver's license who is less 2961
than seventeen years of age shall operate a motor vehicle upon a 2962
highway or any public or private property used by the public for 2963
purposes of vehicular travel or parking with more than one person 2964
who is not a family member occupying the vehicle unless the 2965
probationary license holder is accompanied by the probationary 2966
license holder's parent, guardian, or custodian. 2967

(C) It is an affirmative defense to a violation of division 2968
(B)(1)(a) or (b) of this section if, at the time of the violation, 2969
the holder of the probationary driver's license was traveling to 2970
or from an official function sponsored by the school the holder 2971
attends, or an emergency existed that required the holder to 2972
operate a motor vehicle in violation of division (B)(1)(a) or (b) 2973
of this section, or the holder was an emancipated minor. 2974

(D)(1)(a) Except as otherwise provided in division (D)(2) of 2975
this section, if a person is issued a probationary driver's 2976
license prior to attaining the age of seventeen years and the 2977
person pleads guilty to, is convicted of, or is adjudicated in 2978
juvenile court of having committed a moving violation during the 2979
six-month period commencing on the date on which the person is 2980
issued the probationary driver's license, the holder must be 2981
accompanied by the holder's parent or guardian whenever the holder 2982
is operating a motor vehicle upon a highway or any public or 2983
private property used by the public for purposes of vehicular 2984
travel or parking during whichever of the following time periods 2985
applies: 2986

(i) If, on the date the holder of the probationary driver's 2987

license pleads guilty to, is convicted of, or is adjudicated in 2988
juvenile court of having committed the moving violation, the 2989
holder has not attained the age of sixteen years six months, 2990
during the six-month period commencing on that date; 2991

(ii) If, on the date the holder pleads guilty to, is 2992
convicted of, or is adjudicated in juvenile court of having 2993
committed the moving violation, the holder has attained the age of 2994
sixteen years six months but not seventeen years, until the person 2995
attains the age of seventeen years. 2996

(b) If the holder of a probationary driver's license commits 2997
a moving violation during the six-month period after the person is 2998
issued the probationary driver's license and before the person 2999
attains the age of seventeen years and on the date the person 3000
pleads guilty to, is convicted of, or is adjudicated in juvenile 3001
court of having committed the moving violation the person has 3002
attained the age of seventeen years, or if the person commits the 3003
moving violation during the six-month period after the person is 3004
issued the probationary driver's license and after the person 3005
attains the age of seventeen years, the holder is not subject to 3006
the restriction described in divisions (D)(1)(a)(i) and (ii) of 3007
this section unless the court or juvenile court imposes such a 3008
restriction upon the holder. 3009

(2) Any person who is subject to the operating restrictions 3010
established under division (D)(1) of this section as a result of a 3011
first moving violation may petition the court for occupational or 3012
educational driving privileges without being accompanied by the 3013
holder's parent or guardian during the period of time specified in 3014
that division. The court may grant the person such driving 3015
privileges if the court finds reasonable cause to believe that the 3016
restrictions established in division (D)(1) will seriously affect 3017
the person's ability to continue in employment or educational 3018
training or will cause undue hardship on the license holder or a 3019

family member of the license holder. In granting the driving 3020
privileges, the court shall specify the purposes, times, and 3021
places of the privileges and shall issue the person appropriate 3022
forms setting forth the privileges granted. Occupational or 3023
educational driving privileges under this division shall not be 3024
granted to the same person more than once. If a person is 3025
convicted of, pleads guilty to, or is adjudicated in juvenile 3026
court of having committed a second or subsequent moving violation, 3027
any driving privileges previously granted under this division are 3028
terminated upon the subsequent conviction, plea, or adjudication. 3029

3030

(3) No person shall violate division (D)(1)(a) of this 3031
section. 3032

(E) No holder of a probationary license shall operate a motor 3033
vehicle upon a highway or any public or private property used by 3034
the public for purposes of vehicular travel or parking unless the 3035
total number of occupants of the vehicle does not exceed the total 3036
number of occupant restraining devices originally installed in the 3037
motor vehicle by its manufacturer, and each occupant of the 3038
vehicle is wearing all of the available elements of a properly 3039
adjusted occupant restraining device. 3040

(F) A restricted license may be issued to a person who is 3041
fourteen or fifteen years of age upon proof of hardship 3042
satisfactory to the registrar of motor vehicles. 3043

(G) ~~Notwithstanding any other provision of law to the 3044
contrary, no law enforcement officer shall cause the operator of a 3045
motor vehicle being operated on any street or highway to stop the 3046
motor vehicle for the sole purpose of determining whether each 3047
occupant of the motor vehicle is wearing all of the available 3048
elements of a properly adjusted occupant restraining device as 3049
required by division (E) of this section, or for the sole purpose 3050
of issuing a ticket, citation, or summons if the requirement in 3051~~

~~that division has been or is being violated, or for causing the~~ 3052
~~arrest of or commencing a prosecution of a person for a violation~~ 3053
~~of that requirement.~~ 3054

~~(H)~~ Notwithstanding any other provision of law to the 3055
contrary, no law enforcement officer shall cause the operator of a 3056
motor vehicle being operated on any street or highway to stop the 3057
motor vehicle for the sole purpose of determining whether a 3058
violation of division (B)(1)(a) or (b) of this section has been or 3059
is being committed or for the sole purpose of issuing a ticket, 3060
citation, or summons for such a violation or for causing the 3061
arrest of or commencing a prosecution of a person for such 3062
violation. 3063

~~(I)~~(H) As used in this section: 3064

(1) "Occupant restraining device" has the same meaning as in 3065
section 4513.263 of the Revised Code. 3066

(2) "Family member" of a probationary license holder includes 3067
any of the following: 3068

(a) A spouse; 3069

(b) A child or stepchild; 3070

(c) A parent, stepparent, grandparent, or parent-in-law; 3071

(d) An aunt or uncle; 3072

(e) A sibling, whether of the whole or half blood or by 3073
adoption, a brother-in-law, or a sister-in-law; 3074

(f) A son or daughter of the probationary license holder's 3075
stepparent if the stepparent has not adopted the probationary 3076
license holder; 3077

(g) An eligible adult, as defined in section 4507.05 of the 3078
Revised Code. 3079

(3) "Moving violation" means any violation of any statute or 3080

ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

~~(J)~~(I) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.

Sec. 4507.23. (A) Except as provided in division ~~(I)~~(J) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.

(B) Except as provided in division ~~(I)~~(J) of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.

(C) Except as provided in divisions (E) and ~~(I)~~(J) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars. Except as provided in division (I) of this section, each application for a duplicate driver's license shall be accompanied by a fee of two dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division ~~(I)~~(J) of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty

cents. 3112

(E) Except as provided in division ~~(I)~~(J) of this section, 3113
each application for a driver's license or renewal of a driver's 3114
license that will be issued to a person who is less than 3115
twenty-one years of age shall be accompanied by whichever of the 3116
following fees is applicable: 3117

(1) If the person is sixteen years of age or older, but less 3118
than seventeen years of age, a fee of seven dollars and 3119
twenty-five cents; 3120

(2) If the person is seventeen years of age or older, but 3121
less than eighteen years of age, a fee of six dollars; 3122

(3) If the person is eighteen years of age or older, but less 3123
than nineteen years of age, a fee of four dollars and seventy-five 3124
cents; 3125

(4) If the person is nineteen years of age or older, but less 3126
than twenty years of age, a fee of three dollars and fifty cents; 3127

(5) If the person is twenty years of age or older, but less 3128
than twenty-one years of age, a fee of two dollars and twenty-five 3129
cents. 3130

(F) Neither the registrar nor any deputy registrar shall 3131
charge a fee in excess of one dollar and fifty cents for 3132
laminating a driver's license, motorized bicycle license, or 3133
temporary instruction permit identification cards as required by 3134
sections 4507.13 and 4511.521 of the Revised Code. A deputy 3135
registrar laminating a driver's license, motorized bicycle 3136
license, or temporary instruction permit identification cards 3137
shall retain the entire amount of the fee charged for lamination, 3138
less the actual cost to the registrar of the laminating materials 3139
used for that lamination, as specified in the contract executed by 3140
the bureau for the laminating materials and laminating equipment. 3141
The deputy registrar shall forward the amount of the cost of the 3142

laminating materials to the registrar for deposit as provided in 3143
this section. 3144

(G) Except as provided in division ~~(I)~~(J) of this section and 3145
except for the renewal of a driver's license, commencing on 3146
October 1, 2003, each transaction described in divisions (A), (B), 3147
(C), (D), and (E) of this section shall be accompanied by an 3148
additional fee of twelve dollars. A transaction involving the 3149
renewal of a driver's license with an expiration date on or after 3150
that date shall be accompanied by an additional fee of twelve 3151
dollars. The additional fee is for the purpose of defraying the 3152
department of public safety's costs associated with the 3153
administration and enforcement of the motor vehicle and traffic 3154
laws of Ohio. 3155

(H) Except as provided in division (J) of this section, 3156
commencing on October 1, 2009, if an application for a driver's 3157
license or motorcycle operator's endorsement made by a person who 3158
previously held such a license is not applied for within the 3159
period specified in section 4507.09 of the Revised Code, the 3160
registrar or deputy registrar shall collect a fee of ten dollars 3161
for the issuance of the driver's license or motorcycle 3162
endorsement, but may waive the fee for good cause shown if the 3163
application is accompanied by supporting evidence as the registrar 3164
may require. The fee shall be in addition to all other fees 3165
established by this section. A deputy registrar collecting this 3166
ten dollar fee shall retain fifty cents and send the remaining fee 3167
to the registrar as specified in division (I) of this section. 3168

(I) At the time and in the manner provided by section 4503.10 3170
of the Revised Code, the deputy registrar shall transmit the fees 3171
collected under divisions (A), (B), (C), (D), and (E), those 3172
portions of the fees specified in and collected under division 3173
(F), and the additional fee under ~~division~~ divisions (G) and (H) 3174

of this section to the registrar. The registrar shall pay two 3175
dollars and fifty cents of each fee collected under divisions (A), 3176
(B), (C), (D), and (E)(1) to (4) of this section, and the entire 3177
fee collected under division (E)(5) of this section, into the 3178
state highway safety fund established in section 4501.06 of the 3179
Revised Code, and such fees shall be used for the sole purpose of 3180
supporting driver licensing activities. The registrar also shall 3181
pay the entire fee collected under ~~division~~ divisions (G) and (H) 3182
of this section into the state highway safety fund created in 3183
section 4501.06 of the Revised Code. The remaining fees collected 3184
by the registrar under this section shall be paid into the state 3185
bureau of motor vehicles fund established in section 4501.25 of 3186
the Revised Code. 3187

~~(I)~~(J) A disabled veteran who has a service-connected 3188
disability rated at one hundred per cent by the veterans' 3189
administration may apply to the registrar or a deputy registrar 3190
for the issuance to that veteran, without the payment of any fee 3191
prescribed in this section, of any of the following items: 3192

(1) A temporary instruction permit and examination; 3193

(2) A new, renewal, or duplicate driver's or commercial 3194
driver's license; 3195

(3) A motorcycle operator's endorsement; 3196

(4) A motorized bicycle license or duplicate thereof; 3197

(5) The fee established in division (H) of this section; 3198

(6) Lamination of a driver's license, motorized bicycle 3199
license, or temporary instruction permit identification card as 3200
provided in division (F) of this section, if the circumstances 3201
specified in division ~~(I)~~(5)(J)(6) of this section are met. 3202

~~If the driver's license, motorized bicycle license, or 3203
temporary instruction permit identification card of a disabled 3204~~

~~veteran described in division (I) of this section is laminated by~~ 3205
~~a deputy registrar who is acting as a deputy registrar pursuant to~~ 3206
~~a contract with the registrar that is in effect on October 14,~~ 3207
~~1997, the disabled veteran shall be required to pay the deputy~~ 3208
~~registrar the lamination fee provided in division (F) of this~~ 3209
~~section. If the driver's license, motorized bicycle license, or~~ 3210
~~temporary instruction permit identification card of such a~~ 3211
~~disabled veteran is laminated by a deputy registrar who is acting~~ 3212
~~as a deputy registrar pursuant to a contract with the registrar~~ 3213
~~that is executed after October 14, 1997, the disabled veteran is~~ 3214
~~not required to pay the deputy registrar the lamination fee~~ 3215
~~provided in division (F) of this section.~~ 3216

A disabled veteran whose driver's license, motorized bicycle 3217
license, or temporary instruction permit identification card is 3218
laminated by the registrar or deputy registrar is not required to 3219
pay the registrar any lamination fee. 3220

An application made under division ~~(I)~~(J) of this section 3221
shall be accompanied by such documentary evidence of disability as 3222
the registrar may require by rule. 3223

Sec. 4507.24. (A) Except as provided in division ~~(B)~~(C) of 3224
this section, ~~each~~ the registrar of motor vehicles or a deputy 3225
registrar may collect a fee not to exceed the following: 3226

~~(1) Three dollars and seventy five cents commencing on July 1,~~ 3227
~~2001, four dollars and twenty five cents commencing on January 1,~~ 3228
~~2003, and four~~ Four dollars and fifty cents commencing on January 3229
1, 2004, and five dollars and fifty cents commencing on October 1, 3230
2009, for each application for renewal of a driver's license 3231
received by the deputy registrar, when the applicant is required 3232
to submit to a screening of the applicant's vision under section 3233
4507.12 of the Revised Code; 3234

~~(2) Two dollars and seventy five cents commencing on July 1,~~ 3235

~~2001, three dollars and twenty five cents commencing on January 1,~~ 3236
~~2003, and three~~ Three dollars and fifty cents commencing on 3237
January 1, 2004, for each application for a driver's license, or 3238
motorized bicycle license, or for renewal of such a license, 3239
received by the deputy registrar, when the applicant is not 3240
required to submit to a screening of the applicant's vision under 3241
section 4507.12 of the Revised Code. 3242

(B) The fees prescribed by division (A) of this section shall 3243
be in addition to the fee for a temporary instruction permit and 3244
examination, a driver's license, a motorized bicycle license, or 3245
duplicates thereof, ~~and~~. The fees retained by a deputy registrar 3246
shall compensate the deputy registrar for the deputy registrar's 3247
services, for office and rental expense, and for costs as provided 3248
in division ~~(C)~~ (D) of this section, as are necessary for the 3249
proper discharge of the deputy registrar's duties under sections 3250
4507.01 to 4507.39 of the Revised Code. 3251

(C) A disabled veteran who has a service-connected disability 3252
rated at one hundred per cent by the veterans' administration is 3253
required to pay the applicable fee prescribed in division (A) of 3254
this section if the disabled veteran submits an application for a 3255
driver's license or motorized bicycle license or a renewal of 3256
either of these licenses to a deputy registrar who is acting as a 3257
deputy registrar pursuant to a contract with the registrar that is 3258
in effect on the effective date of this amendment. The disabled 3259
veteran also is required to submit with the disabled veteran's 3260
application such documentary evidence of disability as the 3261
registrar may require by rule. 3262

A disabled veteran who submits an application described in 3263
this division is not required to pay either of the fees prescribed 3264
in division (A) of this section if the disabled veteran submits 3265
the application to a deputy registrar who is acting as a deputy 3266
registrar pursuant to a contract with the registrar that is 3267

executed after the effective date of this amendment. The disabled 3268
veteran still is required to submit with the disabled veteran's 3269
application such documentary evidence of disability as the 3270
registrar may require by rule. 3271

A disabled veteran who submits an application described in 3272
this division directly to the registrar is not required to pay 3273
either of the fees prescribed in division (A) of this section if 3274
the disabled veteran submits with the disabled veteran's 3275
application such documentary evidence of disability as the 3276
registrar may require by rule. 3277

~~(C)~~(D)(1) Each deputy registrar shall transmit to the 3278
registrar of motor vehicles, at such time and in such manner as 3279
the registrar shall require by rule, an amount of each fee 3280
collected under division (A)(1) of this section as shall be 3281
determined by the registrar. The registrar shall pay all such 3282
moneys so received into the state bureau of motor vehicles fund 3283
created in section 4501.25 of the Revised Code. 3284

(2) Commencing on October 1, 2009, each deputy registrar 3285
shall transmit one dollar of each fee collected under division 3286
(A)(1) of this section to the registrar at the time and in the 3287
manner provided by section 4503.10 of the Revised Code. The 3288
registrar shall deposit all moneys received under division (D)(2) 3289
of this section into the state highway safety fund established in 3290
section 4501.06 of the Revised Code. 3291

Sec. 4509.05. (A) Upon request, the registrar of motor 3292
vehicles shall search and furnish a certified abstract of the 3293
following information with respect to any person: 3294

(1) An enumeration of the motor vehicle accidents in which 3295
such person has been involved except accidents certified as 3296
described in division (D) of section 3937.41 of the Revised Code; 3297

(2) Such person's record of convictions for violation of the motor vehicle laws. 3298
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(B) The registrar shall collect for each abstract a fee of ~~two~~ eight dollars. 3300
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(C) The registrar may permit deputy registrars to perform a search and furnish a certified abstract under this section. A deputy registrar performing this function shall comply with section 4501.27 of the Revised Code concerning the disclosure of personal information, shall collect and transmit to the registrar the ~~two-dollar~~ eight-dollar fee established under division (B) of this section, and may collect and retain a service fee of ~~three~~ dollars and ~~twenty-five cents~~ commencing on the effective date of this amendment. If the deputy registrar fees are increased on January 1, 2004, in accordance with section 4503.034 of the Revised Code, the deputy registrar may collect and retain a service fee of three dollars and fifty cents, commencing on that date. 3302
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Of each eight-dollar fee the registrar collects under this division, the registrar shall pay two dollars into the state treasury to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code, one dollar and twenty-five cents into the state treasury to the credit of the trauma and emergency medical services fund established in section 4513.263 of the Revised Code, one dollar and twenty-five cent into the state treasury to the credit of the homeland security fund established in section 5502.03 of the Revised Code, seventy-five cents into the state treasury to the credit of the investigations fund established in section 5502.131 of the Revised Code, two dollars and twenty-five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and fifty cents into the state treasury to the credit of the 3315
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justice program services fund established in section 5502.67 of 3330
the Revised Code. 3331

Sec. 4511.093. (A)(1) No law enforcement officer who stops 3332
the operator of a motor vehicle in the course of an authorized 3333
sobriety or other motor vehicle checkpoint operation or a motor 3334
vehicle safety inspection shall issue a ticket, citation, or 3335
summons for a secondary traffic offense unless in the course of 3336
the checkpoint operation or safety inspection the officer first 3337
determines that an offense other than a secondary traffic offense 3338
has occurred and either places the operator or a vehicle occupant 3339
under arrest or issues a ticket, citation, or summons to the 3340
operator or a vehicle occupant for an offense other than a 3341
secondary offense. 3342

(2) A law enforcement agency that operates a motor vehicle 3343
checkpoint for an express purpose related to a secondary traffic 3344
offense shall not issue a ticket, citation, or summons for any 3345
secondary traffic offense at such a checkpoint, but may use such a 3346
checkpoint operation to conduct a public awareness campaign and 3347
distribute information. 3348

(B) As used in this section, "secondary traffic offense" 3349
means a violation of division ~~(A) or~~ (F)(2) of section 4507.05, 3350
division (B)(1)(a) or (b) ~~or (E)~~ of section 4507.071, or division 3351
(C) or (D) of section 4511.81, ~~or division (B) of section 4513.263~~ 3352
of the Revised Code. 3353

Sec. 4513.263. (A) As used in this section and in section 3354
4513.99 of the Revised Code: 3355

(1) "Automobile" means any commercial tractor, passenger car, 3356
commercial car, or truck that is required to be factory-equipped 3357
with an occupant restraining device for the operator or any 3358
passenger by regulations adopted by the United States secretary of 3359

transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 3360
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(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation. 3362
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(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided. 3367
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(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code. 3370
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(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code. 3373
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(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons. 3376
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(B) No person shall do any of the following: 3383

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted; 3384
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(2) Operate an automobile on any street or highway unless 3390
each passenger in the automobile who is subject to the requirement 3391
set forth in division (B)(3) of this section is wearing all of the 3392
available elements of a properly adjusted occupant restraining 3393
device; 3394

(3) Occupy, as a passenger, a seating position on the front 3395
seat of an automobile being operated on any street or highway 3396
unless that person is wearing all of the available elements of a 3397
properly adjusted occupant restraining device; 3398

(4) Operate a taxicab on any street or highway unless all 3399
factory-equipped occupant restraining devices in the taxicab are 3400
maintained in usable form. 3401

(C) Division (B)(3) of this section does not apply to a 3402
person who is required by section 4511.81 of the Revised Code to 3403
be secured in a child restraint device or booster seat. Division 3404
(B)(1) of this section does not apply to a person who is an 3405
employee of the United States postal service or of a newspaper 3406
home delivery service, during any period in which the person is 3407
engaged in the operation of an automobile to deliver mail or 3408
newspapers to addressees. Divisions (B)(1) and (3) of this section 3409
do not apply to a person who has an affidavit signed by a 3410
physician licensed to practice in this state under Chapter 4731. 3411
of the Revised Code or a chiropractor licensed to practice in this 3412
state under Chapter 4734. of the Revised Code that states that the 3413
person has a physical impairment that makes use of an occupant 3414
restraining device impossible or impractical. 3415

(D) ~~Notwithstanding any provision of law to the contrary, no~~ 3416
~~A~~ law enforcement officer ~~shall~~ may cause ~~an~~ the operator of an 3417
automobile being operated on any street or highway to stop the 3418
automobile ~~for~~ solely because ~~the sole purpose of determining~~ 3419
~~whether~~ officer observes that a violation of division (B) of this 3420
section has been or is being committed ~~or for the sole purpose of~~ 3421

~~issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a in the same manner as any other motor vehicle traffic violation of that nature has been or is being committed.~~

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

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

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

(3) Two per cent shall be deposited into the occupational licensing and regulatory fund created by section 4743.05 of the Revised Code.

(4) Twenty-eight per cent, plus one dollar and twenty-five cents of each fee collected under sections 4501.34, 4503.26, 4506.08, and 4509.05, plus on and after October 1, 2009, one dollar and twenty-five cents of each fee collected under sections 1548.14, 4505.14, and 4519.63 of the Revised Code as specified in those sections, shall be deposited into the trauma and emergency

medical services fund, which is hereby created in the state 3453
treasury, and shall be used by the department of public safety for 3454
the administration of the division of emergency medical services 3455
and the state board of emergency medical services, except that the 3456
director of budget and management may transfer excess money from 3457
the trauma and emergency medical services fund to the state 3458
highway safety fund if the director of public safety determines 3459
that the amount of money in the trauma and emergency medical 3460
services fund exceeds the amount required to cover such costs 3461
incurred by the emergency medical services agency and requests the 3462
director of budget and management to make the transfer. 3463

(5) Fifty-four per cent shall be deposited into the trauma 3464
and emergency medical services grants fund, which is hereby 3465
created in the state treasury, and shall be used by the state 3466
board of emergency medical services to make grants, in accordance 3467
with section 4765.07 of the Revised Code and rules the board 3468
adopts under section 4765.11 of the Revised Code. 3469

(F)(1) Subject to division (F)(2) of this section, the 3470
failure of a person to wear all of the available elements of a 3471
properly adjusted occupant restraining device in violation of 3472
division (B)(1) or (3) of this section or the failure of a person 3473
to ensure that each minor who is a passenger of an automobile 3474
being operated by that person is wearing all of the available 3475
elements of a properly adjusted occupant restraining device in 3476
violation of division (B)(2) of this section shall not be 3477
considered or used by the trier of fact in a tort action as 3478
evidence of negligence or contributory negligence. But, the trier 3479
of fact may determine based on evidence admitted consistent with 3480
the Ohio Rules of Evidence that the failure contributed to the 3481
harm alleged in the tort action and may diminish a recovery of 3482
compensatory damages that represents noneconomic loss, as defined 3483
in section 2307.011 of the Revised Code, in a tort action that 3484

could have been recovered but for the plaintiff's failure to wear 3485
all of the available elements of a properly adjusted occupant 3486
restraining device. Evidence of that failure shall not be used as 3487
a basis for a criminal prosecution of the person other than a 3488
prosecution for a violation of this section; and shall not be 3489
admissible as evidence in a criminal action involving the person 3490
other than a prosecution for a violation of this section. 3491

(2) If, at the time of an accident involving a passenger car 3492
equipped with occupant restraining devices, any occupant of the 3493
passenger car who sustained injury or death was not wearing an 3494
available occupant restraining device, was not wearing all of the 3495
available elements of such a device, or was not wearing such a 3496
device as properly adjusted, then, consistent with the Rules of 3497
Evidence, the fact that the occupant was not wearing the available 3498
occupant restraining device, was not wearing all of the available 3499
elements of such a device, or was not wearing such a device as 3500
properly adjusted is admissible in evidence in relation to any 3501
claim for relief in a tort action to the extent that the claim for 3502
relief satisfies all of the following: 3503

(a) It seeks to recover damages for injury or death to the 3504
occupant. 3505

(b) The defendant in question is the manufacturer, designer, 3506
distributor, or seller of the passenger car. 3507

(c) The claim for relief against the defendant in question is 3508
that the injury or death sustained by the occupant was enhanced or 3509
aggravated by some design defect in the passenger car or that the 3510
passenger car was not crashworthy. 3511

(G)(1) Whoever violates division (B)(1) of this section shall 3512
be fined thirty dollars. 3513

(2) Whoever violates division (B)(3) of this section shall be 3514
fined twenty dollars. 3515

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

Sec. 4519.63. (A) The registrar of motor vehicles or the
clerk of the court of common pleas, upon the application of any
person and payment of the proper ~~fees~~ fee, may prepare and furnish
title information regarding off-highway motorcycles and
all-purpose vehicles in the form and subject to any territorial
division or other classification as they may direct. The registrar
or the clerk may search the records of the bureau of motor
vehicles ~~and the clerk~~ regarding off-highway motorcycles and
all-purpose vehicles and ~~make~~ furnish reports ~~thereof, and make~~
~~copies of their title information and attestations thereof~~ those
records under the signature of the registrar or the clerk.

(B)(1) Fees therefor for lists containing title information
shall be charged and collected as follows:

~~(A)(a)~~ (a) For lists containing three thousand titles or more,
twenty-five dollars per thousand or part thereof;

~~(B)(b)~~ (b) For ~~searches~~ each report of a search of the records
~~and written reports thereof, two dollars for each name, number, or~~
~~fact searched or reported on;~~

~~(C)~~ For ~~copies of records and attestations thereof~~, two
dollars per copy except that on and after October 1, 2009, the fee
shall be eight dollars per copy. The registrar and clerk may
certify copies of records generated by an automated title
processing system.

~~Such copies~~ (2) A copy of any such report shall be taken as

prima-facie evidence of the facts therein stated in any court of 3546
the state. The registrar and the clerk shall furnish information 3547
on any title without charge to state highway patrol troopers, 3548
sheriffs, chiefs of police, or the attorney general. The clerk 3549
also may provide a copy of a certificate of title to a public 3550
agency without charge. 3551

(C)(1) Those fees collected by the registrar as provided in 3552
division (B)(1)(a) of this section shall be paid to the treasurer 3553
of state to the credit of the state bureau of motor vehicles fund 3554
established in section 4501.25 of the Revised Code. Those fees 3555
collected by the clerk as provided in division (B)(1)(a) of this 3556
section shall be paid to the certificate of title administration 3557
fund created by section 325.33 of the Revised Code. 3558

(2) Prior to October 1, 2009, the registrar shall pay those 3559
fees the registrar collects under division (B)(1)(b) of this 3560
section into the state treasury to the credit of the state bureau 3561
of motor vehicles fund established in section 4501.25 of the 3562
Revised Code. Prior to October 1, 2009, the clerk shall pay those 3563
fees the clerk collects under division (B)(1)(b) of this section 3564
to the certificate of title administration fund created by section 3565
325.33 of the Revised Code. 3566

(3) On and after October 1, 2009, the registrar shall pay two 3567
dollars of each fee the registrar collects under division 3568
(B)(1)(b) of this section into the state treasury to the credit of 3569
the state bureau of motor vehicles fund established in section 3570
4501.25 of the Revised Code. Of the remaining six dollars of each 3571
such fee the registrar collects, the registrar shall deposit one 3572
dollar and twenty-five cents into the state treasury to the credit 3573
of the trauma and emergency medical services fund established in 3574
section 4513.263 of the Revised Code, one dollar and twenty-five 3575
cents into the state treasury to the credit of the homeland 3576
security fund established under section 5502.03 of the Revised 3577

Code, seventy-five cents into the state treasury to the credit of 3578
the investigations fund established in section 5502.131 of the 3579
Revised Code, two dollars and twenty-five cents into the state 3580
treasury to the credit of the emergency management agency service 3581
and reimbursement fund established in section 5502.39 of the 3582
Revised Code, and fifty cents into the state treasury to the 3583
credit of the justice program services fund established in section 3584
5502.67 of the Revised Code. 3585

(4) On and after October 1, 2009, the clerk of the court of 3586
common pleas shall retain two dollars of each fee the clerk 3587
collects under division (B)(1)(b) of this section and deposit that 3588
two dollars into the certificate of title administration fund 3589
created by section 325.33 of the Revised Code. The clerk shall 3590
forward the remaining six dollars to the registrar not later than 3591
the fifth day of the month next succeeding that in which the 3592
transaction occurred. Of that remaining six dollars, the registrar 3593
shall deposit one dollar and twenty-five cents into the state 3594
treasury to the credit of the trauma and emergency medical 3595
services fund established in section 4513.263 of the Revised Code, 3596
one dollar and twenty-five cents into the state treasury to the 3597
credit of the homeland security fund established under section 3598
5502.03 of the Revised Code, seventy-five cents into the state 3599
treasury to the credit of the investigations fund established in 3600
section 5502.131 of the Revised Code, two dollars and twenty-five 3601
cents into the state treasury to the credit of the emergency 3602
management agency service and reimbursement fund established in 3603
section 5502.39 of the Revised Code, and fifty cents into the 3604
state treasury to the credit of the justice program services fund 3605
established in section 5502.67 of the Revised Code. 3606

Sec. 4561.17. (A) To provide revenue for administering 3607
sections 4561.17 to 4561.22 of the Revised Code relative to the 3608
registration of aircraft, for the surveying of and the 3609

establishment, checking, maintenance, and repair of aviation air 3610
marking and of air navigation facilities, for the acquiring, 3611
maintaining, and repairing of equipment necessary for those 3612
purposes, and for the cost of creating and distributing Ohio 3613
aeronautical charts and Ohio airport and landing field 3614
directories, an annual license tax is hereby levied upon all 3615
aircraft based in this state for which an aircraft worthiness 3616
certificate issued by the federal aviation administration is in 3617
effect except the following: 3618

(1) Aircraft owned by the United States or any territory of 3619
the United States; 3620

(2) Aircraft owned by any foreign government; 3621

(3) Aircraft owned by any state or any political subdivision 3622
of a state; 3623

~~(4) Aircraft operated under a certificate of convenience and 3624
necessity issued by the civil aeronautics board or any successor 3625
to that board; 3626~~

~~(5) Aircraft owned by aircraft manufacturers or aircraft 3627
engine manufacturers and operated only for purposes of testing, 3628
delivery, or demonstration; 3629~~

~~(6)(5) Aircraft operated for hire over regularly scheduled 3630
routes within the state. 3631~~

(B) The license tax this section requires shall be at the 3632
rates specified in section 4561.18 of the Revised Code, and shall 3633
be paid to and collected by the director of transportation at the 3634
time of making application as provided in that section. 3635

Sec. 4561.18. (A) The owner of any aircraft that is based in 3636
this state and that is not of a type specified in divisions (A)(1) 3637
to ~~(6)(5)~~ of section 4561.17 of the Revised Code, shall register 3638
that aircraft with the department of transportation pursuant to 3639

this section. 3640

(B) Applications for the licensing and registration of 3641
aircraft shall be made and signed by the owner on forms the 3642
department of transportation prepares. The forms shall contain a 3643
description of the aircraft, including its federal registration 3644
number, the airport or other place at which the aircraft is based, 3645
and any other information the department requires. 3646

(C)(1) Registration forms shall be filed with the director of 3647
transportation annually at the time the director specifies and 3648
shall be renewed according to the standard renewal procedure of 3649
sections 4745.01 to 4745.03 of the Revised Code. If the airport or 3650
other place at which the aircraft usually is based changes, the 3651
owner shall update the registration by filing a new form with the 3652
office of aviation. 3653

(2) An application for the registration of any aircraft not 3654
previously registered in this state that is acquired or becomes 3655
subject to the license tax subsequent to the last day of January 3656
in any year, shall be made for the balance of the year in which 3657
the aircraft is acquired, within thirty days after the acquisition 3658
or after becoming subject to the license tax. 3659

(D)(1) Each registration form shall be accompanied by the 3660
proper license tax, which, for all aircraft other than those 3661
described in ~~divisions~~ division (D)(2) ~~and (3)~~ of this section, 3662
shall be at the annual rate of fifteen dollars per seat, based on 3663
the manufacturer's maximum listed seating capacity. 3664

(2) The license tax for gliders and balloons shall be fifteen 3665
dollars annually. 3666

~~(3) The annual license tax for commercial cargo aircraft 3667
shall be seven hundred fifty dollars per aircraft. 3668~~

(E) The department of transportation shall maintain all 3669
registrations filed with it under this section and shall develop a 3670

program to track and enforce the registration of aircraft based in 3671
this state. 3672

(F) The taxes this section requires are in lieu of all other 3673
taxes on or with respect to ownership of an aircraft. 3674

(G) The director of transportation shall impose a fine 3675
pursuant to section 4561.22 of the Revised Code for each aircraft 3676
that an owner fails to register as this section requires and shall 3677
require the owner to register the aircraft within the time the 3678
director specifies. The director may impose a separate fine for 3679
each registration period during which the owner fails to register 3680
the aircraft. 3681

~~(H) As used in this section, "commercial cargo aircraft" 3682
means any aircraft used in connection with an all cargo operation,
as defined in 14 C.F.R. 119.3. 3683
3684~~

Sec. 4561.21. (A) The director of transportation shall 3685
deposit all aircraft transfer fees in the state treasury to the 3686
credit of the general fund. 3687

(B) The director shall deposit all aircraft license taxes and 3688
finer in the state treasury to the credit of the airport 3689
assistance fund, which is hereby created. Money in the fund shall 3690
be used for maintenance and capital improvements to publicly owned 3691
airports, and the director shall distribute the money to eligible 3692
recipients in accordance with such procedures, guidelines, and 3693
criteria as the director shall establish. 3694

Sec. 5501.03. (A) The department of transportation shall: 3695

(1) Exercise and perform such other duties, powers, and 3696
functions as are conferred by law on the director, the department, 3697
the assistant directors, the deputy directors, or on the divisions 3698
of the department; 3699

(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning;

(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions;

(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration-*i*

(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;

(6) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as prescribed under divisions (A)(2) and (3) of this section;

~~(6)~~(7) Conduct, in cooperation with the Ohio legislative service commission, any studies or comparisons of state traffic laws and local traffic ordinances with model laws and ordinances that may be required to meet program standards adopted by the United States department of transportation pursuant to the "Highway Safety Act of 1966," 80 Stat. 731, U.S.C.A. 401;

~~(7)~~(8) Prepare, print, distribute, and advertise books, maps, pamphlets, and other information that, in the judgment of the director, will inform the public and other governmental

departments, agencies, and authorities as to the duties, powers, 3731
and functions of the department; 3732

~~(8)~~(9) In its research and development program, consider 3733
technologies for improving roadways, including construction 3734
techniques and materials to prolong project life, being used or 3735
developed by other states that have geographic, geologic, or 3736
climatic features similar to this state's, and collaborate with 3737
those states in that development. 3738

(B) Nothing contained in division (A)(1) of this section 3739
shall be held to in any manner affect, limit, restrict, or 3740
otherwise interfere with the exercise of powers relating to 3741
transportation facilities by appropriate agencies of the federal 3742
government, or by counties, municipal corporations, or other 3743
political subdivisions or special districts in this state 3744
authorized by law to exercise such powers. 3745

~~(B)~~(C) The department may use all appropriate sources of 3746
revenue to assist in the development and implementation of rail 3747
service as defined by division (C) of section 4981.01 of the 3748
Revised Code. 3749

~~(C)~~(D) The director of transportation may enter into 3750
contracts with public agencies including political subdivisions, 3751
other state agencies, boards, commissions, regional transit 3752
authorities, county transit boards, ~~and~~ port authorities, 3753
transportation innovation authorities, and any corporation 3754
organized under the laws of Ohio, to administer the design, 3755
qualification of bidders, competitive bid letting, construction 3756
inspection, and acceptance of any projects administered by the 3757
department, provided the administration of such projects is 3758
performed in accordance with all applicable state and federal laws 3759
and regulations with oversight by the department. 3760

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 3761

of the Revised Code the director of transportation may lease or 3762
lease-purchase all or any part of a transportation facility to or 3763
from one or more persons, one or more governmental agencies, a 3764
transportation improvement district, transportation innovation 3765
authority, or any combination thereof, and, ~~in conjunction~~ 3766
~~therewith~~, may grant leases, easements, or licenses for lands 3767
under the control of the department of transportation. The 3768
director may adopt rules necessary to give effect to this section. 3769

(B) Plans and specifications for the construction of a 3771
transportation facility under a lease or lease-purchase agreement 3772
are subject to approval of the director and must meet or exceed 3773
all applicable standards of the department. 3774

(C) Any lease or lease-purchase agreement under which the 3775
department is the lessee shall be for a period not exceeding the 3776
then current two-year period for which appropriations have been 3777
made by the general assembly to the department, and such agreement 3778
may contain such other terms as the department and the other 3779
parties thereto agree, notwithstanding any other provision of law, 3780
including provisions that rental payments in amounts sufficient to 3781
pay bond service charges payable during the current two-year lease 3782
term shall be an absolute and unconditional obligation of the 3783
department independent of all other duties under the agreement 3784
without set-off or deduction or any other similar rights or 3785
defenses. Any such agreement may provide for renewal of the 3786
agreement at the end of each term for another term, not exceeding 3787
two years, provided that no renewal shall be effective until the 3788
effective date of an appropriation enacted by the general assembly 3789
from which the department may lawfully pay rentals under such 3790
agreement. Any such agreement may include, without limitation, any 3791
agreement by the department with respect to any costs of 3792
transportation facilities to be included prior to acquisition and 3793

construction of such transportation facilities. Any such agreement 3794
shall not constitute a debt or pledge of the faith and credit of 3795
the state, or of any political subdivision of the state, and the 3796
lessor shall have no right to have taxes or excises levied by the 3797
general assembly, or the taxing authority of any political 3798
subdivision of the state, for the payment of rentals thereunder. 3799
Any such agreement shall contain a statement to that effect. 3800

(D) A municipal corporation, township, or county may use 3801
service payments in lieu of taxes credited to special funds or 3802
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 3803
Revised Code to provide its contribution to the cost of a 3804
transportation facility, provided such facility was among the 3805
purposes for which such service payments were authorized. The 3806
contribution may be in the form of a lump sum or periodic 3807
payments. 3808

(E) Pursuant to ~~47 U.S.C. 332,~~ " the "Telecommunications Act 3809
of ~~1966~~ 1996," 110 Stat. 152, 47 U.S.C. 332 note, the director may 3810
grant a lease, easement, or license in a transportation facility 3811
to a telecommunications service provider for construction, 3812
placement, or operation of a telecommunications facility. An 3813
interest granted under this ~~section~~ division is subject to all of 3814
the following conditions: 3815

(1) The transportation facility is owned in fee simple or 3816
easement by this state at the time the lease, easement, or license 3817
is granted to the telecommunications provider. 3818

(2) The lease, easement, or license shall be granted on a 3819
competitive basis in accordance with policies and procedures to be 3820
determined by the director. The policies and procedures may 3821
include provisions for master leases for multiple sites. 3822

(3) The telecommunications facility shall be designed to 3823
accommodate the state's multi-agency radio communication system, 3824

the intelligent transportation system, and the department's 3825
communication system as the director may determine is necessary 3826
for highway or other departmental purposes. 3827

(4) The telecommunications facility shall be designed to 3828
accommodate such additional telecommunications equipment as may 3829
feasibly be co-located thereon as determined in the discretion of 3830
the director. 3831

(5) The telecommunications service providers awarded the 3832
lease, easement, or license, agree to permit other 3833
telecommunications service providers to co-locate on the 3834
telecommunications facility, and agree to the terms and conditions 3835
of the co-location as determined in the discretion of the 3836
director. 3837

(6) The director shall require indemnity agreements in favor 3838
of the department as a condition of any lease, easement, or 3839
license granted under this division. Each indemnity agreement 3840
shall secure this state and its agents from liability for damages 3841
arising out of safety hazards, zoning, and any other matter of 3842
public interest the director considers necessary. 3843

(7) The telecommunications service provider fully complies 3844
with any permit issued under section 5515.01 of the Revised Code 3845
pertaining to land that is the subject of the lease, easement, or 3846
license. 3847

(8) All plans and specifications shall meet with the 3848
director's approval. 3849

(9) Any other conditions the director determines necessary. 3850

~~(F) Money received by the department under division (E) of 3851
this section shall be deposited to the credit of the highway 3852
operating fund. 3853~~

~~(G) In accordance with section 5501.031 of the Revised Code, 3854~~

to further efforts to promote energy conservation and energy efficiency, the director may grant a lease, easement, or license in a transportation facility to a utility service provider that has received its certificate from the Ohio power siting board or appropriate local entity for construction, placement, or operation of an alternative energy generating facility service provider as defined in section 4928.64 of the Revised Code. An interest granted under this division is subject to all of the following conditions: 3855
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(1) The transportation facility is owned in fee simple or in easement by this state at the time the lease, easement, or license is granted to the utility service provider. 3864
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3866

(2) The lease, easement, or license shall be granted on a competitive basis in accordance with policies and procedures to be determined by the director. The policies and procedures may include provisions for master leases for multiple sites. 3867
3868
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3870

(3) The alternative energy generating facility shall be designed to provide energy for the department's transportation facilities with the potential for selling excess power on the power grid, as the director may determine is necessary for highway or other departmental purposes. 3871
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(4) The director shall require indemnity agreements in favor of the department as a condition of any lease, easement, or license granted under this division. Each indemnity agreement shall secure this state and its agents from liability for damages arising out of safety hazards, zoning, and any other matter of public interest the director considers necessary. 3876
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(5) The alternative energy service provider fully complies with any permit issued by the Ohio power siting board under Chapter 4906. of the Revised Code and complies with section 5515.01 of the Revised Code pertaining to land that is the subject 3882
3883
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3885

of the lease, easement, or license. 3886

(6) All plans and specifications shall meet with the 3887
director's approval. 3888

(7) Any other conditions the director determines necessary. 3889

(G) Money the department receives under divisions (E) and (F) 3890
of this section shall be deposited into the state treasury to the 3891
credit of the highway operating fund. 3892

(H) A lease, easement, or license granted under division (E) 3893
or (F) of this section, and any telecommunications facility or 3894
alternative energy generating facility relating to such interest 3895
in a transportation facility, is hereby deemed to further the 3896
essential highway purpose of building and maintaining a safe, 3897
efficient energy-efficient, and accessible transportation system. 3898

Sec. 5501.34. (A) If circumstances alter the highway 3899
requirements after the director of transportation has acquired 3900
property so that the real property or part of the real property is 3901
no longer required for highway purposes, the director, in the name 3902
of the state, may sell all the right, title, and interest of the 3903
state in any of the real property. After determining that a parcel 3904
of real property is no longer required for highway purposes, the 3905
director shall have the parcel appraised by a department 3906
prequalified appraiser. The director may accept a survey or 3907
appraisal from an interested party, however, to facilitate the 3908
disposal of real property no longer required for highway purposes. 3909
Acceptance by the director of a survey or appraisal commissioned 3910
by an interested party does not convey upon that interested party 3911
any special right or standing relative to any other abutting 3912
landowner or member of the general public where the prospective 3913
sale of the real property is concerned. 3914

(B) Except as otherwise provided in this section, the 3915

director shall advertise the sale of real property that is no 3916
longer required for highway purposes in a newspaper of general 3917
circulation in the county in which the real property is situated 3918
for at least two consecutive weeks prior to the date set for the 3919
sale. The real property may be sold at public auction to the 3920
highest bidder for not less than two-thirds of its appraised 3921
value, but the director may reject all bids that are less than the 3922
full appraised value of the real property. However, if no sale has 3923
been effected after an effort to sell under this division, the 3924
director may set aside the appraisal, order a new appraisal, and, 3925
except as otherwise provided in this section, readvertise the 3926
property for sale. 3927

(C) If real property no longer required for highway purposes 3928
is appraised or reappraised as having a current fair market value 3929
of twenty thousand dollars or less, the director may sell the real 3930
property to the sole abutting owner through a private sale at a 3931
price not less than the appraised value. If there is more than one 3932
abutting owner, the director may invite all of the abutting owners 3933
to submit sealed bids and may sell the real property to the 3934
highest bidder at not less than its appraised value. 3935

(D) If real property no longer required for highway purposes 3936
is appraised or reappraised as having a fair market value of ~~two~~ 3937
five thousand dollars or less, and no sale has been effected after 3938
an effort to sell to the abutting owner or owners, the director 3939
may advertise the sale of the real property in accordance with 3940
division (B) of this section. The director may sell the land at 3941
public auction to the highest bidder without regard to its 3942
appraised value, but the director may reject all bids that are 3943
less than the full appraised value of the real property. 3944

(E) The department shall pay all expenses incurred in the 3945
sale of a parcel of real property out of the proceeds of the sale 3946
and shall deposit the balance of the proceeds in the highway fund 3947

used to acquire that parcel of real property. The department shall 3948
not reimburse any interested party for the cost of a survey or 3949
appraisal that the interested party commissions and the director 3950
accepts. 3951

(F) Upon a determination that real property previously 3952
acquired within a highway improvement project corridor no longer 3953
is needed for highway purposes, the director may offer the 3954
unneeded property to another landowner located within that 3955
project's corridor as full or partial consideration for other real 3956
property to be acquired from the landowner. If the landowner 3957
accepts the offer, the director shall convey the unneeded property 3958
directly to the landowner at the full fair market value determined 3959
by the department by appraisal. The director shall credit the 3960
value of the unneeded property against the acquisition price of 3961
the property being acquired by the department, and the landowner 3962
shall pay the department the difference if the value of the 3963
unneeded property exceeds the acquisition price of the property 3964
being acquired. 3965

(G) Conveyances of real property under this section shall be 3966
by a deed executed by the governor, bearing the great seal of the 3967
state, and in the form prescribed by the attorney general. The 3968
director shall keep a record of all conveyances of real property 3969
made under this section. This section applies to all real property 3970
acquired by the department, regardless of how or from whom the 3971
property was acquired. 3972

Sec. 5502.03. (A) There is hereby created in the department 3973
of public safety a division of homeland security. 3974

(B) The division shall do all of the following: 3975

(1) Coordinate all homeland security activities of all state 3976
agencies and be the liaison between state agencies and local 3977
entities for the purposes of communicating homeland security 3978

funding and policy initiatives; 3979

(2) Collect, analyze, maintain, and disseminate information 3980
to support local, state, and federal law enforcement agencies, 3981
other government agencies, and private organizations in detecting, 3982
deterring, preventing, preparing for, responding to, and 3983
recovering from threatened or actual terrorist events. This 3984
information is not a public record pursuant to section 149.43 of 3985
the Revised Code. 3986

(3) Coordinate efforts of state and local governments and 3987
private organizations to enhance the security and protection of 3988
critical infrastructure and key assets in this state; 3989

(4) Develop and coordinate policies, protocols, and 3990
strategies that may be used to prevent, detect, prepare for, 3991
respond to, and recover from terrorist acts or threats; 3992

(5) Develop, update, and coordinate the implementation of an 3993
Ohio homeland security strategic plan that will guide state and 3994
local governments in the achievement of homeland security in this 3995
state. 3996

(C) The director of public safety shall appoint an executive 3997
director, who shall be head of the division of homeland security 3998
and who regularly shall advise the governor and the director on 3999
matters pertaining to homeland security. The executive director 4000
shall serve at the pleasure of the director of public safety. To 4001
carry out the duties assigned under this section, the executive 4002
director, subject to the direction and control of the director of 4003
public safety, may appoint and maintain necessary staff and may 4004
enter into any necessary agreements. 4005

(D) Except as otherwise provided by law, nothing in this 4006
section shall be construed to give the director of public safety 4007
or the executive director of the division of homeland security 4008
authority over the incident management structure or 4009

responsibilities of local emergency response personnel. 4010

(E) There is hereby created in the state treasury the 4011
homeland security fund. The fund shall consist of one dollar and 4012
twenty-five cents of each fee collected under sections 4501.34, 4013
4503.26, 4506.08, and 4509.05 of the Revised Code as specified in 4014
those sections, plus on and after October 1, 2009, one dollar and 4015
twenty-five cents of each fee collected under sections 1548.14, 4016
4505.14, and 4519.63 of the Revised Code as specified in those 4017
sections. The fund shall be used to pay the expenses of 4018
administering the law relative to the powers and duties of the 4019
executive director of the division of homeland security, except 4020
that the director of budget and management may transfer excess 4021
money from the homeland security fund to the state highway safety 4022
fund if the director of public safety determines that the amount 4023
of money in the homeland security fund exceeds the amount required 4024
to cover such costs incurred by the division of homeland security 4025
and requests the director of budget and management to make the 4026
transfer. 4027

Sec. 5502.131. There is hereby created in the state treasury 4028
the investigations fund. The fund shall consist of seventy-five 4029
cents of each fee collected under sections 4301.34, 4503.26, 4030
4506.08, and 4509.05 of the Revised Code as specified in those 4031
sections, plus on and after October 1, 2009, seventy-five cents of 4032
each fee collected under sections 1548.14, 4505.14, and 4519.63 of 4033
the Revised Code as specified in those sections. The director of 4034
public safety shall use the money in the fund to pay the operating 4035
expenses of investigations, except that the director of budget and 4036
management may transfer excess money from the investigations fund 4037
to the state highway safety fund if the director of public safety 4038
determines that the amount of money in the investigations fund 4039
exceeds the amount required to cover investigative costs incurred 4040
by the investigative unit and requests the director of budget and 4041

management to make the transfer. 4042

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Sec. 5502.39. There is hereby created in the state treasury 4044

the emergency management agency service and reimbursement fund. 4045

The fund shall consist of two dollars and twenty-five cents of 4046

each fee collected under sections 4501.34, 4503.26, 4506.08, and 4047

4509.05 of the Revised Code as specified in those sections, plus 4048

on and after October 1, 2009, two dollars and twenty-five cents of 4049

each fee collected under sections 1548.14, 4505.14, and 4519.63 of 4050

the Revised Code as specified in those sections, and money 4051

collected under sections 5502.21 to 5502.38 of the Revised Code. 4052

All money in the fund shall be used to pay the costs of 4053

administering programs of the emergency management agency, except 4054

that the director of budget and management may transfer excess 4055

money from the emergency management agency service and 4056

reimbursement fund to the state highway safety fund if the 4057

director of public safety determines that the amount of money in 4058

the emergency management agency service and reimbursement fund 4059

exceeds the amount required to cover such costs incurred by the 4060

emergency management agency and requests the director of budget 4061

and management to make the transfer. 4062

Sec. 5502.67. There is hereby created in the state treasury 4063

the justice program services fund. The fund shall consist of the 4064

court costs designated for the fund pursuant to section 2949.094 4065

of the Revised Code, fifty cents of each fee collected under 4066

sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised 4067

Code as specified in those sections, plus on and after October 1, 4068

2009, fifty-five cents of each fee collected under sections 4069

1548.14, 4505.14, and 4519.63 of the Revised Code as specified in 4070

those sections, and all money collected by the division of 4071

criminal justice services for nonfederal purposes, including 4072
subscription fees for participating in the Ohio incident-based 4073
reporting system under division (C) of section 5502.62 of the 4074
Revised Code, unless otherwise designated by law. The justice 4075
program services fund shall be used to pay costs of administering 4076
the operations of the division of criminal justice services, 4077
except that the director of budget and management may transfer 4078
excess money from the justice program services fund to the state 4079
highway safety fund if the director of public safety determines 4080
that the amount of money in the justice program services fund 4081
exceeds the amount required to cover such costs incurred by the 4082
office of criminal justice services and requests the director of 4083
budget and management to make the transfer. 4084

Sec. 5502.68. (A) There is hereby created in the state 4085
treasury the drug law enforcement fund. Three Ninety-seven per 4086
cent of three dollars and fifty cents out of each ten-dollar court 4087
cost imposed pursuant to section 2949.094 of the Revised Code 4088
shall be credited to the fund. Money in the fund shall be used 4089
only in accordance with this section to award grants to counties, 4090
municipal corporations, townships, township police districts, and 4091
joint township police districts to defray the expenses that a drug 4092
task force organized in the county, or in the county in which the 4093
municipal corporation, township, or district is located, incurs in 4094
performing its functions related to the enforcement of the state's 4095
drug laws and other state laws related to illegal drug activity. 4096

The division of criminal justice services shall administer 4098
all money deposited into the drug law enforcement fund and, by 4099
rule adopted under Chapter 119. of the Revised Code, shall 4100
establish procedures for a county, municipal corporation, 4101
township, township police district, or joint township police 4102
district to apply for money from the fund to defray the expenses 4103

that a drug task force organized in the county, or in the county 4104
in which the municipal corporation, township, or district is 4105
located, incurs in performing its functions related to the 4106
enforcement of the state's drug laws and other state laws related 4107
to illegal drug activity, procedures and criteria for determining 4108
eligibility of applicants to be provided money from the fund, and 4109
procedures and criteria for determining the amount of money to be 4110
provided out of the fund to eligible applicants. 4111

(B) The procedures and criteria established under division 4112
(A) of this section for applying for money from the fund shall 4113
include, but shall not be limited to, a provision requiring a 4114
county, municipal corporation, township, township police district, 4115
or joint township police district that applies for money from the 4116
fund to specify in its application the amount of money desired 4117
from the fund, provided that the cumulative amount requested in 4118
all applications submitted for any single drug task force may not 4119
exceed more than two hundred fifty thousand dollars in any 4120
calendar year for that task force. 4121

(C) The procedures and criteria established under division 4122
(A) of this section for determining eligibility of applicants to 4123
be provided money from the fund and for determining the amount of 4124
money to be provided out of the fund to eligible applicants shall 4125
include, but not be limited to, all of the following: 4126

(1) Provisions requiring that, in order to be eligible to be 4127
provided money from the fund, a drug task force that applies for 4128
money from the fund must provide evidence that the drug task force 4129
will receive a local funding match of at least twenty-five per 4130
cent of the task force's projected operating costs in the period 4131
of time covered by the grant; 4132

(2) Provisions requiring that money from the fund be 4133
allocated and provided to drug task forces that apply for money 4134
from the fund in accordance with the following priorities: 4135

(a) Drug task forces that apply, that are in existence on the 4136
date of the application, and that are determined to be eligible 4137
applicants, and to which either of the following applies shall be 4138
given first priority to be provided money from the fund: 4139

(i) Drug task forces that received funding through the 4140
division of criminal justice services in calendar year 2007; 4141

(ii) Drug task forces in a county that has a population that 4142
exceeds seven hundred fifty thousand. 4143

(b) If any moneys remain in the fund after all drug task 4144
forces that apply, that are in existence on the date of the 4145
application, that are determined to be eligible applicants, and 4146
that satisfy the criteria set forth in division (C)(2)(a)(i) or 4147
(ii) of this section are provided money from the fund as described 4148
in division (C)(2)(a) of this section, the following categories of 4149
drug task forces that apply and that are determined to be eligible 4150
applicants shall be given priority to be provided money from the 4151
fund in the order in which they apply for money from the fund: 4152
4153

(i) Drug task forces that are not in existence on the date of 4154
the application; 4155

(ii) Drug task forces that are in existence on the date of 4156
the application but that do not satisfy the criteria set forth in 4157
division (C)(2)(a)(i) or (ii) of this section. 4158

(D) The procedures and criteria established under division 4159
(A) of this section for determining the amount of money to be 4160
provided out of the fund to eligible applicants shall include, but 4161
shall not be limited to, a provision specifying that the 4162
cumulative amount provided to any single drug task force may not 4163
exceed more than two hundred fifty thousand dollars in any 4164
calendar year. 4165

(E) As used in this section, "drug task force" means a drug 4166

task force organized in any county by the sheriff of the county, 4167
the prosecuting attorney of the county, the chief of police of the 4168
organized police department of any municipal corporation or 4169
township in the county, and the chief of police of the police 4170
force of any township police district or joint township police 4171
district in the county to perform functions related to the 4172
enforcement of state drug laws and other state laws related to 4173
illegal drug activity. 4174

Sec. 5515.01. The director of transportation may upon formal 4175
application being made to the director, grant a permit to any 4176
individual, firm, or corporation to use or occupy such portion of 4177
a road or highway on the state highway system as will not 4178
incommode the traveling public. Such permits, when granted, shall 4179
be upon the following conditions: 4180

(A) ~~The occupancy of such roads or highways shall be in the~~ 4181
~~location as prescribed by the director~~ may issue a permit to any 4182
individual, firm, or corporation for any use of a road or highway 4183
on the state highway system that is consistent with applicable 4184
federal law or federal regulations. 4185

(B) Such location shall be changed as prescribed by the 4186
director when the director deems such change necessary for the 4187
convenience of the traveling public, or in connection with or 4188
contemplation of the construction, reconstruction, improvement, 4189
relocating, maintenance, or repair of such road or highway. 4190

(C) The placing of objects or things shall be at a grade and 4191
in accordance with such plans, specifications, or both, as shall 4192
be first approved by the director. 4193

(D) The road or highway in all respects shall be fully 4194
restored to its former condition of usefulness and at the expense 4195
of such individual, firm, or corporation. 4196

(E) Such individual, firm, or corporation shall maintain all objects and things in a proper manner, promptly repair all damages resulting to such road or highway on account thereof, and in event of failure to so repair such road or highway to pay to the state all costs and expenses which may be expended by the director in repairing any damage.

(F) Such other conditions as may seem reasonable to the director, but no condition shall be prescribed which imposes the payment of a money consideration for the privilege granted. Nothing in this division prohibits the director from requiring payment of money consideration for a lease, easement, license, or other interest in a transportation facility under control of the department of transportation.

(G) Permits may be revoked by the director at any time for a noncompliance with the conditions imposed.

(H) As a condition precedent to the issuance of a any permit to a, including for telecommunications service provider or carbon dioxide infrastructure, the director shall require the applicant to provide proof it is party to a lease, easement, or license for the construction, placement, or operation of a ~~telecommunications~~ facility in or on a transportation facility.

Except as otherwise provided in this section and section 5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code do not prohibit telegraph, telephone, and electric light and power companies from constructing, maintaining, and using telegraph, telephone, or electric light and power lines along and upon such roads or highways under sections 4931.19, 4933.14, or other sections of the Revised Code, or to affect existing rights of any such companies, or to require such companies to obtain a permit from the director, except with respect to the location of poles, wires, conduits, and

other equipment comprising lines on or beneath the surface of such 4229
road or highways. 4230

This section does not prohibit steam or electric railroad 4231
companies from constructing tracks across such roads or highways, 4232
nor authorize the director to grant permission to any company 4233
owning, operating, controlling, or managing a steam railroad or 4234
interurban railway in this state to build a new line of railroad, 4235
or to change or alter the location of existing tracks across any 4236
road or highway on the state highway system at grade. No such 4237
company shall change the elevation of any of its tracks across 4238
such road or highway except in accordance with plans and 4239
specifications first approved by the director. 4240

This section does not relieve any individual, firm, or 4241
corporation from the obligation of satisfying any claim or demand 4242
of an owner of lands abutting on such road or highway on the state 4243
highway system on account of placing in such road or highway a 4244
burden in addition to public travel. 4245

Sec. 5515.07. (A) The director of transportation, in 4246
accordance with Chapter 119. of the Revised Code, shall adopt 4247
rules consistent with the safety of the traveling public and 4248
consistent with the national policy to govern the use and control 4249
of rest areas within the limits of the right-of-way of interstate 4250
highways and other state highways and in other areas within the 4251
limits of the right-of-way of interstate highways. 4252

(B) Except as provided in division (C) of this section or as 4253
otherwise authorized by applicable federal law or federal 4254
regulations, no person shall engage in selling or offering for 4255
sale or exhibiting for purposes of sale, goods, products, 4256
merchandise, or services within the bounds of rest areas within 4257
the limits of the right-of-way of interstate highways and other 4258
state highways, or in other areas within the limits of the 4259

right-of-way of interstate highways, unless the director issues a 4260
permit in accordance with section 5515.01 of the Revised Code. 4261
Notwithstanding any rules adopted by the director to the contrary 4262
or any other policy changes proposed by the director, each 4263
district deputy director of the department of transportation shall 4264
continue to implement any program allowing organizations to 4265
dispense free coffee or similar items after obtaining a permit 4266
that operated within the district prior to January 1, 1997. Each 4267
district deputy director shall operate such program within the 4268
district in the same manner as the program was operated prior to 4269
that date. 4270

(C) In accordance with rules adopted under division (A) of 4271
this section, the director may cause vending machines to be placed 4272
within each rest area that is able to accommodate the machines. 4273
The vending machines shall dispense food, drink, and other 4274
appropriate articles. 4275

(D) This section does not apply to the sale of goods, 4276
products, merchandise, or services required for the emergency 4277
repair of motor vehicles or emergency medical treatment, or to the 4278
department of transportation as provided in section 5515.08 of the 4279
Revised Code. 4280

Sec. 5517.011. Notwithstanding section 5517.01 of the Revised 4281
Code, the director of transportation may establish a program to 4282
expedite the sale and construction of special projects by 4283
combining the design and construction elements of a highway or 4284
bridge project into a single contract. The director shall prepare 4285
and distribute a scope of work document upon which the bidders 4286
shall base their bids. Except in regard to those requirements 4287
relating to providing plans, the director shall award contracts 4288
under this section in accordance with Chapter 5525. of the Revised 4289
Code. 4290

~~For~~ On and after July 1, 2015, for each biennium, the total 4291
dollar value of contracts made under this section shall not exceed 4292
two hundred fifty million dollars unless otherwise authorized by 4293
the general assembly. 4294

Sec. 5525.15. The director of transportation may provide that 4295
the estimate of cost of any project to be constructed by the 4296
department by the taking of bids and awarding of contracts shall 4297
be confidential information and so remain until after all bids on 4298
the project have been received. The total amount of the estimate 4299
then shall be ~~publicly read prior to the opening of the bids of~~ 4300
~~the subject~~ published. 4301

When the director exercises the authority conferred by this 4302
section, all information with respect to the total estimate of 4303
cost of the project to be built by contract and with respect to 4304
the estimate of cost of any particular item of work involved 4305
therein shall be kept and regarded by the director and all the 4306
director's subordinates as confidential, and shall not be revealed 4307
to any person not employed in the department, or by the United 4308
States department of transportation in the case of projects 4309
financed in whole or part by federal funds, until after the bids 4310
on the project have been opened and ~~read~~ published. Section 4311
5517.01 of the Revised Code with respect to the public inspection 4312
of estimates of cost prior to the opening of bids and with respect 4313
to filing estimates of cost in the office of the district deputy 4314
director of transportation does not apply when the authority 4315
conferred by this section is exercised. This section does not 4316
prohibit the department from furnishing estimates of cost to 4317
counties, municipal corporations, or other local political 4318
subdivisions or to railroad or railway companies proposing to pay 4319
any portion of the cost of an improvement. 4320

Section 5525.10 of the Revised Code, which provides that no 4321

contract for any improvement shall be awarded for a greater sum 4322
than the estimated cost thereof plus five per cent, does not apply 4323
in the case of any project with respect to which the authority 4324
conferred by this section is exercised. In cases in which the 4325
authority conferred by this section is exercised and in which the 4326
bid of the successful bidder exceeds the estimate, the director, 4327
before entering into a contract, shall determine that the bid of 4328
the successful bidder is fair and reasonable, and as long as the 4329
federal government imposes regulation on prices charged for 4330
construction service, shall require the successful bidder to 4331
certify that the bidder's bid does not exceed the maximum 4332
permitted by such federal regulation. 4333

Sec. 5531.09. (A) The state infrastructure bank shall consist 4334
of the highway and transit infrastructure bank fund, the aviation 4335
infrastructure bank fund, the rail infrastructure bank fund, ~~and~~ 4336
the infrastructure bank obligations fund, and the new generation 4337
infrastructure bank fund, which are hereby created as funds of the 4338
state treasury, to be administered by the director of 4339
transportation and used for the purposes described in division (B) 4340
of this section. The highway and transit infrastructure bank fund, 4341
the aviation infrastructure bank fund, and the rail infrastructure 4342
bank fund shall consist of federal grants and awards or other 4343
assistance received by the state and eligible for deposit therein 4344
under applicable federal law, payments received by the department 4345
in connection with providing financial assistance for qualifying 4346
projects under division (B) of this section, and such other 4347
amounts as may be provided by law. The infrastructure bank 4348
obligations fund shall consist of such amounts of the proceeds of 4349
obligations issued under section 5531.10 of the Revised Code as 4350
the director of transportation determines with the advice of the 4351
director of budget and management; and such other amounts as may 4352
be provided by law. The new generation infrastructure bank fund 4353

shall consist of such other assistance received by the state as 4354
may be provided by law. The director of budget and management, 4355
upon the request of the director of transportation, may transfer 4356
amounts between the funds created in this division, except the 4357
infrastructure bank obligations fund. The investment earnings of 4358
each fund created by this division shall be credited to such fund. 4359

(B)(1) The director of transportation shall use the state 4360
infrastructure bank, except the new generation infrastructure bank 4361
fund, to encourage public and private investment in transportation 4362
facilities that contribute to the multi-modal and intermodal 4363
transportation capabilities of the state, develop a variety of 4364
financing techniques designed to expand the availability of 4365
funding resources and to reduce direct state costs, maximize 4366
private and local participation in financing projects, and improve 4367
the efficiency of the state transportation system by using and 4368
developing the particular advantages of each transportation mode 4369
to the fullest extent. In furtherance of these purposes, the 4370
director shall use the state infrastructure bank to provide 4371
financial assistance to public or private entities for qualified 4372
projects. Such assistance shall be in the form of loans, loan 4373
guarantees, letters of credit, leases, lease-purchase agreements, 4374
interest rate subsidies, debt service reserves, and such other 4375
forms as the director determines to be appropriate. All fees, 4376
charges, rates of interest, payment schedules, security for, and 4377
other terms and conditions relating to such assistance shall be 4378
determined by the director. ~~The highway and transit infrastructure~~ 4379
~~bank fund, the aviation infrastructure bank fund, and the rail~~ 4380
~~infrastructure bank fund may be used to pay debt service on~~ 4381
~~obligations whose proceeds have been deposited into the~~ 4382
~~infrastructure bank obligations fund.~~ 4383

(2) The director shall use the new generation infrastructure 4384
bank fund to encourage transportation innovation authorities 4385

created under Chapter 5539. of the Revised Code to invest in 4386
transportation facilities that contribute to the multi-modal and 4387
intermodal transportation capabilities of the state, develop a 4388
variety of financing techniques designed to expand the 4389
availability of funding resources and to reduce direct state 4390
costs, maximize transportation innovation authorities' 4391
participation in financing projects, and improve the efficiency of 4392
the state transportation system by using and developing the 4393
particular advantages of each transportation mode to the fullest 4394
extent. In furtherance of these purposes, the director shall use 4395
the new generation infrastructure bank fund to provide financial 4396
assistance to transportation innovation authorities for qualified 4397
projects. Such assistance shall be in the form of loans, loan 4398
guarantees, letters of credit, leases, lease-purchase agreements, 4399
interest rate subsidies, debt service reserves, and such other 4400
forms of assistance as the director determines to be appropriate. 4401
All fees, charges, rates of interest, payment schedules, security 4402
for, and other terms and conditions relating to such assistance 4403
shall be determined by the director. 4404

(C) The director of transportation shall adopt rules 4405
establishing guidelines necessary for the implementation and 4406
exercise of the authority granted by this section, including rules 4407
for receiving, reviewing, evaluating, and selecting projects for 4408
which financial assistance may be approved. 4409

(D) As used in this section and in section 5531.10 of the 4410
Revised Code, "qualified project" means any public or private 4411
transportation project as determined by the director of 4412
transportation, including, without limitation, planning, 4413
environmental impact studies, engineering, construction, 4414
reconstruction, resurfacing, restoring, rehabilitation, or 4415
replacement of public or private transportation facilities within 4416
the state, studying the feasibility thereof, and the acquisition 4417

of real or personal property or interests therein; any highway, 4418
public transit, aviation, rail, or other transportation project 4419
eligible for financing or aid under any federal or state program; 4420
and any project involving the maintaining, repairing, improving, 4421
or construction of any public or private highway, road, street, 4422
parkway, public transit, aviation, or rail project, and any 4423
related rights-of-way, bridges, tunnels, railroad-highway 4424
crossings, drainage structures, signs, guardrails, or protective 4425
structures. 4426

(E) The general assembly finds that state infrastructure 4427
projects, as defined in division (A)(8) of section 5531.10 of the 4428
Revised Code, and the state infrastructure bank, will materially 4429
contribute to the economic revitalization of areas of the state 4430
and result in improving the economic welfare of all the people of 4431
the state. Accordingly, it is declared to be the public purpose of 4432
the state, through operations under sections 5531.09 and 5531.10 4433
of the Revised Code, and other applicable laws adopted pursuant to 4434
Section 13 of Article VIII, Ohio Constitution, and other authority 4435
vested in the general assembly, to assist in and facilitate the 4436
purposes set forth in division (B) of section 5531.10 of the 4437
Revised Code, and to assist and cooperate with any governmental 4438
agency in achieving such purposes. 4439

Sec. 5531.11. As used in sections 5531.11 to 5531.18 of the 4440
Revised Code: 4441

"Cost" means all costs of constructing, improving, repairing, 4442
maintaining, administering, and operating the Ohio transportation 4443
system, including all costs payable with respect to permanent 4444
improvements as described in division (B) of section 133.15 of the 4445
Revised Code. 4446

"Governmental agency" means any state agency, federal agency, 4447
political subdivision, or other local, interstate, or regional 4448

governmental agency, and any combination of those agencies. 4449

"Highway project" means any project intended for the highway purpose of supporting the state highway system. A highway project, whether publicly or privately owned, is a state infrastructure project as defined in section 5531.10 of the Revised Code for all purposes of that section and section 5531.09 of the Revised Code and also is a transportation facility as defined in section 5501.01 of the Revised Code. 4450
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"New capacity project" means any tolled project for which construction is undertaken pursuant to sections 5531.11 to 5531.18 of the Revised Code, including construction on existing public freeways if the construction increases the total number of lanes, including tolled and nontolled lanes, and does not decrease the total number of nontolled lanes at each mile. 4457
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"Ohio transportation system" or "system" means all existing and future transportation projects constructed, operated, repaired, maintained, administered, and operated under the jurisdiction of the department of transportation, including tolled projects and highway capacity projects. 4463
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"Public roads" means all public highways, roads, and streets in the state, whether maintained by a state agency or any other governmental agency. 4468
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"Public utility facilities" means tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility. 4471
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"Revenues" means all nontax revenues coming into the possession of or under the control of the department by virtue of sections 5531.11 to 5531.18 of the Revised Code. "Revenues" does not include proceeds from the sale of obligations but does include tolls, service revenues, investment income on the Ohio toll fund established in section 5531.14 of the Revised Code, rentals, 4474
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gifts, and grants. 4480

"Service facilities" means service stations, restaurants, and 4481
other facilities for food service, roadside parks and rest areas, 4482
parking, camping, tenting, rest, and sleeping facilities, hotels 4483
or motels, and all similar and other facilities providing services 4484
to the traveling public in connection with the use of a tolled 4485
project and owned, leased, licensed, or operated by the department 4486
of transportation. 4487

"Service revenues" means those revenues of the department 4488
derived from its ownership, leasing, licensing, or operation of 4489
service facilities. 4490

"Tolled project" includes, but is not limited to, any express 4491
or limited access highway, motorway, interchange, service road, 4492
bridge, tunnel, bypass, general purpose lane addition, high 4493
occupancy lane, smart lane, intermodal facility, parking lot, 4494
airport, runway, canal, port, waterway, rail line, railroad 4495
interchange, railway spur, or highway project established, 4496
constructed, reconstructed, maintained, repaired, administered, 4497
operated, or improved, under the jurisdiction of the department of 4498
transportation and pursuant to sections 5531.11 to 5531.18 of the 4499
Revised Code, at a location or locations determined by the 4500
director of transportation, including all bridges, tunnels, 4501
overpasses, underpasses, interchanges, entrance plazas, 4502
approaches, those portions of connecting public roads that serve 4503
interchanges and are determined by the director to be necessary 4504
for the safe merging of traffic between the tolled project and 4505
those nontolled public roads, toll booths, service facilities, and 4506
administration, storage, and other buildings, property, and 4507
facilities that the department considers necessary for the 4508
operation or policing of the tolled project, together with all 4509
property and rights that may be acquired by the department for the 4510
construction, maintenance, repair, administration, improvement, or 4511

operation of the tolled project, and includes any sections or 4512
extensions of a tolled project designated by the department as 4513
such for the particular purpose. Each tolled project may be 4514
separately designated, by name or number, and may be constructed, 4515
improved, or extended in such sections as the department may from 4516
time to time determine pursuant to sections 5531.11 to 5531.18 of 4517
the Revised Code. A tolled project, whether publicly or privately 4518
owned, is a state infrastructure project as defined in section 4519
5531.10 of the Revised Code for all purposes of that section and 4520
section 5531.09 of the Revised Code and also is a transportation 4521
facility as defined in section 5501.01 of the Revised Code. 4522

"Tolls" means tolls, special fees or permit fees, or other 4524
charges by the department to the owners, lessors, lessees, 4525
operators of motor vehicles, or other users of a tolled project 4526
for the operation or use of or the right to operate on a tolled 4527
project. 4528

Sec. 5531.12. In order to remove present and anticipated 4529
handicaps and potential hazards on the highways in this state, to 4530
facilitate vehicular traffic throughout the state, to promote the 4531
agricultural, commercial, recreational, tourism, and industrial 4532
development of the state, and to provide for the general welfare 4533
by the construction, improvement, and maintenance of modern 4534
express highways embodying safety devices, including center 4535
divisions, ample shoulder widths, long sight distances, multiple 4536
lanes in each direction, and grade separations at intersections 4537
with other public roads and railroads, the department of 4538
transportation may construct, improve, maintain, repair, 4539
administer, and operate a system of new capacity projects at 4540
locations in accordance with alignment and design standards that 4541
are approved by the director of transportation. The tolled 4542
projects authorized by sections 5531.11 to 5531.18 of the Revised 4543

Code are part of the Ohio transportation system. 4544

Sec. 5531.13. (A) The director of transportation may acquire 4545
or dispose of any public or private property or interests therein 4546
the director determines to be necessary, convenient, or proper for 4547
the construction, improvement, repair, maintenance, 4548
administration, or operation of tolled projects in the same manner 4549
as the director may acquire or dispose of such property for 4550
transportation facilities or highway purposes, under sections 4551
5501.311 to 5501.34 and 5501.45 and Chapter 5519. of the Revised 4552
Code. 4553

(B) The director may enter into any contracts the director 4554
determines to be necessary, convenient, or proper for the 4555
construction, improvement, repair, maintenance, administration, or 4556
operation of tolled projects in the manner provided in Chapter 4557
5525. of the Revised Code. 4558

(C) The director may enter into any professional contracts 4559
the director determines to be necessary, convenient, or proper for 4560
the construction, improvement, repair, maintenance, 4561
administration, or operation of tolled projects in the manner 4562
provided in Chapter 5526. of the Revised Code. 4563

(D) Tolls and accounts within the Ohio toll fund established 4564
in section 5531.14 of the Revised Code may be used for the 4565
acquisition of property under division (A) of this section or 4566
pursuant to contracts entered into under division (B) or (C) of 4567
this section to the same extent permitted by section 5531.14 of 4568
the Revised Code with respect to obligations. 4569

Sec. 5531.14. (A) To the extent permitted by federal law, the 4570
director of transportation may fix, revise, charge, and collect 4571
tolls for each tolled project, and contract with any person or 4572
governmental agency desiring the use of any part thereof, 4573

including the right-of-way adjoining the paved portion, for 4574
placing thereon telephone, electric light, or power lines, service 4575
facilities, or for any other purpose, and fix the terms, 4576
conditions, rents, and rates of charge for such use; provided, 4577
that no toll, charge, or rental may be made for placing in, on, 4578
along, over, or under the tolled project, equipment or public 4579
utility facilities that are necessary to serve service facilities 4580
or to interconnect any public utility facilities. 4581

In accordance with Chapter 119. of the Revised Code, the 4582
director shall establish a plan, schedule, or system of tolls or 4583
charges and shall declare the purpose, amount, and duration of the 4584
tolls or charges. Any proposal to implement a toll or other charge 4585
under this section may include a plan, schedule, or system of 4586
tolls or charges that is subject to adjustment by the director 4587
within and in accordance with that plan, schedule, or system 4588
without further public notice and opportunity for public comment. 4589

(B) For any toll imposed under this section, the department 4590
of transportation may use a system for toll collection that is 4591
capable of charging an account holder the appropriate toll or 4592
charge by transmission of information from an electronic device on 4593
a motor vehicle to the toll lane, which information is used to 4594
charge the account holder the appropriate toll or charge. 4595

(C) One or more tolls, or a portion of any toll, may be 4596
pledged to the repayment of obligations in the bond proceedings 4597
for those obligations and shall be a pledged receipt for those 4598
obligations to the extent pledged in those bond proceedings. 4599

(D) Tolls shall be so fixed and adjusted as to provide funds 4600
at least sufficient with other revenues of the Ohio transportation 4601
system, if any, to pay: 4602

(1) Any bond service charges on obligations issued to pay 4603
costs of one or more tolled projects as such charges become due 4604

and payable; 4605

(2) The cost of maintaining, improving, repairing, 4606
constructing, and operating the Ohio transportation system and its 4607
different parts and sections, and to create and maintain any 4608
reserves for those purposes. 4609

(E) Except as provided in division (F) of this section, money 4610
received from tolls imposed under this section shall be deposited 4611
to the credit of the Ohio toll fund, which is hereby created in 4612
the state treasury. The treasurer of state may establish separate 4613
subaccounts within the Ohio toll fund as determined to be 4614
necessary or convenient to pay costs of constructing, improving, 4615
repairing, maintaining, administering, and operating tolled 4616
projects within the Ohio transportation system. Any remaining 4617
money deposited into the Ohio toll fund shall be used at the 4618
discretion of the director to support construction, improvement, 4619
repair, maintenance, administration, and operation costs for the 4620
Ohio transportation system, or other activities related to the 4621
Ohio transportation system. All investment earnings of the fund 4622
shall be credited to the fund. 4623

(F) The issuing authority shall, by the fifteenth day of July 4624
of each fiscal year, certify or cause to be certified to the 4625
department of transportation and the office of budget and 4626
management the total amount of money required during the current 4627
fiscal year to meet in full all bond service charges and otherwise 4628
comply with the requirements of any applicable bond proceedings. 4629
The issuing authority shall make or cause to be made supplemental 4630
certifications to the department of transportation and the office 4631
of budget and management for each bond service payment date and at 4632
such other times during each fiscal year as may be provided in the 4633
applicable bond proceedings or required by that department or 4634
office. Bond service charges, costs of credit enhancement 4635
facilities, other financing costs, and any other amounts required 4636

under the applicable bond proceedings shall be set forth 4637
separately in each certification. Money received from tolls and 4638
other pledged receipts shall be deposited to the credit of the 4639
bond service fund at such times and in such amounts as are 4640
necessary to satisfy all those payment requirements of the 4641
applicable bond proceedings. 4642

Sec. 5531.15. (A) The director of transportation, in 4643
accordance with Chapter 119. of the Revised Code, may adopt such 4644
rules as the director considers advisable for the control and 4645
regulation of traffic on any tolled project, for the protection 4646
and preservation of property under the jurisdiction and control of 4647
the department of transportation, for the maintenance and 4648
preservation of good order within the property under its control, 4649
and for the purpose of establishing owner or operator liability 4650
for failure to comply with toll collection rules. 4651

(B) The rules shall provide that public police officers shall 4652
be afforded ready access, while in the performance of their 4653
official duties, to all property under the jurisdiction of the 4654
department of transportation and without the payment of tolls. 4655

(C) No person shall violate any such rules of the department 4656
of transportation. 4657

(D)(1) All fines collected for the violation of applicable 4658
laws of the state and the rules of the department of 4659
transportation or money arising from bonds forfeited for such 4660
violation shall be disposed of in accordance with section 5503.04 4661
of the Revised Code. 4662

(2) All fees or charges assessed by the department of 4663
transportation in accordance with this section against an owner or 4664
operator of a vehicle as a civil violation for failure to comply 4665
with toll collection rules shall be revenues of the department. 4666

Sec. 5531.16. (A) Each tolled project shall be maintained and 4667
kept in good condition and repair by the department of 4668
transportation. Tolled projects shall be operated by toll 4669
collectors and other employees and agents that the department 4670
employs or contracts for. Tolled projects shall be policed by the 4671
state highway patrol in accordance with section 5503.02 of the 4672
Revised Code; provided, that the state highway patrol also shall 4673
enforce all rules of the department adopted under division (A) of 4674
section 5531.15 of the Revised Code that relate to the operation 4675
and use of vehicles on a tolled project and that are punishable 4676
under division (A) of section 5531.99 of the Revised Code. 4677

(B) All public or private property damaged or destroyed in 4678
carrying out the powers granted by sections 5531.11 to 5531.18 of 4679
the Revised Code shall be restored or repaired and placed in its 4680
original condition, as nearly as practicable, or adequate 4681
compensation or consideration made therefor out of money provided 4682
under sections 5531.11 to 5531.18 of the Revised Code. 4683

(C) All governmental agencies may lease, lend, grant, or 4684
convey to the department of transportation at its request, upon 4685
terms that the proper authorities of the governmental agencies 4686
consider reasonable and fair and without the necessity for an 4687
advertisement, order of court, or other action or formality, other 4688
than the regular and formal action of the authorities concerned, 4689
any property that is necessary or convenient to the effectuation 4690
of the purposes of sections 5531.11 to 5531.18 of the Revised 4691
Code, including public roads and other property already devoted to 4692
public use. 4693

(D) Each bridge constituting part of a tolled project shall 4694
be considered a bridge on the state highway system for purposes of 4695
sections 5501.47 and 5501.49 of the Revised Code. 4696

(E) In accordance with Chapter 5501. of the Revised Code, the 4697

department of transportation shall make an annual report of its 4698
tolled project activities for the preceding calendar year to the 4699
governor and the general assembly. 4700

Sec. 5531.17. The exercise of the powers granted by sections 4701
5531.11 to 5531.18 of the Revised Code is in all respects for the 4702
benefit of the people of the state, for the increase of their 4703
commerce and prosperity, and for the improvement of their health 4704
and living conditions; and as the construction, operation, and 4705
maintenance of the Ohio toll-way system by the department of 4706
transportation constitute the performance of essential 4707
governmental functions, the department shall not be required to 4708
pay any state or local taxes or assessments upon any tolled 4709
project, or upon revenues or any property acquired or used by the 4710
department under sections 5531.11 to 5531.18 of the Revised Code, 4711
or upon the income therefrom. 4712

Sec. 5531.18. The director of transportation shall establish 4713
a procedure whereby a political subdivision or other governmental 4714
agency or agencies may submit a written application to the 4715
director in accordance with Chapter 5539. of the Revised Code 4716
requesting the department of transportation to construct and 4717
operate a tolled project within the boundaries of the subdivision, 4718
agency, or agencies making the request. The procedure shall 4719
include a requirement that the director send a written reply to 4720
the subdivision, agency, or agencies explaining the disposition of 4721
the request. 4722

Sec. 5531.99. (A) Except as provided in division (B) of this 4723
section, whoever violates division (C) of section 5531.15 of the 4724
Revised Code is guilty of a minor misdemeanor on a first offense; 4725
on each subsequent offense such person is guilty of a misdemeanor 4726
of the fourth degree. 4727

(B) Whoever violates division (C) of section 5531.15 of the Revised Code when the violation is a civil violation for failure to comply with toll collection rules is subject to a fee or charge established by the department of transportation by rule.

Sec. 5537.07. (A) When the cost to the Ohio turnpike commission under any contract with a person other than a governmental agency involves an expenditure of more than fifty thousand dollars, the commission shall make a written contract with the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code after advertisement for not less than two consecutive weeks in a newspaper of general circulation in Franklin county, and in such other publications as the commission determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. The commission may require that the cost estimate for the construction, demolition, alteration, repair, improvement, renovation, or reconstruction of roadways and bridges for which the commission is required to receive bids be kept confidential and remain confidential until after all bids for the public improvement have been received or the deadline for receiving bids has passed. Thereafter, and before opening the bids submitted for the roadways and bridges, the commission shall make the cost estimate public knowledge by reading the cost estimate in a public place. The commission may reject any and all bids. The requirements of this division do not apply to contracts for the acquisition of real property or compensation for professional or other personal services.

(B) Each bid for a contract for construction, demolition, alteration, repair, improvement, renovation, or reconstruction shall contain the full name of every person interested in it and

shall meet the requirements of section 153.54 of the Revised Code. 4760

(C) ~~Each bid for a contract, other~~ Other than for a contract 4761
referred to in division (B) of this section, each bid for a 4762
contract that involves an expenditure in excess of one hundred 4763
fifty thousand dollars or any contract with a service facility 4764
operator shall contain the full name of every person interested in 4765
it and shall be accompanied by a sufficient bond or certified 4766
check on a solvent bank that if the bid is accepted a contract 4767
will be entered into and the performance of its proposal secured. 4768

(D) ~~A~~ Other than a contract referred to in division (B) of 4769
this section, a bond with good and sufficient surety, in a form as 4770
prescribed and approved by the commission, shall be required of 4771
every contractor awarded a contract, ~~other than a contract~~ 4772
~~referred to in division (B) of this section,~~ that involves an 4773
expenditure in excess of one hundred fifty thousand dollars or any 4774
contract with a service facility operator. The bond shall be in an 4775
amount equal to at least fifty per cent of the contract price, and 4776
shall be conditioned upon the faithful performance of the 4777
contract. 4778

(E) Notwithstanding any other provisions of this section, the 4779
commission may establish a program to expedite special projects by 4780
combining the design and construction elements of any public 4781
improvement project into a single contract. The commission shall 4782
prepare and distribute a scope of work document upon which the 4783
bidders shall base their bids. At a minimum, bidders shall meet 4784
the requirements of section 4733.161 of the Revised Code. Except 4785
in regard to those requirements relating to providing plans, the 4786
commission shall award contracts following the requirements set 4787
forth in divisions (A), (B), (C), and (D) of this section. 4788

Sec. 5537.99. (A) Except as provided in division (B) of this 4789
section, whoever violates division (C) of section 5537.16 of the 4790

Revised Code is guilty of a minor misdemeanor on a first offense; 4791
on each subsequent offense such person is guilty of a misdemeanor 4792
of the fourth degree. 4793

(B)(1) Whoever violates division (C) of section 5537.16 of 4794
the Revised Code when the violation is a civil violation for 4795
failure to comply with toll collection rules is subject to a fee 4796
or charge established by the commission by rule. 4797

(2) Whoever violates division (C) of section 5537.16 of the 4798
Revised Code in regard to allowable axle or vehicle loads shall be 4799
fined in accordance with division (A) of section 5577.99 of the 4800
Revised Code. 4801

Sec. 5539.01. As used in this chapter: 4802

"Governmental agency" means a county, township, or municipal 4803
corporation, and any agency thereof; any other political 4804
subdivision; any county transit system, regional transit 4805
authority, or regional transit commission created under Chapter 4806
306. of the Revised Code; any new community authority organized 4807
under Chapter 349. of the Revised Code; one or more municipal 4808
corporations and one or more townships acting pursuant to a 4809
cooperative economic development agreement entered into under 4810
section 701.07 of the Revised Code; any joint economic development 4811
zone or joint economic development district organized under 4812
Chapter 715. of the Revised Code; any metropolitan planning 4813
organization; any port authority created under Chapter 4582. of 4814
the Revised Code; any transportation improvement district created 4815
under Chapter 5540. of the Revised Code; the Ohio rail development 4816
commission created under Chapter 4981. of the Revised Code; any 4817
other public corporation, agency, or commission established 4818
pursuant to state law; and any combination of the above. 4819

"Multimodal and intermodal transportation system" means a 4820
system of roads and highways, rail lines, water ports, airports, 4821

bicycle paths, pedestrian walkways, or public transit systems, 4822
including connections between them, and related facilities. 4823

"Passenger rail service" means passenger railroad service 4824
that connects two or more urbanized areas. 4825

"Public transit system" means a system of local 4826
transportation of passengers and their incidental baggage on 4827
scheduled routes by means of a conveyance on an individual 4828
passenger fare-paying basis, and excluding transportation by a 4829
sightseeing bus, taxi, or any vehicle not operated on a scheduled 4830
route basis. 4831

"Transportation innovation authority" means a body corporate 4832
and politic created pursuant to section 5539.03 of the Revised 4833
Code. 4834

"Transportation project" means a project constructed, 4835
improved, operated, or managed under this chapter, including the 4836
construction, reconstruction, alteration, repair, improvement, 4837
operation, or management of any road, highway, bridge, or other 4838
transportation facility as defined in section 5501.01 of the 4839
Revised Code; any multimodal and intermodal systems; any public 4840
transit system; and any freight or intercity passenger rail 4841
system. 4842

Sec. 5539.02. The purpose of a transportation innovation 4843
authority established under this chapter is to foster and 4844
encourage the investment of public and private resources in the 4845
planning and implementation of innovative transportation projects 4846
to enhance the efficiency of the state's transportation system, 4847
enhance intermodal and multimodal systems to streamline the 4848
transportation of goods and persons, and encourage the improvement 4849
and development of public transit systems and intercity passenger 4850
rail service throughout the state. A transportation innovation 4851
authority shall assist governmental agencies in the identification 4852

of transportation needs that will foster growth and economic 4853
development in the region conducive to the transportation projects 4854
and shall assist in funding priority projects through cooperative 4855
arrangements involving public and private partnerships. 4856

Sec. 5539.03. (A) Subject to approval by the director of 4857
transportation under division (B) of this section, any 4858
governmental agency, by resolution, ordinance, or other formal 4859
action, as applicable, may enter into an agreement with one or 4860
more other governmental agencies proposing to form a 4861
transportation innovation authority. The agreement between all 4862
participating governmental agencies, at a minimum, shall do all of 4863
the following: 4864

(1) Identify all members of the authority; 4865

(2) Designate the geographical area to be included in the 4866
jurisdiction of the authority; 4867

(3) Identify the transportation needs of the region covered 4868
by the authority and define the transportation projects necessary 4869
to meet such needs; 4870

(4) Provide for the planning, construction, operation, and 4871
maintenance of transportation projects proposed to be undertaken 4872
by the authority; 4873

(5) Establish the dates for the existence and operation of 4874
the authority, which shall include a date of creation and the 4875
means for determining when the authority shall cease to exist; 4876

(6) Allow for and establish the terms of funding arrangements 4877
for the identified projects through any combination of funding 4878
sources authorized by this chapter or otherwise authorized by law; 4879

(7) Require all political subdivisions participating as 4880
members of the authority to agree to adopt zoning and land use 4881

policies and laws that are consistent with and that complement the 4882
transportation innovation authority priorities, objectives, and 4883
identified projects. 4884

(B) Upon entering into an agreement, a proposed 4885
transportation innovation authority shall provide a copy of the 4886
agreement to the director of transportation, who shall approve or 4887
disapprove the agreement or suggest modifications to ensure 4888
consistency with the purposes of this chapter. 4889

(C) A transportation innovation authority is deemed to be 4890
created upon the adoption by each participating governmental 4891
agency, acting by resolution, ordinance, or other formal action, 4892
as applicable, of an agreement approved by the director. 4893

Sec. 5539.04. (A) A transportation innovation authority shall 4894
be governed by a board of directors, the membership of which shall 4895
be established by the governmental agencies comprising the 4896
authority; provided, that there shall be an equal number of board 4897
members representing each governmental agency comprising the 4898
authority. Each member of the board serves at the pleasure of the 4899
member's appointing authority, and the appointing authority may 4900
remove an appointee the appointing authority has appointed at any 4901
time and for any reason. Members of the board shall receive no 4902
compensation but may be reimbursed for their necessary and actual 4903
expenses incurred in the course of duties as board members. The 4904
affirmative vote of a majority of the board is necessary to 4905
transact business. 4906

(B) An authority shall adopt bylaws for the regulation of its 4907
affairs and the conduct of its business and shall provide for 4908
public notice and opportunity for public comment on the 4909
identification of transportation projects and plans for funding 4910
the construction, operation, and maintenance of such projects. 4911

(C) A transportation innovation authority is a body both 4912

corporate and politic, and the exercise by it of the powers 4913
conferred by this chapter are considered to be essential 4914
governmental functions. 4915

Sec. 5539.05. A transportation innovation authority may: 4916

(A) Sue and be sued in its own name, plead, and be impleaded; 4917
provided, any actions against the authority shall be brought in 4918
the court of common pleas in the county in which the authority is 4919
headquartered or in the court of common pleas of the county in 4920
which the cause of action arose, and all summonses and notices of 4921
any kind shall be served on the authority by leaving a copy 4922
thereof at its headquarters; 4923

(B) Purchase, construct, maintain, repair, sell, exchange, 4924
police, operate, or lease a project as defined by this chapter; 4925

(C) Make and enter into all contracts and agreements 4926
necessary or incidental to the performance of its functions in 4927
designing, planning, and implementing a project and the execution 4928
of its powers under this chapter; 4929

(D) Employ, retain, or contract for the services of 4930
consultants, engineers, construction and accounting experts, 4931
financial advisers, trustees, attorneys, or other employees, 4932
independent contractors, or agents as are necessary in its 4933
judgment for the exercise of its powers and performance of its 4934
duties under this chapter; 4935

(E) Acquire, hold, and dispose of property in the exercise of 4936
its powers and the performance of its duties under this chapter; 4937

(F) Direct its agents or employees, when properly identified 4938
in writing and after reasonable notice, to enter upon lands within 4939
its jurisdiction to make surveys and examinations preliminary to 4940
the location and construction of projects for the authority, 4941
without liability of the authority or its agents or employees 4942

except for actual damages arising solely out of such entry; 4943

(G) Enter into contracts, agreements, or any other 4944
partnerships with private entities, where appropriate, to 4945
streamline and enhance the planning and implementation and funding 4946
of identified projects; 4947

(H) Do all acts necessary and proper to carry out the powers 4948
expressly granted in this chapter. 4949

Sec. 5539.06. The board and members of a transportation 4950
innovation authority created under this chapter shall encourage 4951
the participation of all political subdivisions within the 4952
geographic jurisdiction of the authority. An authority shall 4953
invite the participation of any new community authority, county 4954
transit system, regional transit authority, regional transit 4955
commission, joint economic development zone or joint economic 4956
development district, transportation improvement district, port 4957
authority, or metropolitan planning organization whose 4958
jurisdiction is within or substantially within the jurisdiction 4959
identified by an authority. 4960

Sec. 5539.07. (A) The director of transportation may provide 4961
grants for planning and project development, funding from the 4962
state infrastructure bank under section 5531.09 of the Revised 4963
Code, and support for the priority transportation projects 4964
identified by a transportation innovation authority. 4965

(B) In accordance with Chapter 119. of the Revised Code, the 4966
director may adopt rules to assist in the creation and operation 4967
of transportation innovation authorities consistent with the 4968
purposes of this chapter. 4969

(C) The director shall issue an annual report to the general 4970
assembly summarizing the effectiveness of the authorities created 4971
under this chapter in identifying and funding the transportation 4972

needs of the state. 4973

Sec. 5539.08. (A) A transportation innovation authority shall 4974
hold and apply such funds as it considers necessary to carry out 4975
the powers and duties conferred by this chapter and as set forth 4976
in the agreement adopted by the authority. 4977

(B) An authority shall adopt an operating budget to hire 4978
employees, contract for services, and conduct normal business 4979
functions. All funding for such operating budget shall be paid 4980
from contributions from each governmental agency constituting the 4981
authority. No state funds shall be used for the operating budget 4982
of an authority. 4983

(C) An authority shall submit an annual audited financial 4984
report to the director of transportation setting forth all sources 4985
and uses of funds obtained or otherwise generated by the authority 4986
and a detailed breakdown of the different classes of expenditures 4987
made by the authority during each calendar year of operation. Such 4988
report also shall contain two-year budget projections for the 4989
operating expenses for the authority and specific transportation 4990
project funding. 4991

Sec. 5539.09. (A) A transportation innovation authority may 4992
acquire by purchase, lease, lease-purchase, lease with option to 4993
purchase, or otherwise, and in such manner and for such 4994
consideration as it considers proper, any public or private 4995
property necessary, convenient, or proper for the construction, 4996
maintenance, repair, or operation of a transportation project. 4997
Title to real and personal property shall be held in the name of 4998
the authority. Except as otherwise agreed to by the owner, full 4999
compensation shall be paid for public property taken. 5000

(B) A governmental agency may exercise the power of eminent 5001
domain to acquire property necessary for or in connection with a 5002

transportation project, but only to the extent such power is 5003
granted to the governmental agency individually. In any 5004
proceedings for appropriation, the procedure to be followed shall 5005
be in accordance with that provided in sections 163.01 to 163.22 5006
of the Revised Code or as otherwise provided by law for the 5007
governmental agency. Nothing in this chapter shall be construed as 5008
permitting a transportation innovation authority to exercise the 5009
power of eminent domain as a collective entity to acquire property 5010
necessary for or in connection with a transportation project. 5011

(C) This section does not authorize an authority to take or 5012
disturb property or facilities belonging to any public utility or 5013
to a common carrier engaged in interstate commerce if the property 5014
or facilities are required for the proper and convenient operation 5015
of the public utility or common carrier unless provision is made 5016
for the restoration, relocation, replication, or duplication of 5017
the property or facilities elsewhere at the sole cost of the 5018
authority. 5019

(D) Except as otherwise provided in this chapter, disposition 5020
of real property shall be by sale, lease-purchase agreement, lease 5021
with option to purchase, or otherwise in such manner and for such 5022
consideration as the authority determines if to a governmental 5023
agency or to a private entity involved in the transportation 5024
project funding, and otherwise in the manner provided in section 5025
5501.45 of the Revised Code for the disposition of property by the 5026
director of transportation. Disposition of personal property shall 5027
be in such manner and for such consideration as the authority 5028
determines. 5029

Sec. 5539.10. The board of directors of a transportation 5030
innovation authority may acquire real property in fee simple in 5031
the name of the authority in connection with, but in excess of 5032
that needed for, a project, by any method other than appropriation 5033

and hold the property for such period of time as the board 5034
determines. All right, title, and interest of the authority in the 5035
property may be sold at public auction or otherwise, as the board 5036
considers in the best interests of the authority, but in no event 5037
shall the property be sold for less than two-thirds of its 5038
appraised value. Sale at public auction shall be undertaken only 5039
after the board advertises the sale in a newspaper of general 5040
circulation in the area of the jurisdiction of the authority for 5041
at least two weeks prior to the date set for the sale. 5042

Sec. 5539.11. (A) A governmental agency may fund or assist in 5043
funding a transportation project as set forth in this chapter 5044
using the authority granted to any governmental agency 5045
participating as a member of a transportation innovation 5046
authority, but only to the extent such power is granted to the 5047
governmental agency individually. Nothing in this section shall be 5048
construed as permitting a transportation innovation authority or 5049
granting such authority the right to levy any fee, assessment, 5050
payment, or tax as a collective entity. 5051

(B) Projects identified by a transportation innovation 5052
authority under this chapter may be funded through any combination 5053
of revenue generated under the authority granted by this chapter 5054
or under the authority granted to any governmental agency 5055
participating as a member of an authority. Subject to the 5056
following limitations, such funding sources may include special 5057
fees and assessments levied by a governmental agency, fair share 5058
payments, payments in lieu of property tax on improvements, cash 5059
payments by private participants, dedicated portions of local 5060
sales tax and local income tax receipts, loans or grants from 5061
local, state, or federal sources, implementation of tolling 5062
arrangements or other charges as authorized and governed by 5063
sections 5531.11 to 5531.18 of the Revised Code, or any other 5064

revenue raising or tax incentive authority available to an 5065
authority or any governmental agency acting as a member of an 5066
authority: 5067

(1) A transportation innovation authority may participate in 5068
the levy of special assessments by a governmental agency to assist 5069
in the payment of costs for the construction, reconstruction, 5070
alteration, repair, improvement, operation, or management of an 5071
identified transportation project if the authority determines that 5072
the project will benefit the geographic area where the project 5073
will be constructed, reconstructed, altered, repaired, improved, 5074
operated, or maintained. 5075

(2) When it is determined that a project will benefit both a 5076
single political subdivision and the jurisdiction covered by an 5077
authority as a whole, any governmental agency participating as a 5078
member of a transportation innovation authority may exercise its 5079
taxing authority on income, sales, or property under Title LVII of 5080
the Revised Code, or provide for payments in lieu of property tax 5081
on improvements, to benefit the entire jurisdiction covered by the 5082
authority. 5083

(3) A transportation innovation authority may obtain loans or 5084
grants from local, state, or federal sources. Loans or grants from 5085
federal or state sources may be used for funding transportation 5086
projects and may not be applied to the operating expenses of an 5087
authority. 5088

(4) An authority may issue bonds to pay for all or part of 5089
the cost of an identified project. 5090

(5) When it is determined that a project will benefit both a 5091
single political subdivision and the jurisdiction covered by an 5092
authority as a whole, each governmental agency participating as a 5093
member of the authority may issue bonds for a portion of the cost 5094
of any project if Chapter 133. of the Revised Code would authorize 5095

the issuance of those bonds as if the governmental agency alone 5096
were undertaking the project, subject to the same conditions and 5097
restrictions. 5098

(6) Any governmental agency participating as a member of an 5099
authority may appropriate money available to the agency to pay 5100
costs incurred by the authority in the exercise of its powers and 5101
duties. 5102

(7) An authority may enter into agreements with private 5103
entities to assist with the construction, improvement, operation, 5104
or management of transportation projects. Such agreements may 5105
include fair share payments to be made by the private entities to 5106
fund the projects. 5107

(8) An authority may charge tolls or fees for the use of its 5108
transportation projects or facilities pursuant to sections 5531.11 5109
to 5531.18 of the Revised Code. Such revenues shall be utilized 5110
and deposited in accordance with sections 5531.11 to 5531.18 of 5111
the Revised Code. All projects for which a toll or fee is proposed 5112
to be charged shall be subject to the review and approval of the 5113
transportation review advisory council in accordance with Chapter 5114
5512. of the Revised Code. 5115

Sec. 5703.053. As used in this section, "postal service" 5116
means the United States postal service. 5117

An application to the tax commissioner for a tax refund under 5118
section 4307.05, 4307.07, 5727.28, 5727.91, 5728.061, 5735.122, 5119
5735.13, 5735.14, ~~5735.141~~, 5735.142, 5739.07, 5741.10, 5743.05, 5120
5743.53, 5745.11, 5749.08, or 5751.08 of the Revised Code or 5121
division (B) of section 5703.05 of the Revised Code, or a fee 5122
refunded under section 3734.905 of the Revised Code, that is 5123
received after the last day for filing under such section shall be 5124
considered to have been filed in a timely manner if: 5125

(A) The application is delivered by the postal service and 5126
the earliest postal service postmark on the cover in which the 5127
application is enclosed is not later than the last day for filing 5128
the application; 5129

(B) The application is delivered by the postal service, the 5130
only postmark on the cover in which the application is enclosed 5131
was affixed by a private postal meter, the date of that postmark 5132
is not later than the last day for filing the application, and the 5133
application is received within seven days of such last day; or 5134

(C) The application is delivered by the postal service, no 5135
postmark date was affixed to the cover in which the application is 5136
enclosed or the date of the postmark so affixed is not legible, 5137
and the application is received within seven days of the last day 5138
for making the application. 5139

Sec. 5703.70. (A) On the filing of an application for refund 5140
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 5141
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, ~~5735.141~~, 5735.142, 5142
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5143
5749.08, or 5751.08 of the Revised Code, or an application for 5144
compensation under section 5739.123 of the Revised Code, if the 5145
tax commissioner determines that the amount of the refund or 5146
compensation to which the applicant is entitled is less than the 5147
amount claimed in the application, the commissioner shall give the 5148
applicant written notice by ordinary mail of the amount. The 5149
notice shall be sent to the address shown on the application 5150
unless the applicant notifies the commissioner of a different 5151
address. The applicant shall have sixty days from the date the 5152
commissioner mails the notice to provide additional information to 5153
the commissioner or request a hearing, or both. 5154

(B) If the applicant neither requests a hearing nor provides 5155
additional information to the tax commissioner within the time 5156

prescribed by division (A) of this section, the commissioner shall 5157
take no further action, and the refund amount or compensation 5158
amount denied becomes final. 5159

(C)(1) If the applicant requests a hearing within the time 5160
prescribed by division (A) of this section, the tax commissioner 5161
shall assign a time and place for the hearing and notify the 5162
applicant of such time and place, but the commissioner may 5163
continue the hearing from time to time as necessary. After the 5164
hearing, the commissioner may make such adjustments to the refund 5165
or compensation as the commissioner finds proper, and shall issue 5166
a final determination thereon. 5167

(2) If the applicant does not request a hearing, but provides 5168
additional information, within the time prescribed by division (A) 5169
of this section, the commissioner shall review the information, 5170
make such adjustments to the refund or compensation as the 5171
commissioner finds proper, and issue a final determination 5172
thereon. 5173

(3) The commissioner shall serve a copy of the final 5174
determination made under division (C)(1) or (2) of this section on 5175
the applicant in the manner provided in section 5703.37 of the 5176
Revised Code, and the decision is final, subject to appeal under 5177
section 5717.02 of the Revised Code. 5178

(D) The tax commissioner shall certify to the director of 5179
budget and management and treasurer of state for payment from the 5180
tax refund fund created by section 5703.052 of the Revised Code, 5181
the amount of the refund to be refunded under division (B) or (C) 5182
of this section. The commissioner also shall certify to the 5183
director and treasurer of state for payment from the general 5184
revenue fund the amount of compensation to be paid under division 5185
(B) or (C) of this section. 5186

Sec. 5735.06. (A) On or before the last day of each month, 5187

each motor fuel dealer shall file with the tax commissioner a 5188
report for the preceding calendar month, on forms prescribed by or 5189
in a form acceptable to the tax commissioner. The report shall 5190
include the following information: 5191

(1) An itemized statement of the number of gallons of all 5192
motor fuel received during the preceding calendar month by such 5193
motor fuel dealer, which has been produced, refined, prepared, 5194
distilled, manufactured, blended, or compounded by such motor fuel 5195
dealer in the state; 5196

(2) An itemized statement of the number of gallons of all 5197
motor fuel received by such motor fuel dealer in the state from 5198
any source during the preceding calendar month, other than motor 5199
fuel included in division (A)(1) of this section, together with a 5200
statement showing the date of receipt of such motor fuel; the name 5201
of the person from whom purchased or received; the date of receipt 5202
of each shipment of motor fuel; the point of origin and the point 5203
of destination of each shipment; the quantity of each of said 5204
purchases or shipments; the name of the carrier; the number of 5205
gallons contained in each car if shipped by rail; the point of 5206
origin, destination, and shipper if shipped by pipe line; or the 5207
name and owner of the boat, barge, or vessel if shipped by water; 5208

(3) An itemized statement of the number of gallons of motor 5209
fuel which such motor fuel dealer has during the preceding 5210
calendar month: 5211

(a) For motor fuel other than gasoline sold for use other 5212
than for operating motor vehicles on the public highways or on 5213
waters within the boundaries of this state; 5214

(b) Exported from this state to any other state or foreign 5215
country as provided in division (A)(4) of section 5735.05 of the 5216
Revised Code; 5217

(c) Sold to the United States government or any of its 5218

agencies; 5219

(d) Sold for delivery to motor fuel dealers; 5220

(e) Sold exclusively for use in the operation of aircraft; 5221

(4) Such other information incidental to the enforcement of 5222
the motor fuel laws of the state as the commissioner requires. 5223

(B) The report shall show the tax due, computed as follows: 5224

(1) The following deductions shall be made from the total 5225
number of gallons of motor fuel received by the motor fuel dealer 5226
within the state during the preceding calendar month: 5227

(a) The total number of gallons of motor fuel received by the 5228
motor fuel dealer within the state and sold or otherwise disposed 5229
of during the preceding calendar month as set forth in section 5230
5735.05 of the Revised Code; 5231

(b) The total number of gallons received during the preceding 5232
calendar month and sold or otherwise disposed of to another 5233
licensed motor fuel dealer pursuant to section 5735.05 of the 5234
Revised Code; 5235

~~(c) To cover the costs of the motor fuel dealer in compiling 5236
the report, and evaporation, shrinkage, or other unaccounted for 5237
losses; 5238~~

~~(i) If the report is timely filed and the tax is timely paid, 5239
three per cent of the total number of gallons of motor fuel 5240
received by the motor fuel dealer within the state during the 5241
preceding calendar month less the total number of gallons deducted 5242
under divisions (B)(1)(a) and (b) of this section, less one per 5243
cent of the total number of gallons of motor fuel that were sold 5244
to a retail dealer during the preceding calendar month; 5245~~

~~(ii) If the report required by division (A) of this section 5246
is not timely filed and the tax is not timely paid, no deduction 5247
shall be allowed; 5248~~

~~(iii) If the report is incomplete, no deduction shall be 5249
allowed for any fuel on which the tax is not timely reported and 5250
paid. 5251~~

(2) The number of gallons remaining after the deductions have 5252
been made shall be multiplied separately by each of the following 5253
amounts: 5254

(a) The cents per gallon rate; 5255

(b) Two cents. 5256

The sum of the products obtained in divisions (B)(2)(a) and 5257
(b) of this section shall be the amount of motor fuel tax for the 5258
preceding calendar month. 5259

(C) The report shall be filed together with payment of the 5260
tax shown on the report to be due, unless the motor fuel dealer is 5261
required by section 5735.062 of the Revised Code to pay the tax by 5262
electronic funds transfer, in which case the dealer shall file the 5263
report pursuant to this section and pay the tax pursuant to 5264
section 5735.062 of the Revised Code. The commissioner may extend 5265
the time for filing reports and may remit all or part of penalties 5266
which may become due under sections 5735.01 to 5735.99 of the 5267
Revised Code. For purposes of this section and sections 5735.062 5268
and 5735.12 of the Revised Code, a report required to be filed 5269
under this section is considered filed when it is received by the 5270
tax commissioner, and remittance of the tax due is considered to 5271
be made when the remittance is received by the tax commissioner or 5272
when credited to an account designated by the treasurer of state 5273
and the tax commissioner for the receipt of tax remittances. The 5274
tax commissioner shall immediately forward to the treasurer of 5275
state all amounts received under this section. 5276

(D) The tax commissioner may require a motor fuel dealer to 5277
file a report for a period other than one month. Such a report, 5278
together with payment of the tax, shall be filed not later than 5279

thirty days after the last day of the prescribed reporting period. 5280

(E) No person required by this section to file a tax report 5281
shall file a false or fraudulent tax report or supporting 5282
schedule. 5283

Sec. 5735.145. (A) As used in this section and sections 5284
5735.13, 5735.14, ~~5735.141~~, and 5735.142 of the Revised Code: 5285

(1) "Qualified fuel" means ethanol that is to be combined 5286
with gasoline to create a blend of not more than ten per cent by 5287
volume of ethanol and that when so blended is used, sold, or 5288
distributed as a motor fuel. 5289

(2) "Ethanol" means: 5290

(a) Ethanol produced in a manufacturing facility with an 5291
annual production capacity of less than two million gallons from 5292
wood or the grain of a cereal grass and denatured in accordance 5293
with United States bureau of alcohol and tax regulations; or 5294

(b) Ethanol produced through a coal-fired process from wood 5295
or the grain of a cereal grass and denatured in accordance with 5296
United States bureau of alcohol and tax regulations. 5297

(B) Any motor fuel dealer shall receive a qualified fuel 5298
credit on each gallon of qualified fuel used, sold, or distributed 5299
by the dealer and on which the dealer is liable for the taxes 5300
imposed by this chapter of the Revised Code. To receive a credit, 5301
the dealer shall certify on the monthly report required by section 5302
5735.06 of the Revised Code the number of gallons of qualified 5303
fuel used, sold, or distributed during the month to which the 5304
report applies and upon which such taxes are imposed. After 5305
computation of the amount of the tax in accordance with division 5306
(B) of section 5735.06 of the Revised Code, the number of gallons 5307
of qualified fuel used, sold, or distributed during the month to 5308
which the report applies and included in the gallons of motor fuel 5309

upon which the tax is imposed shall be multiplied by ten cents per 5310
gallon. The resulting product shall be subtracted from the tax 5311
computed under division (B) of section 5735.06 of the Revised Code 5312
and shall constitute the qualified fuel credit provided by this 5313
section. 5314

(C) The aggregate amount of credits permitted under this 5315
section shall be subject to the limitations prescribed in this 5316
division. 5317

(1) Beginning July 1, 1993, and ending June 30, 1997, for 5318
each fiscal year, the credit shall not exceed a total of fifteen 5319
million dollars, and for each month of each such year shall not 5320
exceed the amount specified for that month as follows: 5321

July	\$1,390,125	January	\$1,133,625	5322
August	1,312,125	February	1,106,625	5323
September	1,229,625	March	1,211,625	5324
October	1,268,625	April	1,192,125	5325
November	1,235,625	May	1,270,125	5326
December	1,280,625	June	1,369,125	5327

(2) If in any month the credit is less than the limit set 5328
forth for that month, the unused portion shall be carried forward 5329
and added to the succeeding month's limit until the end of the 5330
fiscal year. 5331

(3) If in any month the credit, including any amount carried 5332
forward from a preceding month, exceeds the limit for that month 5333
by less than five per cent, the tax commissioner shall either 5334
reduce the limit for the succeeding month by the amount of the 5335
excess, or collect the excess from each motor fuel dealer, 5336
apportioning the amount collected among motor fuel dealers in 5337
proportion to the amount of credit claimed by each motor fuel 5338
dealer for that month. 5339

If in any month the credit, including any amount carried 5340

forward from a preceding month, exceeds the limit for that month 5341
by five per cent or more, the tax commissioner shall collect the 5342
excess from each motor fuel dealer, apportioning the amount 5343
collected among motor fuel dealers in proportion to the amount of 5344
credit claimed by each motor fuel dealer for that month. 5345

(4) Any credit in excess of the amounts prescribed in this 5346
section and subject to collection by the tax commissioner pursuant 5347
to division (C)(2) or (3) of this section shall be paid to the 5348
treasurer of state as revenue arising from taxes imposed under 5349
this chapter and is subject to assessment as provided in sections 5350
5735.12 and 5735.121 of the Revised Code. 5351

Sec. 5735.16. No person shall secure a refund of tax under 5352
section 5735.14, ~~5735.141~~, or 5735.142 of the Revised Code unless 5353
such person is the holder of an unrevoked vendee's refund permit 5354
issued by the tax commissioner. To procure such permit every such 5355
person shall file with the commissioner an application under oath 5356
and in such form as the commissioner prescribes, setting forth 5357
such information incidental to the refunding of the tax paid on 5358
motor fuel as the commissioner requires. 5359

The vendee's refund permit authorized by this section may be 5360
revoked by the commissioner if it is found that the holder thereof 5361
has made a false or fraudulent application for refund of tax, or 5362
when the permittee fails to furnish information as required by 5363
law. No permit so revoked shall be reinstated within one year from 5364
the date of such revocation. 5365

Sec. 5735.23. (A) Out of receipts from the tax levied by 5366
section 5735.05 of the Revised Code, the treasurer of state shall 5367
place to the credit of the tax refund fund established by section 5368
5703.052 of the Revised Code amounts equal to the refunds 5369
certified by the tax commissioner pursuant to sections 5735.13, 5370

5735.14, ~~5735.141~~, 5735.142, and 5735.16 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund, the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund, and the amount required by section 5735.053 of the Revised Code to the motor fuel tax administration fund.

(B) Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, after receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

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

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

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

(b) Twenty-five per cent to the gasoline excise tax fund for 5402
distribution pursuant to division (A)(3) of section 5735.27 of the 5403
Revised Code; 5404

(c) Except as provided in division (D) of this section, 5405
forty-five per cent to the highway operating fund for distribution 5406
pursuant to division (B)(1) of section 5735.27 of the Revised 5407
Code. 5408

(C) From the balance in the state and local government 5409
highway distribution fund on the last day of each month there 5410
shall be paid the following amounts: 5411

(1) To the local transportation improvement program fund 5412
created by section 164.14 of the Revised Code, an amount equal to 5413
a fraction of the balance in the state and local government 5414
highway distribution fund, the numerator of which fraction is one 5415
and the denominator of which fraction is that portion of the tax 5416
per gallon determined under division (B)(2)(a) of section 5735.06 5417
of the Revised Code; 5418

(2) An amount equal to five cents multiplied by the number of 5419
gallons of motor fuel sold at stations operated by the Ohio 5420
turnpike commission, such gallonage to be certified by the 5421
commission to the treasurer of state not later than the last day 5422
of the month following. The funds paid to the commission pursuant 5423
to this section shall be expended for the construction, 5424
reconstruction, maintenance, and repair of turnpike projects, 5425
except that the funds may not be expended for the construction of 5426
new interchanges. The funds also may be expended for the 5427
construction, reconstruction, maintenance, and repair of those 5428
portions of connecting public roads that serve existing 5429
interchanges and are determined by the commission and the director 5430
of transportation to be necessary for the safe merging of traffic 5431
between the turnpike and those public roads. 5432

The remainder of the balance shall be distributed as follows 5433
on the fifteenth day of the following month: 5434

(a) Ten and seven-tenths per cent shall be paid to municipal 5435
corporations for distribution pursuant to division (A)(1) of 5436
section 5735.27 of the Revised Code and may be used for any 5437
purpose for which payments received under that division may be 5438
used. Through July 15, 2005, the sum of two hundred forty-eight 5439
thousand six hundred twenty-five dollars shall be monthly 5440
subtracted from the amount so computed and credited to the highway 5441
operating fund. Beginning August 15, 2005, the sum of seven 5442
hundred forty-five thousand eight hundred seventy-five dollars 5443
shall be monthly subtracted from the amount so computed and 5444
credited to the highway operating fund. 5445

(b) Five per cent shall be paid to townships for distribution 5446
pursuant to division (A)(5) of section 5735.27 of the Revised Code 5447
and may be used for any purpose for which payments received under 5448
that division may be used. Through July 15, 2005, the sum of 5449
eighty-seven thousand seven hundred fifty dollars shall be monthly 5450
subtracted from the amount so computed and credited to the highway 5451
operating fund. Beginning August 15, 2005, the sum of two hundred 5452
sixty-three thousand two hundred fifty dollars shall be monthly 5453
subtracted from the amount so computed and credited to the highway 5454
operating fund. 5455

(c) Nine and three-tenths per cent shall be paid to counties 5456
for distribution pursuant to division (A)(3) of section 5735.27 of 5457
the Revised Code and may be used for any purpose for which 5458
payments received under that division may be used. Through July 5459
15, 2005, the sum of two hundred forty-eight thousand six hundred 5460
twenty-five dollars shall be monthly subtracted from the amount so 5461
computed and credited to the highway operating fund. Beginning 5462
August 15, 2005, the sum of seven hundred forty-five thousand 5463
eight hundred seventy-five dollars shall be monthly subtracted 5464

from the amount so computed and credited to the highway operating fund. 5465
5466

(d) Except as provided in division (D) of this section, the 5467
balance shall be transferred to the highway operating fund and 5468
used for the purposes set forth in division (B)(1) of section 5469
5735.27 of the Revised Code. 5470

(D) Monthly from September to February of each fiscal year, 5471
an amount equal to one-sixth of the amount certified in July of 5472
that year by the treasurer of state pursuant to division (Q) of 5473
section 151.01 of the Revised Code shall, from amounts required to 5474
be credited or transferred to the highway operating fund pursuant 5475
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 5476
transferred to the highway capital improvement bond service fund 5477
created in section 151.06 of the Revised Code. If, in any of those 5478
months, the amount available to be credited or transferred to the 5479
bond service fund is less than one-sixth of the amount so 5480
certified, the shortfall shall be added to the amount due the next 5481
succeeding month. Any amount still due at the end of the six-month 5482
period shall be credited or transferred as the money becomes 5483
available, until such time as the office of budget and management 5484
receives certification from the treasurer of state or the 5485
treasurer of state's designee that sufficient money has been 5486
credited or transferred to the bond service fund to meet in full 5487
all payments of debt service and financing costs due during the 5488
fiscal year from that fund. 5489

Section 101.02. That existing sections 121.51, 125.11, 5490
133.52, 151.01, 151.09, 151.40, 1548.14, 2949.094, 4501.01, 5491
4501.03, 4501.044, 4501.06, 4501.34, 4503.04, 4503.042, 4503.07, 5492
4503.10, 4503.182, 4503.26, 4503.65, 4505.14, 4506.08, 4507.05, 5493
4507.071, 4507.23, 4507.24, 4509.05, 4511.093, 4513.263, 4519.63, 5494
4561.17, 4561.18, 4561.21, 5501.03, 5501.311, 5501.34, 5502.03, 5495

5502.39, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5496
5531.09, 5537.07, 5537.99, 5703.053, 5703.70, 5735.06, 5735.145, 5497
5735.16, and 5735.23 and section 5735.141 of the Revised Code are 5498
hereby repealed. 5499

Section 110.10. That the version of section 5703.70 of the 5500
Revised Code that is scheduled to take effect January 1, 2010, be 5501
amended to read as follows: 5502

Sec. 5703.70. (A) On the filing of an application for refund 5503
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 5504
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, ~~5735.141~~, 5735.142, 5505
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5506
5749.08, or 5751.08 of the Revised Code, or an application for 5507
compensation under section 5739.061 of the Revised Code, if the 5508
tax commissioner determines that the amount of the refund or 5509
compensation to which the applicant is entitled is less than the 5510
amount claimed in the application, the commissioner shall give the 5511
applicant written notice by ordinary mail of the amount. The 5512
notice shall be sent to the address shown on the application 5513
unless the applicant notifies the commissioner of a different 5514
address. The applicant shall have sixty days from the date the 5515
commissioner mails the notice to provide additional information to 5516
the commissioner or request a hearing, or both. 5517

(B) If the applicant neither requests a hearing nor provides 5518
additional information to the tax commissioner within the time 5519
prescribed by division (A) of this section, the commissioner shall 5520
take no further action, and the refund or compensation amount 5521
denied becomes final. 5522

(C)(1) If the applicant requests a hearing within the time 5523
prescribed by division (A) of this section, the tax commissioner 5524
shall assign a time and place for the hearing and notify the 5525

applicant of such time and place, but the commissioner may 5526
continue the hearing from time to time as necessary. After the 5527
hearing, the commissioner may make such adjustments to the refund 5528
or compensation as the commissioner finds proper, and shall issue 5529
a final determination thereon. 5530

(2) If the applicant does not request a hearing, but provides 5531
additional information, within the time prescribed by division (A) 5532
of this section, the commissioner shall review the information, 5533
make such adjustments to the refund or compensation as the 5534
commissioner finds proper, and issue a final determination 5535
thereon. 5536

(3) The commissioner shall serve a copy of the final 5537
determination made under division (C)(1) or (2) of this section on 5538
the applicant in the manner provided in section 5703.37 of the 5539
Revised Code, and the decision is final, subject to appeal under 5540
section 5717.02 of the Revised Code. 5541

(D) The tax commissioner shall certify to the director of 5542
budget and management and treasurer of state for payment from the 5543
tax refund fund created by section 5703.052 of the Revised Code, 5544
the amount of the refund to be refunded under division (B) or (C) 5545
of this section. The commissioner also shall certify to the 5546
director and treasurer of state for payment from the general 5547
revenue fund the amount of compensation to be paid under division 5548
(B) or (C) of this section. 5549

Section 110.11. That the existing version of section 5703.70 5550
of the Revised Code that is scheduled to take effect January 1, 5551
2010, is hereby repealed. 5552

Section 110.12. Sections 110.10 and 110.11 of this act take 5553
effect January 1, 2010. 5554

Section 201.10. Except as otherwise provided, all 5555
 appropriation items in this act are hereby appropriated out of any 5556
 moneys in the state treasury to the credit of the designated fund 5557
 that are not otherwise appropriated. For all appropriations made 5558
 in this act, the amounts in the first column are for fiscal year 5559
 2010 and the amounts in the second column are for fiscal year 5560
 2011. 5561

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 5562					
FUND	TITLE		FY 2010	FY 2011	5563
Highway Operating Fund Group 5564					
2120	772426	Highway	\$ 4,018,649	\$ 4,018,649	5565
		Infrastructure Bank -			
		Federal			
2120	772427	Highway	\$ 10,209,272	\$ 10,209,272	5566
		Infrastructure Bank -			
		State			
2120	772429	Highway	\$ 11,499,999	\$ 11,499,999	5567
		Infrastructure Bank -			
		Local			
2120	772430	Infrastructure Debt	\$ 1,500,000	\$ 1,500,000	5568
		Reserve Title 23-49			
2120	775408	Transit	\$ 812,685	\$ 812,685	5569
		Infrastructure Bank -			
		Local			
2120	775455	Title 49	\$ 312,795	\$ 312,795	5570
		Infrastructure - Bank			
		- State			
2130	772431	Roadway	\$ 1,000,000	\$ 1,000,000	5571
		Infrastructure Bank -			
		State			
2130	772432	Roadway	\$ 6,000,000	\$ 6,000,000	5572

		Infrastructure Bank - Local					
2130	772433	Infrastructure Debt	\$	2,000,000	\$	2,000,000	5573
		Reserve - State					
2130	775457	Transit	\$	312,082	\$	312,082	5574
		Infrastructure Bank - State					
2130	775460	Transit	\$	1,000,000	\$	1,000,000	5575
		Infrastructure Bank - Local					
2130	777477	Aviation	\$	3,500,000	\$	3,500,000	5576
		Infrastructure Bank - State					
2130	777478	Aviation	\$	6,000,000	\$	6,000,000	5577
		Infrastructure Bank - Local					
2160	772439	New Generation	\$	50,000,000	\$	0	5578
		Highway Loan					
2160	772440	New Generation	\$	50,000,000	\$	0	5579
		Highway Bond					
2180	775461	New Generation Multi	\$	120,000,000	\$	0	5580
		Modal Loan					
2180	775462	New Generation Multi	\$	120,000,000	\$	0	5581
		Modal Bond					
7002	770003	Administration -	\$	3,415,700	\$	1,821,000	5582
		State - Debt Service					
7002	771411	Planning and Research	\$	21,044,516	\$	21,463,169	5583
		- State					
7002	771412	Planning and Research	\$	23,970,770	\$	24,214,310	5584
		- Federal					
7002	772421	Highway Construction	\$	542,801,332	\$	517,419,558	5585
		- State					
7002	772422	Highway Construction	\$	1,091,378,700	\$	1,065,737,629	5586

		- Federal				
7002	772424	Highway Construction	\$	121,377,011	\$	109,694,836 5587
		- Other				
7002	772437	GARVEE Debt Service -	\$	21,778,200	\$	27,547,900 5588
		State				
7002	772438	GARVEE Debt Service -	\$	131,814,700	\$	136,513,200 5589
		Federal				
7002	773431	Highway Maintenance -	\$	405,633,542	\$	425,329,858 5590
		State				
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785 5591
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 5592
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 5593
		Special Equipment				
7002	776462	Grade Crossings -	\$	15,000,000	\$	15,000,000 5594
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 5595
		- Federal				
7002	777475	Aviation	\$	4,945,697	\$	5,186,959 5596
		Administration				
7002	779491	Administration -	\$	131,087,437	\$	134,889,042 5597
		State				
TOTAL HOF Highway Operating						5598
Fund Group			\$	2,936,108,872	\$	2,566,678,728 5599
State Special Revenue Fund Group						5600
4N40	776663	Panhandle Lease	\$	762,600	\$	764,300 5601
		Reserve Payments				
4N40	776664	Rail Transportation -	\$	2,111,500	\$	2,111,500 5602
		Other				
5W90	777615	County Airport	\$	620,000	\$	620,000 5603
		Maintenance				
TOTAL SSR State Special Revenue						5604

Fund Group		\$	3,494,100	\$	3,495,800	5605
Intrastructure Bank Obligations Fund Group						5606
7045 772428 Highway		\$	71,000,000	\$	65,000,000	5607
Infrastructure Bank -						
Bonds						
TOTAL 045 Infrastructure Bank						5608
Obligations Fund Group		\$	71,000,000	\$	65,000,000	5609
Highway Capital Improvement Fund Group						5610
7042 772723 Highway Construction		\$	194,000,000	\$	163,000,000	5611
- Bonds						
TOTAL 042 Highway Capital						5612
Improvement Fund Group		\$	194,000,000	\$	163,000,000	5613
TOTAL ALL BUDGET FUND GROUPS		\$	3,204,602,972	\$	2,798,174,528	5614

Section 203.13. DIRECT INVESTMENT IN PUBLIC TRANSIT 5616

Of the foregoing appropriation item 772422, Highway 5617
Construction - Federal, \$10,000,000 shall be used in each fiscal 5618
year to provide grants to local transit authorities to purchase or 5619
improve public transit vehicles. To provide for a cleaner 5620
environment, new transit vehicles purchased and improvements made 5621
to a local transit authority's existing fleet of vehicles with 5622
funds provided under this section must foster the goals of 5623
increasing fuel efficiency, reducing emissions, and using 5624
alternative fuels, as appropriate. 5625

Section 203.20. ISSUANCE OF BONDS 5626

The Treasurer of State, upon the request of the Director of 5627
Transportation, is authorized to issue and sell, in accordance 5628
with Section 2m of Article VIII, Ohio Constitution, and Chapter 5629
151. and particularly sections 151.01 and 151.06 of the Revised 5630
Code, obligations, including bonds and notes, in the aggregate 5631
amount of \$352,000,000 in addition to the original issuance of 5632

obligations authorized by prior acts of the General Assembly. 5633

The obligations shall be dated, issued, and sold from time to 5634
time in amounts necessary to provide sufficient moneys to the 5635
credit of the Highway Capital Improvement Fund (Fund 7042) created 5636
by section 5528.53 of the Revised Code to pay costs charged to the 5637
fund when due as estimated by the Director of Transportation, 5638
provided, however, that such obligations shall be issued and sold 5639
at such time or times so that not more than \$220,000,000 original 5640
principal amount of obligations, plus the principal amount of 5641
obligations that in prior fiscal years could have been, but were 5642
not, issued within the \$220,000,000 limit, may be issued in any 5643
fiscal year, and not more than \$1,200,000,000 original principal 5644
amount of such obligations are outstanding at any one time. 5645

Section 203.30. TRANSFER OF HIGHWAY OPERATING FUND (FUND 5646
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 5647
HIGHWAY MAINTENANCE, RAIL, AVIATION, AND ADMINISTRATION 5648
5649

The Director of Budget and Management may approve requests 5650
from the Director of Transportation for transfer of Highway 5651
Operating Fund (Fund 7002) appropriations for highway planning and 5652
research (appropriation items 771411 and 771412), highway 5653
construction (appropriation items 772421, 772422, 772424, 772437, 5654
and 772438), highway maintenance (appropriation item 773431), rail 5655
grade crossings (appropriation item 776462), aviation 5656
(appropriation item 777475), and administration (appropriation 5657
item 779491). The Director of Budget and Management may not make 5658
transfers out of debt service appropriation items unless the 5659
Director determines that the appropriated amounts exceed the 5660
actual and projected debt service requirements. Transfers of 5661
appropriations may be made upon the written request of the 5662
Director of Transportation and with the approval of the Director 5663

of Budget and Management. The transfers shall be reported to the 5664
Controlling Board at the next regularly scheduled meeting of the 5665
board. 5666

This transfer authority is intended to provide for emergency 5667
situations and flexibility to meet unforeseen conditions that 5668
could arise during the budget period. It also is intended to allow 5669
the department to optimize the use of available resources and 5670
adjust to circumstances affecting the obligation and expenditure 5671
of federal funds. 5672

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL AND 5673
LOCAL TRANSIT 5674

The Director of Budget and Management may approve written 5675
requests from the Director of Transportation for the transfer of 5676
appropriations between appropriation items 772422, Highway 5677
Construction - Federal, 775452, Public Transportation - Federal, 5678
775454, Public Transportation - Other, and 775459, Elderly and 5679
Disabled Special Equipment, based upon transit capital projects 5680
meeting Federal Highway Administration and Federal Transit 5681
Administration funding guidelines. The transfers shall be reported 5682
to the Controlling Board at its next regularly scheduled meeting. 5683

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 5684
BANK 5685

The Director of Budget and Management may approve requests 5686
from the Director of Transportation for transfer of appropriations 5687
and cash of the Infrastructure Bank funds created in section 5688
5531.09 of the Revised Code, including transfers between fiscal 5689
years 2010 and 2011. The transfers shall be reported to the 5690
Controlling Board at its next regularly scheduled meeting. 5691

The Director of Budget and Management may approve requests 5692
from the Director of Transportation for transfer of appropriations 5693
and cash from the Highway Operating Fund (Fund 7002) to the 5694

Infrastructure Bank funds created in section 5531.09 of the Revised Code. The Director of Budget and Management may transfer from the Infrastructure Bank funds to the Highway Operating Fund up to the amounts originally transferred to the Infrastructure Bank funds under this section. However, the Director may not make transfers between modes or transfers between different funding sources. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of appropriations and cash of the Ohio Tolling Fund and any sub-accounts created in section 5531.14 of the Revised Code, including transfers between fiscal years 2010 and 2011. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

INCREASING APPROPRIATIONS: STATE FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

REAPPROPRIATIONS

Upon approval of the Director of Budget and Management, all 5726
appropriations of the Highway Operating Fund (Fund 7002), the 5727
Highway Capital Improvement Fund (Fund 7042), and the 5728
Infrastructure Bank funds created in section 5531.09 of the 5729
Revised Code remaining unencumbered on June 30, 2009, are hereby 5730
reappropriated for the same purpose in fiscal year 2010. 5731

Upon approval of the Director of Budget and Management, all 5732
appropriations of the Highway Operating Fund (Fund 7002), the 5733
Highway Capital Improvement Fund (Fund 7042), and the 5734
Infrastructure Bank funds created in section 5531.09 of the 5735
Revised Code remaining unencumbered on June 30, 2010, are hereby 5736
reappropriated for the same purpose in fiscal year 2011. 5737

Any balances of prior years' appropriations to the Highway 5738
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5739
(Fund 7042), and the Infrastructure Bank funds created in section 5740
5531.09 of the Revised Code that are unencumbered on June 30, 5741
2009, subject to the availability of revenue as determined by the 5742
Director of Transportation, are hereby reappropriated for the same 5743
purpose in fiscal year 2010 upon the request of the Director of 5744
Transportation and with the approval of the Director of Budget and 5745
Management. The reappropriations shall be reported to the 5746
Controlling Board. 5747

Any balances of prior years' appropriations to the Highway 5748
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5749
(Fund 7042), and the Infrastructure Bank funds created in section 5750
5531.09 of the Revised Code that are unencumbered on June 30, 5751
2010, subject to the availability of revenue as determined by the 5752
Director of Transportation, are hereby reappropriated for the same 5753
purpose in fiscal year 2011 upon the request of the Director of 5754
Transportation and with the approval of the Director of Budget and 5755
Management. The reappropriations shall be reported to the 5756
Controlling Board. 5757

LIQUIDATION OF UNFORESEEN LIABILITIES 5758

Any appropriation made from the Highway Operating Fund (Fund 5759
7002) not otherwise restricted by law is available to liquidate 5760
unforeseen liabilities arising from contractual agreements of 5761
prior years when the prior year encumbrance is insufficient. 5762

Section 203.40. MAINTENANCE INTERSTATE HIGHWAYS 5763

The Director of Transportation may remove snow and ice and 5764
maintain, repair, improve, or provide lighting upon interstate 5765
highways that are located within the boundaries of municipal 5766
corporations, adequate to meet the requirements of federal law. 5767
When agreed in writing by the Director of Transportation and the 5768
legislative authority of a municipal corporation and 5769
notwithstanding sections 125.01 and 125.11 of the Revised Code, 5770
the Department of Transportation may reimburse a municipal 5771
corporation for all or any part of the costs, as provided by such 5772
agreement, incurred by the municipal corporation in maintaining, 5773
repairing, lighting, and removing snow and ice from the interstate 5774
system. 5775

Section 203.50. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 5776

The Director of Transportation may use revenues from the 5777
state motor vehicle fuel tax to match approved federal grants 5778
awarded to the Department of Transportation, regional transit 5779
authorities, or eligible public transportation systems, for public 5780
transportation highway purposes, or to support local or state 5781
funded projects for public transportation highway purposes. Public 5782
transportation highway purposes include: the construction or 5783
repair of high-occupancy vehicle traffic lanes, the acquisition or 5784
construction of park-and-ride facilities, the acquisition or 5785
construction of public transportation vehicle loops, the 5786
construction or repair of bridges used by public transportation 5787

vehicles or that are the responsibility of a regional transit 5788
authority or other public transportation system, or other similar 5789
construction that is designated as an eligible public 5790
transportation highway purpose. Motor vehicle fuel tax revenues 5791
may not be used for operating assistance or for the purchase of 5792
vehicles, equipment, or maintenance facilities. 5793

Section 203.60. RENTAL PAYMENTS - OBA 5794

The foregoing appropriation item 770003, Administration - 5795
State - Debt Service, shall be used to pay rent to the Ohio 5796
Building Authority for the period July 1, 2009, to June 30, 2011, 5797
under the primary leases and agreements for various transportation 5798
related capital facilities financed by obligations issued under 5799
Chapter 152. of the Revised Code. The rental payments shall be 5800
made from revenues received from the motor vehicle fuel tax. The 5801
amounts of any bonds and notes to finance such capital facilities 5802
shall be at the request of the Director of Transportation. 5803
Notwithstanding section 152.24 of the Revised Code, the Ohio 5804
Building Authority may, with approval of the Office of Budget and 5805
Management, lease capital facilities to the Department of 5806
Transportation. 5807

The Director of Transportation shall hold title to any land 5808
purchased and any resulting structures that are attributable to 5809
appropriation item 770003. Notwithstanding section 152.18 of the 5810
Revised Code, the Director of Transportation shall administer any 5811
purchase of land and any contract for construction, 5812
reconstruction, and rehabilitation of facilities as a result of 5813
this appropriation. 5814

Should the appropriation and any reappropriations from prior 5815
years in appropriation item 770003 exceed the rental payments for 5816
fiscal year 2010 or 2011, then prior to June 30, 2011, the balance 5817
may be transferred to appropriation item 772421, Highway 5818

Construction - State, 773431, Highway Maintenance - State, or 5819
 779491, Administration - State, upon the written request of the 5820
 Director of Transportation and with the approval of the Director 5821
 of Budget and Management. The transfer shall be reported to the 5822
 Controlling Board at its next regularly scheduled meeting. 5823

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 5824

State Highway Safety Fund Group 5825

4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103 5826
 BMV

4W40 762410 Registrations \$ 31,753,145 \$ 32,480,610 5827
 Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 5828
 Contributions

7036 761321 Operating Expense - \$ 8,819,954 \$ 8,828,661 5829
 Information and
 Education

7036 761401 Lease Rental Payments \$ 13,337,000 \$ 11,836,200 5830

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 5831
 Projects

7036 764321 Operating Expense - \$ 269,887,828 \$ 269,975,259 5832
 Highway Patrol

7036 764605 Motor Carrier \$ 3,340,468 \$ 3,340,468 5833
 Enforcement Expenses

8300 761603 Salvage and Exchange \$ 20,800 \$ 21,632 5834
 - Administration

8310 761610 Information and \$ 468,982 \$ 468,982 5835
 Education - Federal

8310 764610 Patrol - Federal \$ 2,455,484 \$ 2,455,484 5836

8310 764659 Transportation \$ 6,132,592 \$ 6,132,592 5837
 Enforcement - Federal

8310 765610 EMS - Federal \$ 582,007 \$ 582,007 5838

8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	5839
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	5840
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	5841
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	5842
8350	762616	Financial Responsibility Compliance	\$	6,063,600	\$	6,063,600	5843
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	5844
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000	5845
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	5846
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266	5847
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000	5848
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	5849
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562	5850
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600	5851
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	5852
83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000	5853
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	5854
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	5855
8400	764617	Security and	\$	6,317,530	\$	6,432,686	5856

		Investigations					
8400	764626	State Fairgrounds	\$	830,769	\$	849,883	5857
		Police Force					
8400	769632	Homeland Security -	\$	1,552,049	\$	1,614,131	5858
		Operating					
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399	5859
		- Highway Patrol					
8440	761613	Seat Belt Education	\$	400,000	\$	400,000	5860
		Program					
8460	761625	Motorcycle Safety	\$	3,324,987	\$	3,538,903	5861
		Education					
8490	762627	Automated Title	\$	19,240,839	\$	19,240,839	5862
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	520,633,559	\$	522,404,799	5863
Group							
General Services Fund Group							5864
4P60	768601	Justice Program	\$	1,070,962	\$	1,109,004	5865
		Services					
4S30	766661	Hilltop Utility	\$	520,000	\$	540,800	5866
		Reimbursement					
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	5867
5Y10	764695	Highway Patrol	\$	280,820	\$	280,820	5868
		Continuing					
		Professional Training					
5Y10	767696	Investigative Unit	\$	15,000	\$	15,000	5869
		Continuing					
		Professional Training					
TOTAL	GSF	General Services Fund	\$	6,086,782	\$	6,145,624	5870
Group							
Federal Special Revenue Fund Group							5871
3290	763645	Federal Mitigation	\$	10,801,636	\$	11,233,702	5872
		Program					

3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	5873
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	5874
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	5875
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	5876
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	5877
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	5878
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	5879
TOTAL FED	Federal Special Revenue Fund Group		\$	138,018,865	\$	137,856,333	5880
	State Special Revenue Fund Group						5881
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	5882
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	5883
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	5884
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	5885
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	5886
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	5887
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	5888
5FF0	762621	Indigent Interlock and Alcohol	\$	1,600,000	\$	2,750,000	5889

		Monitoring					
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	5890
6220	767615	Investigative	\$	375,000	\$	375,000	5891
		Contraband and Forfeiture					
6570	763652	Utility Radiological Safety	\$	1,413,889	\$	1,415,945	5892
6810	763653	SARA Title III HAZMAT Planning	\$	254,794	\$	262,438	5893
8500	767628	Investigative Unit Salvage	\$	100,000	\$	100,000	5894
TOTAL SSR		State Special Revenue	\$	13,241,517	\$	14,678,004	5895
Fund Group							
Liquor Control Fund Group							5896
7043	767321	Liquor Enforcement - Operating	\$	12,007,894	\$	11,897,178	5897
TOTAL LCF		Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	5898
Agency Fund Group							5899
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	5900
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	5901
Holding Account Redistribution Fund Group							5902
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	5903
R052	762623	Security Deposits	\$	350,000	\$	350,000	5904
TOTAL 090		Holding Account	\$	2,235,000	\$	2,235,000	5905
Redistribution Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	693,723,617	\$	696,716,938	5906
MOTOR VEHICLE REGISTRATION							5907
The Registrar of Motor Vehicles may deposit revenues to meet							5908
the cash needs of the State Bureau of Motor Vehicles Fund (Fund							5909
4W40) established in section 4501.25 of the Revised Code, obtained							5910
under sections 4503.02 and 4504.02 of the Revised Code, less all							5911

other available cash. Revenue deposited pursuant to this paragraph 5912
shall support, in part, appropriations for operating expenses and 5913
defray the cost of manufacturing and distributing license plates 5914
and license plate stickers and enforcing the law relative to the 5915
operation and registration of motor vehicles. Notwithstanding 5916
section 4501.03 of the Revised Code, the revenues shall be paid 5917
into Fund 4W40 before any revenues obtained pursuant to sections 5918
4503.02 and 4504.02 of the Revised Code are paid into any other 5919
fund. The deposit of revenues to meet the aforementioned cash 5920
needs shall be in approximately equal amounts on a monthly basis 5921
or as otherwise determined by the Director of Budget and 5922
Management pursuant to a plan submitted by the Registrar of Motor 5923
Vehicles. 5924

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 5925

Notwithstanding any provision of law to the contrary, on July 5926
1, 2009, or as soon as possible thereafter, the Director of Budget 5927
and Management may transfer, from the Bureau of Motor Vehicles 5928
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 5929
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 5930
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 5931
to the Investigations Fund (Fund 5FL0). 5932

CAPITAL PROJECTS 5933

The Registrar of Motor Vehicles may transfer cash from the 5934
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 5935
Highway Safety Fund (Fund 7036) to meet its obligations for 5936
capital projects CIR-047, Department of Public Safety Office 5937
Building and CIR-049, Warehouse Facility. 5938

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 5939

The foregoing appropriation item 761401, Lease Rental 5940
Payments, shall be used for payments to the Ohio Building 5941
Authority for the period July 1, 2009, to June 30, 2011, under the 5942

primary leases and agreements for public safety related buildings 5943
financed by obligations issued under Chapter 152. of the Revised 5944
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 5945
Building Authority may, with approval of the Director of Budget 5946
and Management, lease capital facilities to the Department of 5947
Public Safety. 5948

HILLTOP TRANSFER 5949

The Director of Public Safety shall determine, per an 5950
agreement with the Director of Transportation, the share of each 5951
debt service payment made out of appropriation item 761401, Lease 5952
Rental Payments, that relates to the Department of 5953
Transportation's portion of the Hilltop Building Project, and 5954
shall certify to the Director of Budget and Management the amounts 5955
of this share. The Director of Budget and Management shall 5956
transfer the amounts of such shares from the Highway Operating 5957
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 5958

CASH TRANSFERS OF SEAT BELT FINE REVENUES 5959

Notwithstanding any provision of law to the contrary, the 5960
Controlling Board, upon request of the Director of Public Safety, 5961
may approve the transfer of cash between the following four funds 5962
that receive fine revenues from enforcement of the mandatory seat 5963
belt law: the Trauma and Emergency Medical Services Fund (Fund 5964
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma 5965
and Emergency Medical Services Grants Fund (Fund 83P0), and the 5966
Seat Belt Education Fund (Fund 8440). 5967

STATE DISASTER RELIEF 5968

The State Disaster Relief Fund (Fund 5330) may accept 5969
transfers of cash and appropriations from Controlling Board 5970
appropriation items for Ohio Emergency Management Agency disaster 5971
response costs and disaster program management costs, and may also 5972
be used for the following purposes: 5973

(A) To accept transfers of cash and appropriations from 5974
Controlling Board appropriation items for Ohio Emergency 5975
Management Agency public assistance and mitigation program match 5976
costs to reimburse eligible local governments and private 5977
nonprofit organizations for costs related to disasters; 5978

(B) To accept and transfer cash to reimburse the costs 5979
associated with Emergency Management Assistance Compact (EMAC) 5980
deployments; 5981

(C) To accept disaster related reimbursement from federal, 5982
state, and local governments. The Director of Budget and 5983
Management may transfer cash from reimbursements received by this 5984
fund to other funds of the state from which transfers were 5985
originally approved by the Controlling Board. 5986

(D) To accept transfers of cash and appropriations from 5987
Controlling Board appropriation items to fund the State Disaster 5988
Relief Program, for disasters that have been declared by the 5989
Governor, and the State Individual Assistance Program for 5990
disasters that have been declared by the Governor and the federal 5991
Small Business Administration. The Ohio Emergency Management 5992
Agency shall publish and make available application packets 5993
outlining procedures for the State Disaster Relief Program and the 5994
State Individual Assistance Program. 5995

FAMILY VIOLENCE PREVENTION FUND 5996

Notwithstanding any provision of law to the contrary, in each 5997
of fiscal years 2010 and 2011, the first \$750,000 received to the 5998
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 5999
of those fiscal years shall be appropriated to appropriation item 6000
768689, Family Violence Shelter Programs, and the next \$400,000 6001
received to the credit of Fund 5BK0 in each of those fiscal years 6002
shall be appropriated to appropriation item 768687, Criminal 6003
Justice Services - Operating. Any moneys received to the credit of 6004

Fund 5BK0 in excess of the aforementioned appropriated amounts in 6005
each fiscal year shall, upon the approval of the Controlling 6006
Board, be used to provide grants to family violence shelters in 6007
Ohio. 6008

SARA TITLE III HAZMAT PLANNING 6009

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 6010
entitled to receive grant funds from the Emergency Response 6011
Commission to implement the Emergency Management Agency's 6012
responsibilities under Chapter 3750. of the Revised Code. 6013

COLLECTIVE BARGAINING INCREASES 6014

Notwithstanding division (D) of section 127.14 and division 6015
(B) of section 131.35 of the Revised Code, except for the General 6016
Revenue Fund, the Controlling Board may, upon the request of 6017
either the Director of Budget and Management, or the Department of 6018
Public Safety with the approval of the Director of Budget and 6019
Management, increase appropriations for any fund, as necessary for 6020
the Department of Public Safety, to assist in paying the costs of 6021
increases in employee compensation that have occurred pursuant to 6022
collective bargaining agreements under Chapter 4117. of the 6023
Revised Code and, for exempt employees, under section 124.152 of 6024
the Revised Code. 6025

CASH BALANCE FUND REVIEW 6026

Not later than the first day of April in each fiscal year of 6027
the biennium, the Director of Budget and Management shall review 6028
the cash balances for each fund, except the State Highway Safety 6029
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 6030
4W40), in the State Highway Safety Fund Group, and shall recommend 6031
to the Controlling Board an amount to be transferred to the credit 6032
of Fund 7036 or Fund 4W40, as appropriate. 6033

Section 207.10. DEV DEPARTMENT OF DEVELOPMENT 6034

State Special Revenue Fund Group				6035	
4W00 195629 Roadwork Development	\$	18,699,900	\$	18,699,900	6036
TOTAL SSR State Special Revenue				6037	
Fund Group	\$	18,699,900	\$	18,699,900	6038
TOTAL ALL BUDGET FUND GROUPS	\$	18,699,900	\$	18,699,900	6039

ROADWORK DEVELOPMENT FUND 6040

The Roadwork Development Fund shall be used for road 6041
improvements associated with economic development opportunities 6042
that will retain or attract businesses for Ohio. "Road 6043
improvements" are improvements to public roadway facilities 6044
located on, or serving or capable of serving, a project site. 6045

The Department of Transportation, under the direction of the 6046
Department of Development, shall provide these funds in accordance 6047
with all guidelines and requirements established for Department of 6048
Development appropriation item 195412, Business Development, 6049
including Controlling Board review and approval as well as the 6050
requirements for usage of gas tax revenue prescribed in Section 5a 6051
of Article XII, Ohio Constitution. Should the Department of 6052
Development require the assistance of the Department of 6053
Transportation to bring a project to completion, the Department of 6054
Transportation shall use its authority under Title LV of the 6055
Revised Code to provide such assistance and may enter into 6056
contracts on behalf of the Department of Development. In addition, 6057
these funds may be used in conjunction with appropriation item 6058
195412, Business Development, or any other state funds 6059
appropriated for infrastructure improvements. 6060

The Director of Budget and Management, pursuant to a plan 6061
submitted by the Director of Development or as otherwise 6062
determined by the Director of Budget and Management, shall set a 6063
cash transfer schedule to meet the cash needs of the Department of 6064
Development's Roadwork Development Fund (Fund 4W00), less any 6065
other available cash. The Director shall transfer to the Roadwork 6066

Development Fund from the Highway Operating Fund (Fund 7002), 6067
 established in section 5735.291 of the Revised Code, such amounts 6068
 at such times as determined by the transfer schedule. 6069

Section 209.10. PWC PUBLIC WORKS COMMISSION 6070

Local Transportation Improvements Fund Group 6071

7052 150402 Local Transportation \$ 299,001 \$ 306,178 6072
 Improvement Program -
 Operating

7052 150701 Local Transportation \$ 67,317,000 \$ 67,400,000 6073
 Improvement Program

TOTAL 052 Local Transportation 6074

Improvements Fund Group \$ 67,616,001 \$ 67,706,178 6075

Local Infrastructure Improvements Fund Group 6076

7038 150321 State Capital \$ 897,383 \$ 918,912 6077
 Improvements Program
 - Operating Expenses

TOTAL LIF Local Infrastructure 6078

Improvements Fund Group \$ 897,383 \$ 918,912 6079

TOTAL ALL BUDGET FUND GROUPS \$ 68,513,384 \$ 68,625,090 6080

DISTRICT ADMINISTRATION COSTS 6081

The Director of the Public Works Commission is authorized to 6082
 create a District Administration Costs Program from interest 6083
 earnings of the Capital Improvements Fund and Local Transportation 6084
 Improvement Program Fund proceeds. The program shall be used to 6085
 provide for the direct costs of district administration of the 6086
 nineteen public works districts. Districts choosing to participate 6087
 in the program shall only expend State Capital Improvements Fund 6088
 moneys for State Capital Improvements Fund costs and Local 6089
 Transportation Improvement Program Fund moneys for Local 6090
 Transportation Improvement Program Fund costs. The account shall 6091
 not exceed \$1,235,000 per fiscal year. Each public works district 6092

may be eligible for up to \$65,000 per fiscal year from its 6093
district allocation as provided in sections 164.08 and 164.14 of 6094
the Revised Code. 6095

The Director, by rule, shall define allowable and 6096
nonallowable costs for the purpose of the District Administration 6097
Costs Program. Nonallowable costs include indirect costs, elected 6098
official salaries and benefits, and project-specific costs. No 6099
district public works committee may participate in the District 6100
Administration Costs Program without the approval of those costs 6101
by the district public works committee under section 164.04 of the 6102
Revised Code. 6103

REAPPROPRIATIONS 6104

All capital appropriations from the Local Transportation 6105
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 67 of the 6106
127th General Assembly remaining unencumbered as of June 30, 2009, 6107
are reappropriated for use during the period July 1, 2009, through 6108
June 30, 2010, for the same purpose. 6109

Notwithstanding division (B) of section 127.14 of the Revised 6110
Code, all capital appropriations and reappropriations from the 6111
Local Transportation Improvement Program Fund (Fund 7052) in this 6112
act remaining unencumbered as of June 30, 2010, are reappropriated 6113
for use during the period July 1, 2010, through June 30, 2011, for 6114
the same purposes, subject to the availability of revenue as 6115
determined by the Director of the Public Works Commission. 6116
6117

Section 503.10. (A) On July 1, 2009, and on the first day of 6118
the month for every month thereafter, the Treasurer of State, 6119
before making any of the distributions listed in sections 5735.23, 6120
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 6121
the first 3 per cent of the amount of motor fuel tax received for 6122
the preceding calendar month to the credit of the Highway 6123

Operating Fund (Fund 7002). 6124

(B) Of the amount transferred to Fund 7002 pursuant to 6125
division (A) of this section, \$54,000,000 in each fiscal year 6126
shall be used to offset the costs in divisions (C) and (D) of this 6127
section, provided that up to \$10,000,000 of that amount in fiscal 6128
year 2010 and up to \$20,000,000 of that amount in fiscal year 2011 6129
shall be used to offset those amounts transferred by the Treasurer 6130
of State to pay for the debt service on state highway capital 6131
improvement bonds. 6132

(C) In fiscal year 2010, the Director of Transportation shall 6133
use proceeds in Fund 7002 for the following purposes, as permitted 6134
by federal law: 6135

(1) Not less than \$24,350,000 shall be used to support public 6136
transit, rail, maritime, and aviation, or any planning and design 6137
activity related to those modes in the state. 6138

(2) Up to \$19,650,000 shall be used for transportation 6139
purposes. 6140

(D) In fiscal year 2011, the Director of Transportation shall 6141
use proceeds in Fund 7002 for the following purposes, as permitted 6142
by federal law: 6143

(1) Not less than \$14,350,000 shall be used to support public 6144
transit, rail, maritime, and aviation, or any planning and design 6145
activity related to those modes in the state. 6146

(2) Up to \$19,650,000 shall be used for transportation 6147
purposes. 6148

Section 503.20. PASSENGER RAIL 6149

In accordance with section 4981.02 of the Revised Code, the 6150
Ohio Rail Development Commission may use funds made available to 6151
it by direct appropriation or through the Department of 6152

Transportation to meet state obligations for the operation of 6153
intercity passenger rail service. 6154

Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 6155
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 6156

The Director of Budget and Management shall initiate and 6157
process payments from lease rental payment appropriation items 6158
during the period from July 1, 2009, to June 30, 2011, pursuant to 6159
the lease agreements for bonds or notes issued under Section 2i of 6160
Article VIII of the Ohio Constitution and Chapter 152. of the 6161
Revised Code. Payments shall be made upon certification by the 6162
Ohio Building Authority of the dates and amounts due on those 6163
dates. 6164

Section 509.20. LEASE PAYMENTS TO OBA AND TREASURER 6165

Certain appropriations are in this act for the purpose of 6166
lease payments to the Ohio Building Authority or to the Treasurer 6167
of State under leases and agreements relating to bonds or notes 6168
issued by the Ohio Building Authority or the Treasurer of State 6169
under the Ohio Constitution and acts of the General Assembly. If 6170
it is determined that additional appropriations are necessary for 6171
this purpose, such amounts are hereby appropriated. 6172

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 6173
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 6174

Upon the request of the Director of Transportation, the 6175
Director of Budget and Management may transfer cash from the 6176
Highway Operating Fund (Fund 7002) to the Highway Capital 6177
Improvement Fund (Fund 7042) created in section 5528.53 of the 6178
Revised Code. The Director of Budget and Management may transfer 6179
from Fund 7042 to Fund 7002 up to the amounts previously 6180
transferred to Fund 7042 under this section. 6181

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 6182

The Director of Budget and Management shall transfer cash in 6183
equal monthly increments totaling \$183,493,000 in each fiscal year 6184
of the 2010-2011 biennium from the Highway Operating Fund, created 6185
in section 5735.291 of the Revised Code, to the Gasoline Excise 6186
Tax Fund created in division (A) of section 5735.27 of the Revised 6187
Code. The monthly amounts transferred under this section shall be 6188
distributed as follows: 42.86 per cent shall be distributed among 6189
the municipal corporations within the state under division (A)(2) 6190
of section 5735.27 of the Revised Code; 37.14 per cent shall be 6191
distributed among the counties within the state under division 6192
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 6193
shall be distributed among the townships within the state under 6194
division (A)(5)(b) of section 5735.27 of the Revised Code. 6195

Section 512.30. LOCAL TRANSPORTATION IMPROVEMENT PROGRAM 6196

The Director of Budget and Management is authorized, upon 6197
written request of the Director of the Public Works Commission, to 6198
make periodic transfers of cash from the Highway Operating Fund 6199
created in section 5735.291 of the Revised Code to the Local 6200
Transportation Improvement Program Fund created in section 164.14 6201
of the Revised Code. These periodic transfers must total 6202
\$100,000,000 in fiscal year 2010 and \$100,000,000 in fiscal year 6203
2011 and are intended to fulfill the purposes of Section 18 of Am. 6204
Sub. H.B. 554 of the 127th General Assembly. 6205

Section 512.40. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 6206

On July 1, 2009, or as soon as possible thereafter, the 6207
Director of Budget and Management shall transfer \$115,000 in cash 6208
from the Highway Operating Fund (Fund 7002) to the Deputy 6209
Inspector General for ODOT Fund (Fund 5FA0). The amounts 6210
transferred are appropriated. 6211

Beginning with the quarter that begins October 1, 2009, and 6212
at the beginning of each quarter thereafter, the inspector general 6213
shall submit a bill to the department of transportation that 6214
reflects the costs incurred by the deputy inspector general during 6215
the immediately preceding quarter. Upon receipt of the bill, the 6216
department shall process an intrastate transfer voucher 6217
transferring the amount specified in the bill to the deputy 6218
inspector general for ODOT fund from a fund used by the department 6219
of transportation. 6220

Of the foregoing appropriation item 779491, Administration - 6221
State, not more than \$400,000 in each fiscal year shall be used to 6222
reimburse the Inspector General for the cost of investigations 6223
incurred under section 121.51 of the Revised Code. Should 6224
additional amounts be necessary, the Director of Transportation 6225
may seek Controlling Board approval to increase the amount 6226
designated and the appropriation as necessary to reimburse the 6227
Inspector General for the cost of investigations. 6228

Section 512.50. CASH TRANSFER TO GRF 6229

On July 1, 2009, or as soon as possible thereafter, the 6230
Director of Budget and Management shall transfer the cash balances 6231
of the ODOT Memorial Fund (Fund 4T50) and the Transportation 6232
Building Fund (Fund 7029), as of June 30, 2009, to the General 6233
Revenue Fund. Upon completion of the transfers, Funds 4T50 and 6234
7029 are abolished. 6235

Section 610.10. That Section 229.10 of Am. Sub. H.B. 67 of 6236
the 127th General Assembly, as amended by Am. Sub. H.B. 554 of the 6237
127th General Assembly, be amended to read as follows: 6238

Sec. 229.10. PWC PUBLIC WORKS COMMISSION 6239

Local Transportation Improvements Fund Group 6240

052 150-402	Local Transportation	\$	291,537	\$	306,178	6241
	Improvement Program -					
	Operating					
052 150-701	Local Transportation	\$	67,500,000	\$	267,500,000	6242
	Improvement Program					
TOTAL 052	Local Transportation					6243
Improvements Fund Group		\$	67,791,537	\$	267,806,178	6244
	Local Infrastructure Improvements Fund Group					6245
038 150-321	State Capital	\$	879,237	\$	918,912	6246
	Improvements Program -					
	Operating Expenses					
TOTAL LIF	Local Infrastructure					6247
Improvements Fund Group		\$	879,237	\$	918,912	6248
TOTAL ALL BUDGET FUND GROUPS		\$	68,670,774	\$	268,725,090	6249
	CASH TRANSFER FROM THE BUDGET STABILIZATION FUND					6250
	the Director of Budget and Management shall transfer					6251
	\$200,000,000 in cash from the Budget Stabilization Fund to the					6252
	Local Transportation Improvement Program Fund created in section					6253
	164.14 of the Revised Code.					6254
	DISTRICT ADMINISTRATION COSTS					6255
	The Director of the Public Works Commission is authorized to					6256
	create a District Administration Costs Program from interest					6257
	earnings of the Capital Improvements Fund and Local Transportation					6258
	Improvement Program Fund proceeds. The program shall be used to					6259
	provide for the direct costs of district administration of the					6260
	nineteen public works districts. Districts choosing to participate					6261
	in the program shall only expend Capital Improvements Fund moneys					6262
	for Capital Improvements Fund costs and Local Transportation					6263
	Improvement Program Fund moneys for Local Transportation					6264
	Improvement Program Fund costs. The account shall not exceed					6265
	\$1,235,000 per fiscal year. Each public works district may be					6266
	eligible for up to \$65,000 per fiscal year from its district					6267

allocation as provided in sections 164.08 and 164.14 of the Revised Code. 6268
6269

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code. 6270
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REAPPROPRIATIONS 6278

All capital appropriations from the Local Transportation Improvement Program Fund (Fund 052) in Am. Sub. H.B. 68 of the 126th General Assembly remaining unencumbered as of June 30, 2007, are reappropriated for use during the period July 1, 2007, through June 30, 2008, for the same purpose. 6279
6280
6281
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Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 052) in ~~this act~~ Am. Sub. H.B. 67 of the 127th General Assembly remaining unencumbered as of June 30, 2008, are reappropriated for use during the period July 1, 2008, through June 30, 2009, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission. 6284
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Section 610.11. That existing Section 229.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 554 of the 127th General Assembly, is hereby repealed. 6292
6293
6294

Section 610.20. That Sections 217.10, 217.11, 239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General Assembly be amended to read as follows: 6295
6296
6297

Sec. 217.10. The items set forth in this section are hereby 6298
 appropriated out of any moneys in the state treasury to the credit 6299
 of the Clean Ohio Revitalization Fund (Fund 7003) that are not 6300
 otherwise appropriated: 6301

		Appropriations	
DEV DEPARTMENT OF DEVELOPMENT			6302
C19500	Clean Ohio Revitalization	\$ 32,000,000	6303
		<u>80,000,000</u>	
C19501	Clean Ohio Assistance	\$ 8,000,000	6304
		<u>20,000,000</u>	
Total Department of Development		\$ 40,000,000	6305
		<u>100,000,000</u>	
TOTAL Clean Ohio Assistance Fund		\$ 40,000,000	6306
		<u>100,000,000</u>	

Sec. 217.11. CLEAN OHIO REVITALIZATION 6308

The Treasurer of State is hereby authorized to issue and 6309
 sell, in accordance with Section 2o and 2q of Article VIII, Ohio 6310
 Constitution, and pursuant to sections 151.01 and 151.40 of the 6311
 Revised Code, original obligations in an aggregate principal 6312
 amount not to exceed ~~\$40,000,000~~ \$100,000,000 in addition to the 6313
 original issuance of obligations heretofore authorized by prior 6314
 acts of the General Assembly. These authorized obligations shall 6315
 be issued and sold from time to time, subject to applicable 6316
 constitutional and statutory limitations, as needed to ensure 6317
 sufficient moneys to the credit of the Clean Ohio Revitalization 6318
 Fund (Fund 7003) to pay costs of revitalization projects. 6319

Sec. 239.10. The items set forth in this section are hereby 6320
 appropriated out of any moneys in the state treasury to the credit 6321
 of the Clean Ohio Conservation Fund (Fund 7056) that are not 6322
 otherwise appropriated. 6323

		Appropriations	
PWC PUBLIC WORKS COMMISSION			6324
C15060	Clean Ohio Conservation	\$ 30,000,000	6325
		<u>75,000,000</u>	
Total Public Works Commission		\$ 30,000,000	6326
		<u>75,000,000</u>	
TOTAL Clean Ohio Conservation Fund		\$ 30,000,000	6327
		<u>75,000,000</u>	

The foregoing appropriation item C15060, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

Sec. 241.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are not otherwise appropriated.

		Appropriations	
AGR DEPARTMENT OF AGRICULTURE			6342
C70009	Clean Ohio Agricultural Easements	\$ 5,000,000	6343
		<u>12,500,000</u>	
Total Department of Agriculture		\$ 5,000,000	6344
		<u>12,500,000</u>	
TOTAL Clean Ohio Agricultural Easement Fund		\$ 5,000,000	6345
		<u>12,500,000</u>	

Sec. 243.10. The items set forth in this section are hereby

appropriated out of any moneys in the state treasury to the credit 6348
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise 6349
appropriated. 6350

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES		6351
C72514	Clean Ohio Trail - Grants	\$ 5,000,000 6352
		<u>12,500,000</u>
Total Department of Natural Resources		\$ 5,000,000 6353
		<u>12,500,000</u>
TOTAL Clean Ohio Trail Fund		\$ 5,000,000 6354
		<u>12,500,000</u>

Sec. 243.11. The Ohio Public Facilities Commission is hereby 6356
authorized to issue and sell, in accordance with Section 2o and 2g 6357
of Article VIII, Ohio Constitution, and pursuant to sections 6358
151.01 and 151.09 of the Revised Code, original obligations of the 6359
state in an aggregate principal amount not to exceed ~~\$40,000,000~~ 6360
\$100,000,000 in addition to the original issuance of obligations 6361
heretofore authorized by prior acts of the General Assembly. These 6362
authorized obligations shall be issued and sold from time to time, 6363
subject to applicable constitutional and statutory limitations, as 6364
needed to ensure sufficient moneys to the credit of the Clean Ohio 6365
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 6366
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 6367
7061) to pay costs of conservation projects. 6368
6369

Section 610.21. That existing Sections 217.10, 217.11, 6370
239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 6371
127th General Assembly are hereby repealed. 6372

Section 755.10. The Director of Transportation may enter into 6373
agreements as provided in this section with the United States or 6374

any department or agency of the United States, including, but not 6375
limited to, the United States Army Corps of Engineers, the United 6376
States Forest Service, the United States Environmental Protection 6377
Agency, and the United States Fish and Wildlife Service. An 6378
agreement entered into pursuant to this section shall be solely 6379
for the purpose of dedicating staff to the expeditious and timely 6380
review of environmentally related documents submitted by the 6381
Director of Transportation, as necessary for the approval of 6382
federal permits. The agreements may include provisions for advance 6383
payment by the Director of Transportation for labor and all other 6384
identifiable costs of the United States or any department or 6385
agency of the United States providing the services, as may be 6386
estimated by the United States, or the department or agency of the 6387
United States. The Director shall submit a request to the 6388
Controlling Board indicating the amount of the agreement, the 6389
services to be performed by the United States or the department or 6390
agency of the United States, and the circumstances giving rise to 6391
the agreement. 6392

Section 755.20. As a result of the enactment of the 6393
provisions of this act providing for the primary enforcement of 6394
seat belt use violations in this state, the Ohio Department of 6395
Transportation shall apply for a one-time federal grant from the 6396
National Highway Traffic Safety Administration offered in the 6397
Safe, Accountable, Flexible and Efficient Transportation Equity 6398
Act of 2003 - A Legacy for Users (SAFETEA-LU). One million dollars 6399
of any such federal grant money ODOT receives shall be transferred 6400
to the Ohio Department of Public Safety and expended on safety 6401
activities in accordance with 23 U.S.C. Chapter 4. The Ohio 6402
Department of Transportation shall expend all remaining grant 6403
money on eligible transportation safety issues. 6404

Section 755.30. (A) As used in this section: 6405

(1) "Automated speed enforcement system" means a device that 6406
has one or more sensors and, as a motor vehicle proceeds through 6407
an area on a road or highway, is capable of determining the speed 6408
of the motor vehicle and producing a photographic or digitally 6409
recorded image of the motor vehicle, including an image of the 6410
vehicle's front or rear license plate. 6411

(2) "Citation" means any traffic ticket, citation, summons, 6412
or other notice of liability issued in response to an alleged 6413
violation of section 4511.21 of the Revised Code that is detected 6414
by an automated speed enforcement system. 6415

(3) "Construction zone" has the same meaning as in division 6416
(C) of section 5501.27 of the Revised Code. 6417

(4) "Interstate highway" has the same meaning as in division 6418
(H) of section 4519.01 of the Revised Code. 6419

(5) "Motor vehicle leasing dealer" has the same meaning as in 6420
section 4517.01 of the Revised Code. 6421

(6) "Motor vehicle renting dealer" has the same meaning as in 6422
section 4549.65 of the Revised Code. 6423

(7) "Operator" has the same meaning as in division (Y) of 6424
section 4511.01 of the Revised Code. 6425

(8) "Owner" has the same meaning as in division (V) of 6426
section 4501.01 of the Revised Code. 6427

(B) There is hereby established the Construction Zone 6428
Automated Speed Enforcement System Pilot Project. Under the Pilot 6429
Project, a violation of section 4511.21 of the Revised Code that 6430
occurs within a construction zone that is located on an interstate 6431
highway and is detected by an automated speed enforcement system 6432
shall constitute a civil offense for which a civil penalty is 6433
assessed against the owner of the motor vehicle that was involved 6434

in the offense. The Pilot Project shall consist only of properly 6435
marked construction zones that are located on interstate highways 6436
and no other locations. The Department of Public Safety, with the 6437
advice and assistance of the Department of Transportation, shall 6438
administer the Pilot Project. 6439

(C) Under the Pilot Project, if an automated speed 6440
enforcement system determines that a motor vehicle has violated 6441
section 4511.21 of the Revised Code while traveling within a 6442
construction zone that is located on an interstate highway, a 6443
State Highway Patrol trooper shall view the motor vehicle image 6444
and its speed as recorded by the automated speed enforcement 6445
system to determine if a violation of section 4511.21 did in fact 6446
occur. If the trooper determines that the violation did occur, the 6447
trooper shall inform the Department of Public Safety or the 6448
Department's designee of that fact. The Department or the 6449
Department's designee shall issue to the motor vehicle owner a 6450
citation for the offense, which shall include at a minimum the 6451
date, time, and location that the alleged violation occurred, the 6452
fact that the violation is being processed under the Pilot Project 6453
not as a criminal offense but as a civil offense, and the amount 6454
of the civil penalty. The citation also shall state clearly the 6455
matters in which the motor vehicle owner is able to challenge the 6456
citation. 6457

(D)(1) A motor vehicle owner who is issued a citation under 6458
the Pilot Project is liable for the violation and for payment of 6459
the resulting civil penalty unless the owner does either of the 6460
following in a timely manner: 6461

(a) Files an objection to the citation and any resulting 6462
civil penalty and appears in person at a nonjudicial, 6463
administrative hearing to challenge the citation; 6464

(b) Submits sufficient reliable, credible evidence that shows 6465
that, more likely than not, at the time of the violation the motor 6466

vehicle was in the care, custody, or control of another person. 6467
Such evidence is required to be submitted by the motor vehicle 6468
owner to the Department of Public Safety or the Department's 6469
designee not later than 30 days after the date the owner is 6470
notified of the violation in order for the evidence to be 6471
considered submitted in a timely manner. The Department shall 6472
adopt rules specifying what evidence is sufficiently reliable and 6473
credible. 6474

(2) A motor vehicle leasing dealer or motor vehicle renting 6475
dealer that receives a citation for an alleged violation of 6476
section 4511.21 of the Revised Code that was detected by an 6477
automated speed enforcement system is not liable if the citation 6478
was issued for a motor vehicle that was in the care, custody, or 6479
control of a lessee or renter at the time of the alleged 6480
violation. A dealer that receives a citation for such a violation 6481
shall notify the Department of Public Safety or the Department's 6482
designee of the motor vehicle lessee's or renter's name and 6483
address. In no case shall the dealer pay such a citation and then 6484
attempt to collect a fee or assess the lessee or renter a charge 6485
for any payment of such a citation made on behalf of the lessee or 6486
renter. 6487

(E) The Department of Public Safety shall establish a 6488
nonjudicial, administrative hearing procedure at which a motor 6489
vehicle owner who receives a citation under the Pilot Project is 6490
able to appear in person to challenge the citation. At the 6491
hearing, the owner shall be able to view all the evidence that 6492
served as the basis for issuance of the citation against the 6493
owner, to introduce evidence on the owner's behalf, and to 6494
produce, examine, and cross-examine witnesses. 6495

(F) An owner or operator of a motor vehicle that is involved 6496
in a violation of section 4511.21 of the Revised Code that is 6497
processed under the Pilot Project and who challenges the citation 6498

in accordance with division (D)(1) or (2) of this section may 6499
appeal a decision of the Department of Public Safety or the 6500
Department's designee that imposes liability on the owner or 6501
operator and the civil penalty, within thirty days of the date of 6502
the decision, to the municipal court or county court within whose 6503
territorial jurisdiction the violation occurred. The municipal 6504
court or county court shall affirm the decision of the Department 6505
or the Department's designee if the court finds that the decision 6506
is supported by sufficient reliable, credible evidence and is in 6507
accordance with the law. 6508

(G)(1) No owner or operator of a motor vehicle that is 6509
involved in a violation of section 4511.21 of the Revised Code 6510
that is processed under the Pilot Project is liable for the 6511
violation and payment of the civil penalty if notification of the 6512
violation is given to the motor vehicle owner more than 90 days 6513
after the date of the violation. 6514

(2) No operator of a motor vehicle who is issued a ticket, 6515
citation, or summons by a law enforcement officer for a violation 6516
of section 4511.21 of the Revised Code or a substantially 6517
equivalent municipal ordinance that occurs within a construction 6518
zone on an interstate highway and is a criminal offense shall be 6519
liable for the same violation and payment of a civil penalty under 6520
the Pilot Project if the violation also is detected by an 6521
automated speed enforcement system. 6522

(3) If the owner or operator of a motor vehicle that is 6523
involved in a violation of section 4511.21 of the Revised Code 6524
that is processed under the Pilot Project fails to pay the civil 6525
penalty or to respond to the citation within the time period 6526
specified in the citation, the owner shall be deemed to have 6527
waived any right to contest liability for the violation and 6528
payment of the civil penalty by law. 6529

(H)(1) A violation of section 4511.21 of the Revised Code 6530

that is detected by an automated speed enforcement system and is 6531
processed under the Pilot Project is a civil violation for which a 6532
civil penalty not exceeding \$250 shall be assessed. The Department 6533
of Public Safety shall establish the amount of the civil penalty. 6534

(2) Of the civil penalties collected under the Pilot Project: 6535

(a) Fifty-five per cent shall be paid into the treasury of 6536
the municipal corporation in which the violation occurred, or if 6537
the violation occurred outside the territorial jurisdiction of a 6538
municipal corporation, into the treasury of the county in which 6539
the violation occurred; 6540

(b) Forty-five per cent shall be deposited into the state 6541
treasury to the credit of the General Revenue Fund; 6542

(c) Five per cent shall be deposited into the state treasury 6543
to the credit of the Trauma and Emergency Medical Services Fund 6544
created by division (E)(4) of section 4513.263 of the Revised 6545
Code. 6546

(3) In addition to the civil penalty that is imposed for a 6547
violation of section 4511.21 of the Revised Code that is processed 6548
under the Pilot Project, the Department also shall impose an 6549
administrative fee in every such case. The Department shall 6550
determine the amount of the fee by rule, and all such fees shall 6551
be deposited into the state treasury to the credit of the 6552
Automated Speed Enforcement System Fund created by division (M) of 6553
this section. 6554

(4) The Department of Public Safety shall adopt rules 6555
establishing procedures for collection of civil penalties imposed 6556
upon persons under the Pilot Project. The rules may provide that, 6557
in the event of nonpayment of a civil penalty or administrative 6558
fee by a person, the Registrar of Motor Vehicles may suspend the 6559
person's driver's or commercial driver's license or permit or 6560
nonresident operating privilege until all outstanding penalties 6561

and fees have been paid. 6562

(I) No owner or operator of a motor vehicle that is involved 6563
in a violation of section 4511.21 of the Revised Code that is 6564
detected by an automated speed enforcement system and is processed 6565
under the Pilot Project shall have any points assessed against 6566
that person's driver's or commercial driver's license or permit 6567
under section 4510.036 of the Revised Code for the violation. 6568

(J) No municipal corporation, county, or township shall enact 6569
an ordinance or adopt a resolution authorizing the use of an 6570
automated speed enforcement system on any interstate highway 6571
within its boundaries. Nothing in this division shall be construed 6572
as prohibiting a municipal corporation, county, or township from 6573
enacting an ordinance or adopting a resolution authorizing the use 6574
of an automated speed enforcement system on any street or highway 6575
within its boundaries that is not an interstate highway if the 6576
municipal corporation, county, or township otherwise has the power 6577
to do so. 6578

(K)(1) The Department of Public Safety may enter into a 6579
contract with a private entity for the establishment and operation 6580
of the automated speed enforcement system of the Pilot Project. 6581
For purposes of this section, if the Department enters into such a 6582
contract, the private entity is the Department's designee. 6583

(2) The Department of Public Safety and the Department of 6584
Transportation shall enter into an agreement whereby the 6585
Department of Transportation shall grant to the Department of 6586
Public Safety or the Department's designee access to any property 6587
of the Department of Transportation and any easements as may be 6588
necessary for the Department of Public Safety or its designee to 6589
implement the Pilot Project. 6590

(L)(1) The Department of Public Safety shall not use an 6591
automated speed enforcement system at any construction zone 6592

location unless the proper signs have been erected as required by 6593
division (L) of this section. 6594

(2) The Department shall erect signs that shall inform 6595
traffic approaching a construction zone that is located on an 6596
interstate highway that the construction zone contains an 6597
automated speed enforcement system to enforce section 4511.21 of 6598
the Revised Code. The Department shall erect the signs not less 6599
than one thousand feet and not more than five thousand three 6600
hundred feet before the boundary of the construction zone. The 6601
signs shall be so erected in each direction of travel on the 6602
interstate highway. The Department is responsible for all costs 6603
associated with the erection, maintenance, and replacement, if 6604
necessary, of the signs. All signs erected under division (L) of 6605
this section shall conform in size, color, location, and content 6606
to standards contained in the manual adopted by the Department of 6607
Transportation pursuant to section 4511.09 of the Revised Code and 6608
shall remain in place for as long as the Department of Public 6609
Safety utilizes the automated speed enforcement system to enforce 6610
section 4511.21 of the Revised Code within the construction zone 6611
under the Pilot Project. Any citation issued by or on behalf of 6612
the Department for a violation of section 4511.21 of the Revised 6613
Code based upon evidence gathered by an automated speed 6614
enforcement system device after the effective date of this section 6615
but before the signs have been erected is invalid; provided that 6616
no citation is invalid if the Department is in substantial 6617
compliance with the requirement of division (L) of this section to 6618
erect the signs. 6619

(3) The Department is deemed to be in substantial compliance 6620
with the requirements of divisions (L)(1) and (2) of this section 6621
to erect the advisory signs if the Department does both of the 6622
following: 6623

(a) First erects all signs as required by divisions (L)(1) 6624

and (2) of this section and subsequently maintains and replaces 6625
the signs as needed so that at all times at least 90 per cent of 6626
the required signs are in place and functional; 6627

(b) Annually documents and upon request certifies its 6628
compliance with divisions (L)(1) and (2) of this section. 6629

(M) There is hereby created in the state treasury the 6630
Automated Speed Enforcement System Fund, consisting of the 6631
administrative fees collected pursuant to division (H)(3) of this 6632
section. The Department of Public Safety shall use the money in 6633
the Fund only to pay expenses associated with the Automated Speed 6634
Enforcement System Pilot Project, including paying a private 6635
entity to establish, operate, and administer the Pilot Project. 6636

(N) The Construction Zone Automated Speed Enforcement System 6637
Pilot Project shall terminate on July 1, 2011, and no citations 6638
shall be issued under the Pilot Project on or after that date. 6639
Citations that are issued under the Pilot Project before that date 6640
may be processed after that date, and citation processing and 6641
administrative hearings regarding such citations may continue 6642
after that date until all citations issued under the Pilot Project 6643
have reached final resolution. Upon certification by the Director 6644
of Public Safety to the Director of Budget and Management that all 6645
citations issued under the Pilot Project have reached final 6646
resolution and all payments that are due the Department's designee 6647
have been paid, the Director of Budget and Management shall 6648
transfer all remaining money in the Automated Speed Enforcement 6649
System Fund to the General Revenue Fund. 6650

(O) The Department of Public Safety, in consultation with the 6651
Department of Transportation and in accordance with Chapter 119. 6652
of the Revised Code, shall adopt all rules necessary and proper 6653
for the establishment, implementation, and administration of the 6654
Pilot Project. 6655

Section 803.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 6656
APPROPRIATIONS 6657

Law contained in the main operating appropriations act of the 6658
128th General Assembly that is generally applicable to the 6659
appropriations made in the main operating appropriations act also 6660
is generally applicable to the appropriations made in this act. 6661

Section 806.10. The items of law contained in this act, and 6662
their applications, are severable. If any item of law contained in 6663
this act, or if any application of any item of law contained in 6664
this act, is held invalid, the invalidity does not affect other 6665
items of law contained in this act and their applications that can 6666
be given effect without the invalid item or application. 6667

Section 812.10. Except as otherwise provided in this act, the 6668
amendment, enactment, or repeal by this act of a section is 6669
subject to the referendum under Ohio Constitution, Article II, 6670
Section 1c and therefore takes effect on the ninety-first day 6671
after this act is filed with the Secretary of State or, if a later 6672
effective date is specified below, on that date. 6673

Section 812.20. In this section, an "appropriation" includes 6674
another provision of law in this act that relates to the subject 6675
of the appropriation. 6676

An appropriation of money made in this act is not subject to 6677
the referendum insofar as a contemplated expenditure authorized 6678
thereby is wholly to meet a current expense within the meaning of 6679
Ohio Constitution, Article II, Section 1d and section 1.471 of the 6680
Revised Code. To that extent, the appropriation takes effect 6681
immediately when this act becomes law. Conversely, the 6682
appropriation is subject to the referendum insofar as a 6683
contemplated expenditure authorized thereby is wholly or partly 6684

not to meet a current expense within the meaning of Ohio
Constitution, Article II, Section 1d. To that extent, the
appropriation takes effect on the ninety-first day after this act
is filed with the Secretary of State.

Section 812.30. The amendment, enactment, or repeal by this
act of the sections listed below is exempt from the referendum
because it is or relates to an appropriation for current expenses
within the meaning of Ohio Constitution, Article II, Section 1d
and section 1.471 of the Revised Code, or defines a tax levy
within the meaning of Ohio Constitution, Article II, Section 1d,
and therefore takes effect immediately when this act becomes law
or, if a later effective date is specified below, on that date.

R.C. 121.51, 5703.053, 5703.70, 5735.06, 5735.141, 5735.145,
5735.16, and 5735.23

Section 229.10 of Am. Sub. H.B. 67 of the 127th General
Assembly

Sections of this act prefixed with section numbers in the
500's, 600's, 700's, and 800's, except for Sections 509.10,
610.20, and 610.21, and 755.20 of this act.

Section 812.40. The sections that are listed in the left-hand
column of the following table combine amendments by this act that
are and that are not exempt from the referendum under Ohio
Constitution, Article II, Sections 1c and 1d and section 1.471 of
the Revised Code.

The middle column identifies the amendments to the listed
sections that are subject to the referendum under Ohio
Constitution, Article II, Section 1c and therefore take effect on
the ninety-first day after this act is filed with the Secretary of
State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed

sections that are exempt from the referendum because they are or
relate to an appropriation for current expenses within the meaning
of Ohio Constitution, Article II, Section 1d and section 1.471 of
the Revised Code, or define a tax levy within the meaning of Ohio
Constitution, Article II, Section 1d, and therefore take effect
immediately when this act becomes law or, if a later effective
date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	6715 6716 6717 6718 6719 6720 6721 6722
R.C. 4561.18	Division (A)	Divisions (D)(1), (D)(3), (H)	6723

Section 815.10. The amendment by this act to sections
4511.093 and 4513.263 of the Revised Code does not affect the
taking effect of amendments previously made to those sections by
Am. Sub. H.B. 320 of the 127th General Assembly, insofar as the
latter amendments are not repealed by the amendments to those
sections by this act. The amendments of Am. Sub. H.B. 320 to the
sections take effect as specified in that act, except insofar as
they are repealed by this act.