

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

**128th General Assembly  
Regular Session  
2009-2010**

**Sub. H. B. No. 2**

**Representative Ujvagi**

**Cosponsors: Representatives Bolon, Boyd, Brown, Carney, Chandler,  
DeBose, Domenick, Dyer, Fende, Foley, Garrison, Hagan, Harris, Heard,  
Koziura, Letson, Luckie, Mallory, Otterman, Patten, Pillich, Pryor, Stewart,  
Sykes, Szollosi, Weddington, Williams, B., Williams, S., Winburn, Yates,**

**Yuko**

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**A B I L L**

To amend sections 121.51, 133.52, 151.01, 151.09,	1
151.40, 955.201, 1345.52, 1547.11, 1548.10,	2
1751.53, 2911.21, 2949.094, 3781.01, 3781.10,	3
3781.12, 3781.19, 3905.423, 3923.38, 4501.01,	4
4501.03, 4501.21, 4503.03, 4503.10, 4503.103,	5
4503.191, 4505.032, 4505.09, 4506.07, 4506.11,	6
4506.17, 4507.06, 4507.13, 4507.51, 4507.52,	7
4511.01, 4511.181, 4511.19, 4511.191, 4511.21,	8
4511.213, 4513.263, 4513.34, 4517.021, 4519.02,	9
4519.03, 4519.04, 4519.08, 4519.09, 4519.10,	10
4519.44, 4519.47, 4519.59, 4561.17, 4561.18,	11
4561.21, 4740.14, 4765.37, 4765.38, 4765.39,	12
4928.64, 4928.65, 5501.03, 5501.311, 5501.51,	13
5502.67, 5502.68, 5515.01, 5515.07, 5517.011,	14
5525.15, 5531.09, 5537.07, 5537.99, 5541.05,	15
5571.20, and 5577.042; to enact sections 5.24,	16
121.53, 122.077, 123.153, 167.081, 3905.425,	17
3905.426, 4501.026, 4511.108, 5501.60, 5533.93,	18

and 5537.30; and to repeal sections 955.202 and 19  
5902.09 of the Revised Code and to amend Section 20  
229.10 of Am. Sub. H.B. 67 of the 127th General 21  
Assembly, as subsequently amended; and to amend 22  
Sections 217.10, 217.11, 239.10, 241.10, 243.10, 23  
243.11, and 503.40 of Am. Sub. H.B. 562 of the 24  
127th General Assembly to make appropriations for 25  
programs related to transportation for the 26  
biennium beginning July 1, 2009, and ending June 27  
30, 2011, to provide authorization and conditions 28  
for the operation of those and other programs, to 29  
appropriate federal stimulus moneys received under 30  
the American Recovery and Reinvestment Act of 31  
2009, to make changes to the Residential 32  
Construction Advisory Committee and to require the 33  
Board of Building Standards to adopt residential 34  
building code rules only after receiving 35  
recommendations from the Residential Construction 36  
Advisory Committee, to repeal section 121.53 of 37  
the Revised Code on September 30, 2013, to further 38  
amend sections 1751.53 and 3923.38 of the Revised 39  
Code, effective January 1, 2010, to revive the law 40  
as it existed prior to this act, and to declare an 41  
emergency. 42  
43

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

**Section 101.01.** That sections 121.51, 133.52, 151.01, 151.09, 44  
151.40, 955.201, 1345.52, 1547.11, 1548.10, 1751.53, 2911.21, 45  
2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 3905.423, 3923.38, 46  
4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 4503.103, 4503.191, 47  
4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 4507.06, 4507.13, 48

4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 4511.191, 4511.21, 49  
4511.213, 4513.263, 4513.34, 4517.021, 4519.02, 4519.03, 4519.04, 50  
4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 4561.17, 51  
4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 4765.39, 4928.64, 52  
4928.65, 5501.03, 5501.311, 5501.51, 5502.67, 5502.68, 5515.01, 53  
5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5541.05, 54  
5571.20, and 5577.042 be amended and sections 5.24, 121.53, 55  
122.077, 123.153, 167.081, 3905.425, 3905.426, 4501.026, 4511.108, 56  
5501.60, 5533.93, and 5537.30 of the Revised Code be enacted to 57  
read as follows: 58

Sec. 5.24. The city of Dayton and county of Montgomery are 59  
hereby designated as an Ohio hub of innovation and opportunity for 60  
aerospace and aviation. 61

**Sec. 121.51.** There is hereby created in the office of the 62  
inspector general the position of deputy inspector general for the 63  
department of transportation. The inspector general shall appoint 64  
the deputy inspector general, and the deputy inspector general 65  
shall serve at the pleasure of the inspector general. A person 66  
employed as the deputy inspector general shall have the same 67  
qualifications as those specified in section 121.49 of the Revised 68  
Code for the inspector general. The inspector general shall 69  
provide technical, professional, and clerical assistance to the 70  
deputy inspector general. ~~The inspector general shall certify to~~ 71  
~~the director of budget and management the costs, including the~~ 72  
~~salaries of the deputy inspector general and the employees~~ 73  
~~assisting the deputy inspector general, that the inspector general~~ 74  
~~expects the deputy inspector general to incur during the fiscal~~ 75  
~~year or such lesser period for which the certification is made.~~ 76  
~~The director of budget and management shall transfer the amounts~~ 77  
~~certified to~~ 78

There is hereby created in the state treasury the deputy 79

inspector general for ODOT fund, which is hereby created in the 80  
state treasury, from the appropriation made to the department of 81  
transportation from which expenditures for general administrative 82  
purposes, as distinguished from specific infrastructure projects, 83  
are made. The transfers shall be made in accordance with a 84  
schedule that the inspector general considers to be appropriate 85  
but shall not be in amounts that would create a balance in the 86  
fund in excess of need or that would exceed the amount 87  
appropriated from the fund. The fund shall consist of money 88  
credited to the fund for the payment of costs incurred by the 89  
deputy inspector general in performing the duties of the deputy 90  
inspector general as specified in this section. The inspector 91  
general shall use the ~~deputy inspector general for ODOT fund~~ to 92  
pay costs incurred by the deputy inspector general in performing 93  
the duties of the deputy inspector general as required under this 94  
section. 95

The deputy inspector general shall investigate all wrongful 96  
acts or omissions that have been committed or are being committed 97  
by employees of the department. In addition, the deputy inspector 98  
general shall conduct a program of random review of the processing 99  
of contracts associated with building and maintaining the state's 100  
infrastructure. The random review program shall be designed by the 101  
inspector general. The program shall be confidential and may be 102  
altered by the inspector general at any time. The deputy inspector 103  
general has the same powers and duties regarding matters 104  
concerning the department as those specified in sections 121.42, 105  
121.43, and 121.45 of the Revised Code for the inspector general. 106  
Complaints may be filed with the deputy inspector general in the 107  
same manner as prescribed for complaints filed with the inspector 108  
general under section 121.46 of the Revised Code. All 109  
investigations conducted and reports issued by the deputy 110  
inspector general are subject to section 121.44 of the Revised 111  
Code. 112

All officers and employees of the department shall cooperate 113  
with and provide assistance to the deputy inspector general in the 114  
performance of any investigation conducted by the deputy inspector 115  
general. In particular, those persons shall make their premises, 116  
equipment, personnel, books, records, and papers readily available 117  
to the deputy inspector general. In the course of an 118  
investigation, the deputy inspector general may question any 119  
officers or employees of the department and any person transacting 120  
business with the department and may inspect and copy any books, 121  
records, or papers in the possession of the department, taking 122  
care to preserve the confidentiality of information contained in 123  
responses to questions or the books, records, or papers that are 124  
made confidential by law. In performing any investigation, the 125  
deputy inspector general shall avoid interfering with the ongoing 126  
operations of the department, except insofar as is reasonably 127  
necessary to complete the investigation successfully. 128

At the conclusion of an investigation by the deputy inspector 129  
general, the deputy inspector general shall deliver to the 130  
director of transportation and the governor any case for which 131  
remedial action is necessary. The deputy inspector general shall 132  
maintain a public record of the activities of the deputy inspector 133  
general to the extent permitted under this section, ensuring that 134  
the rights of the parties involved in each case are protected. The 135  
inspector general shall include in the annual report required by 136  
section 121.48 of the Revised Code a summary of the deputy 137  
inspector general's activities during the previous year. 138

No person shall disclose any information that is designated 139  
as confidential in accordance with section 121.44 of the Revised 140  
Code or any confidential information that is acquired in the 141  
course of an investigation conducted under this section to any 142  
person who is not legally entitled to disclosure of that 143  
information. 144

Sec. 121.53. There is hereby created in the office of the 145  
inspector general the position of deputy inspector general for 146  
funds received through the American Recovery and Reinvestment Act 147  
of 2009. The inspector general shall appoint the deputy inspector 148  
general, and the deputy inspector general shall serve at the 149  
pleasure of the inspector general. A person employed as the deputy 150  
inspector general shall have the same qualifications as those 151  
specified in section 121.49 of the Revised Code for the inspector 152  
general. The inspector general shall provide technical, 153  
professional, and clerical assistance to the deputy inspector 154  
general. 155

There is hereby created in the state treasury the deputy 156  
inspector general for funds received through the American recovery 157  
and reinvestment act of 2009 fund. The fund shall consist of money 158  
credited to the fund for the payment of costs incurred by the 159  
deputy inspector general for performing the duties of the deputy 160  
inspector general as specified in this section. The inspector 161  
general shall use the fund to pay costs incurred by the deputy 162  
inspector general in performing the duties of the deputy inspector 163  
general as required under this section. 164

The deputy inspector general shall monitor relevant state 165  
agencies' distribution of funds received from the federal 166  
government under the American Recovery and Reinvestment Act of 167  
2009 and shall investigate all wrongful acts or omissions that 168  
have been committed or are being committed by officers or 169  
employees of, or contractors with, relevant state agencies with 170  
respect to money received from the federal government under the 171  
American Recovery and Reinvestment Act of 2009. In addition, the 172  
deputy inspector general shall conduct a program of random review 173  
of the processing of contracts associated with projects to be paid 174  
for with such money. The random review program shall be designed 175  
by the inspector general. The program shall be confidential and 176

may be altered by the inspector general at any time. The deputy 177  
inspector general has the same powers and duties regarding matters 178  
concerning such money as those specified in sections 121.42, 179  
121.43, and 121.45 of the Revised Code for the inspector general. 180  
Complaints may be filed with the deputy inspector general in the 181  
same manner as prescribed for complaints filed with the inspector 182  
general under section 121.46 of the Revised Code. All 183  
investigations conducted and reports issued by the deputy 184  
inspector general are subject to section 121.44 of the Revised 185  
Code. 186

All relevant state agencies shall cooperate with and provide 187  
assistance to the deputy inspector general in the performance of 188  
any investigation conducted by the deputy inspector general. In 189  
particular, those persons shall make their premises, equipment, 190  
personnel, books, records, and papers readily available to the 191  
deputy inspector general. In the course of an investigation, the 192  
deputy inspector general may question any officers or employees of 193  
the relevant agency and any person transacting business with the 194  
agency and may inspect and copy any books, records, or papers in 195  
the possession of the agency, taking care to preserve the 196  
confidentiality of information contained in responses to questions 197  
or the books, records, or papers that are made confidential by 198  
law. In performing any investigation, the deputy inspector general 199  
shall avoid interfering with the ongoing operations of the agency, 200  
except as is reasonably necessary to complete the investigation 201  
successfully. 202

At the conclusion of an investigation by the deputy 203  
inspector, the deputy inspector general shall deliver to the 204  
speaker and minority leader of the house of representatives, 205  
president and minority leader of the senate, governor, and 206  
relevant agency any case for which remedial action is necessary. 207  
The deputy inspector general shall maintain a public record of the 208

activities of the deputy inspector general to the extent permitted 209  
under this section, ensuring that the rights of the parties 210  
involved in each case are protected. The inspector general shall 211  
include in the annual report required by section 121.48 of the 212  
Revised Code a summary of the deputy inspector general's 213  
activities during the previous year. 214

No person shall disclose any information that is designated 215  
as confidential in accordance with section 121.44 of the Revised 216  
Code or any confidential information that is acquired in the 217  
course of an investigation conducted under this section to any 218  
person who is not legally entitled to disclosure of that 219  
information. 220

As used in this section, "relevant state agencies" has the 221  
same meaning as "state agency" in section 121.41 of the Revised 222  
Code insofar as those agencies are the recipients or distributors 223  
of funds apportioned under the American Recovery and Reinvestment 224  
Act of 2009. 225

In this section, "American Recovery and Reinvestment Act of 226  
2009" means the "American Recovery and Reinvestment Act of 2009," 227  
Pub. L. No. 111-5, 123 Stat. 115. 228

**Sec. 122.077.** For the purpose of promoting the use of energy 229  
efficient products to reduce greenhouse gas emissions in this 230  
state, the director of development shall establish an energy star 231  
rebate program under which the director may provide rebates to 232  
consumers for household devices carrying the energy star label 233  
indicating that the device meets the energy efficiency criteria of 234  
the energy star program established by the United States 235  
department of energy and the United States environmental 236  
protection agency. The director shall adopt rules under Chapter 237  
119. of the Revised Code that are necessary for successful and 238  
efficient administration of the energy star rebate program, and 239



shall specify in the rules that grant availability is limited to 240  
federal funds allocated for such a program. 241

**Sec. 123.153.** (A) As used in this section: 242

(1) "Minority business enterprise" has the same meaning as in 243  
section 123.151 of the Revised Code. 244

(2) "EDGE business enterprise" has the same meaning as in 245  
section 123.152 of the Revised Code. 246

(B) Beginning October 1, 2009, and on the first day of 247  
October in each year thereafter, the director of administrative 248  
services shall submit a written report to the governor and to each 249  
member of the general assembly describing the progress made by 250  
state agencies in advancing the minority business enterprise 251  
program and the encouraging diversity, growth, and equity program. 252  
The report shall highlight the initiatives implemented to 253  
encourage participation of minority-owned, as well as socially and 254  
economically disadvantaged, businesses in programs funded by 255  
federal money received by the state for fiscal stabilization and 256  
recovery purposes. The report shall also include the total number 257  
of procurement contracts each agency has entered into with 258  
certified minority business enterprises and EDGE business 259  
enterprises. 260

**Sec. 133.52.** A county, municipal corporation, or township may 261  
issue or incur public obligations, including general obligations, 262  
to provide, or assist in providing, grants, loans, loan 263  
guarantees, or contributions for conservation and revitalization 264  
purposes pursuant to ~~Section~~ Sections 2o and 2q of Article VIII, 265  
Ohio Constitution. 266

**Sec. 151.01.** (A) As used in sections 151.01 to 151.11 and 267  
151.40 of the Revised Code and in the applicable bond proceedings 268

unless otherwise provided:	269
(1) "Bond proceedings" means the resolutions, orders,	270
agreements, and credit enhancement facilities, and amendments and	271
supplements to them, or any one or more or combination of them,	272
authorizing, awarding, or providing for the terms and conditions	273
applicable to or providing for the security or liquidity of, the	274
particular obligations, and the provisions contained in those	275
obligations.	276
(2) "Bond service fund" means the respective bond service	277
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07,	278
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and	279
any accounts in that fund, including all moneys and investments,	280
and earnings from investments, credited and to be credited to that	281
fund and accounts as and to the extent provided in the applicable	282
bond proceedings.	283
(3) "Capital facilities" means capital facilities or projects	284
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07,	285
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code.	286
(4) "Costs of capital facilities" means the costs of	287
acquiring, constructing, reconstructing, rehabilitating,	288
remodeling, renovating, enlarging, improving, equipping, or	289
furnishing capital facilities, and of the financing of those	290
costs. "Costs of capital facilities" includes, without limitation,	291
and in addition to costs referred to in section 151.03, 151.04,	292
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40	293
of the Revised Code, the cost of clearance and preparation of the	294
site and of any land to be used in connection with capital	295
facilities, the cost of any indemnity and surety bonds and	296
premiums on insurance, all related direct administrative expenses	297
and allocable portions of direct costs of the issuing authority,	298
costs of engineering and architectural services, designs, plans,	299
specifications, surveys, and estimates of cost, financing costs,	300

interest on obligations from their date to the time when interest 301  
is to be paid from sources other than proceeds of obligations, 302  
amounts necessary to establish any reserves as required by the 303  
bond proceedings, the reimbursement of all moneys advanced or 304  
applied by or borrowed from any person or governmental agency or 305  
entity for the payment of any item of costs of capital facilities, 306  
and all other expenses necessary or incident to planning or 307  
determining feasibility or practicability with respect to capital 308  
facilities, and such other expenses as may be necessary or 309  
incident to the acquisition, construction, reconstruction, 310  
rehabilitation, remodeling, renovation, enlargement, improvement, 311  
equipment, and furnishing of capital facilities, the financing of 312  
those costs, and the placing of the capital facilities in use and 313  
operation, including any one, part of, or combination of those 314  
classes of costs and expenses. For purposes of sections 122.085 to 315  
122.0820 of the Revised Code, "costs of capital facilities" 316  
includes "allowable costs" as defined in section 122.085 of the 317  
Revised Code. 318

(5) "Credit enhancement facilities," "financing costs," and 319  
"interest" or "interest equivalent" have the same meanings as in 320  
section 133.01 of the Revised Code. 321

(6) "Debt service" means principal, including any mandatory 322  
sinking fund or redemption requirements for retirement of 323  
obligations, interest and other accreted amounts, interest 324  
equivalent, and any redemption premium, payable on obligations. If 325  
not prohibited by the applicable bond proceedings, debt service 326  
may include costs relating to credit enhancement facilities that 327  
are related to and represent, or are intended to provide a source 328  
of payment of or limitation on, other debt service. 329

(7) "Issuing authority" means the Ohio public facilities 330  
commission created in section 151.02 of the Revised Code for 331  
obligations issued under section 151.03, 151.04, 151.05, 151.07, 332

151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 333  
treasurer of state, or the officer who by law performs the 334  
functions of that office, for obligations issued under section 335  
151.06 or 151.40 of the Revised Code. 336

(8) "Net proceeds" means amounts received from the sale of 337  
obligations, excluding amounts used to refund or retire 338  
outstanding obligations, amounts required to be deposited into 339  
special funds pursuant to the applicable bond proceedings, and 340  
amounts to be used to pay financing costs. 341

(9) "Obligations" means bonds, notes, or other evidences of 342  
obligation of the state, including any appertaining interest 343  
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 344  
Article VIII, Ohio Constitution, and pursuant to sections 151.01 345  
to 151.11 or 151.40 of the Revised Code or other general assembly 346  
authorization. 347

(10) "Principal amount" means the aggregate of the amount as 348  
stated or provided for in the applicable bond proceedings as the 349  
amount on which interest or interest equivalent on particular 350  
obligations is initially calculated. Principal amount does not 351  
include any premium paid to the state by the initial purchaser of 352  
the obligations. "Principal amount" of a capital appreciation 353  
bond, as defined in division (C) of section 3334.01 of the Revised 354  
Code, means its face amount, and "principal amount" of a zero 355  
coupon bond, as defined in division (J) of section 3334.01 of the 356  
Revised Code, means the discounted offering price at which the 357  
bond is initially sold to the public, disregarding any purchase 358  
price discount to the original purchaser, if provided for pursuant 359  
to the bond proceedings. 360

(11) "Special funds" or "funds," unless the context indicates 361  
otherwise, means the bond service fund, and any other funds, 362  
including any reserve funds, created under the bond proceedings 363  
and stated to be special funds in those proceedings, including 364

moneys and investments, and earnings from investments, credited 365  
and to be credited to the particular fund. Special funds do not 366  
include the school building program assistance fund created by 367  
section 3318.25 of the Revised Code, the higher education 368  
improvement fund created by division (F) of section 154.21 of the 369  
Revised Code, the highway capital improvement bond fund created by 370  
section 5528.53 of the Revised Code, the state parks and natural 371  
resources fund created by section 1557.02 of the Revised Code, the 372  
coal research and development fund created by section 1555.15 of 373  
the Revised Code, the clean Ohio conservation fund created by 374  
section 164.27 of the Revised Code, the clean Ohio revitalization 375  
fund created by section 122.658 of the Revised Code, the job ready 376  
site development fund created by section 122.0820 of the Revised 377  
Code, the third frontier research and development fund created by 378  
section 184.19 of the Revised Code, the third frontier research 379  
and development taxable bond fund created by section 184.191 of 380  
the Revised Code, or other funds created by the bond proceedings 381  
that are not stated by those proceedings to be special funds. 382

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, or 15, and 383  
Section 17, of Article VIII, Ohio Constitution, the state, by the 384  
issuing authority, is authorized to issue and sell, as provided in 385  
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 386  
respective aggregate principal amounts as from time to time 387  
provided or authorized by the general assembly, general 388  
obligations of this state for the purpose of paying costs of 389  
capital facilities or projects identified by or pursuant to 390  
general assembly action. 391

(C) Each issue of obligations shall be authorized by 392  
resolution or order of the issuing authority. The bond proceedings 393  
shall provide for or authorize the manner for determining the 394  
principal amount or maximum principal amount of obligations of an 395  
issue, the principal maturity or maturities, the interest rate or 396

rates, the date of and the dates of payment of interest on the 397  
obligations, their denominations, and the place or places of 398  
payment of debt service which may be within or outside the state. 399  
Unless otherwise provided by law, the latest principal maturity 400  
may not be later than the earlier of the thirty-first day of 401  
December of the twenty-fifth calendar year after the year of 402  
issuance of the particular obligations or of the twenty-fifth 403  
calendar year after the year in which the original obligation to 404  
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 405  
and 9.983 of the Revised Code apply to obligations. The purpose of 406  
the obligations may be stated in the bond proceedings in general 407  
terms, such as, as applicable, "financing or assisting in the 408  
financing of projects as provided in Section 2l of Article VIII, 409  
Ohio Constitution," "financing or assisting in the financing of 410  
highway capital improvement projects as provided in Section 2m of 411  
Article VIII, Ohio Constitution," "paying costs of capital 412  
facilities for a system of common schools throughout the state as 413  
authorized by Section 2n of Article VIII, Ohio Constitution," 414  
"paying costs of capital facilities for state-supported and 415  
state-assisted institutions of higher education as authorized by 416  
Section 2n of Article VIII, Ohio Constitution," "paying costs of 417  
coal research and development as authorized by Section 15 of 418  
Article VIII, Ohio Constitution," "financing or assisting in the 419  
financing of local subdivision capital improvement projects as 420  
authorized by Section 2m of Article VIII, Ohio Constitution," 421  
"paying costs of conservation projects as authorized by ~~Section~~ 422  
Sections 2o and 2q of Article VIII, Ohio Constitution," "paying 423  
costs of revitalization projects as authorized by ~~Section~~ Sections 424  
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 425  
preparing sites for industry, commerce, distribution, or research 426  
and development as authorized by Section 2p of Article VIII, Ohio 427  
Constitution," or "paying costs of research and development as 428  
authorized by Section 2p of Article VIII, Ohio Constitution." 429

(D) The issuing authority may appoint or provide for the 430  
appointment of paying agents, bond registrars, securities 431  
depositories, clearing corporations, and transfer agents, and may 432  
without need for any other approval retain or contract for the 433  
services of underwriters, investment bankers, financial advisers, 434  
accounting experts, marketing, remarketing, indexing, and 435  
administrative agents, other consultants, and independent 436  
contractors, including printing services, as are necessary in the 437  
judgment of the issuing authority to carry out the issuing 438  
authority's functions under this chapter. When the issuing 439  
authority is the Ohio public facilities commission, the issuing 440  
authority also may without need for any other approval retain or 441  
contract for the services of attorneys and other professionals for 442  
that purpose. Financing costs are payable, as may be provided in 443  
the bond proceedings, from the proceeds of the obligations, from 444  
special funds, or from other moneys available for the purpose. 445

(E) The bond proceedings may contain additional provisions 446  
customary or appropriate to the financing or to the obligations or 447  
to particular obligations including, but not limited to, 448  
provisions for: 449

(1) The redemption of obligations prior to maturity at the 450  
option of the state or of the holder or upon the occurrence of 451  
certain conditions, and at particular price or prices and under 452  
particular terms and conditions; 453

(2) The form of and other terms of the obligations; 454

(3) The establishment, deposit, investment, and application 455  
of special funds, and the safeguarding of moneys on hand or on 456  
deposit, in lieu of the applicability of provisions of Chapter 457  
131. or 135. of the Revised Code, but subject to any special 458  
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 459  
Code with respect to the application of particular funds or 460  
moneys. Any financial institution that acts as a depository of any 461

moneys in special funds or other funds under the bond proceedings 462  
may furnish indemnifying bonds or pledge securities as required by 463  
the issuing authority. 464

(4) Any or every provision of the bond proceedings being 465  
binding upon the issuing authority and upon such governmental 466  
agency or entity, officer, board, commission, authority, agency, 467  
department, institution, district, or other person or body as may 468  
from time to time be authorized to take actions as may be 469  
necessary to perform all or any part of the duty required by the 470  
provision; 471

(5) The maintenance of each pledge or instrument comprising 472  
part of the bond proceedings until the state has fully paid or 473  
provided for the payment of the debt service on the obligations or 474  
met other stated conditions; 475

(6) In the event of default in any payments required to be 476  
made by the bond proceedings, or by any other agreement of the 477  
issuing authority made as part of a contract under which the 478  
obligations were issued or secured, including a credit enhancement 479  
facility, the enforcement of those payments by mandamus, a suit in 480  
equity, an action at law, or any combination of those remedial 481  
actions; 482

(7) The rights and remedies of the holders or owners of 483  
obligations or of book-entry interests in them, and of third 484  
parties under any credit enhancement facility, and provisions for 485  
protecting and enforcing those rights and remedies, including 486  
limitations on rights of individual holders or owners; 487

(8) The replacement of mutilated, destroyed, lost, or stolen 488  
obligations; 489

(9) The funding, refunding, or advance refunding, or other 490  
provision for payment, of obligations that will then no longer be 491  
outstanding for purposes of this section or of the applicable bond 492



proceedings;	493
(10) Amendment of the bond proceedings;	494
(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.	495 496 497 498
(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.	499 500 501 502 503 504 505 506 507 508 509 510
(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, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations.	511 512 513 514 515 516 517 518 519 520
(H) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above or below par, all as determined by and provided by the issuing authority in the	521 522 523

bond proceedings. 524

(I) Except to the extent that rights are restricted by the 525  
bond proceedings, any owner of obligations or provider of a credit 526  
enhancement facility may by any suitable form of legal proceedings 527  
protect and enforce any rights relating to obligations or that 528  
facility under the laws of this state or granted by the bond 529  
proceedings. Those rights include the right to compel the 530  
performance of all applicable duties of the issuing authority and 531  
the state. Each duty of the issuing authority and that authority's 532  
officers, staff, and employees, and of each state entity or 533  
agency, or using district or using institution, and its officers, 534  
members, staff, or employees, undertaken pursuant to the bond 535  
proceedings, is hereby established as a duty of the entity or 536  
individual having authority to perform that duty, specifically 537  
enjoined by law and resulting from an office, trust, or station 538  
within the meaning of section 2731.01 of the Revised Code. The 539  
individuals who are from time to time the issuing authority, 540  
members or officers of the issuing authority, or those members' 541  
designees acting pursuant to section 151.02 of the Revised Code, 542  
or the issuing authority's officers, staff, or employees, are not 543  
liable in their personal capacities on any obligations or 544  
otherwise under the bond proceedings. 545

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15, 546  
and Section 17, of Article VIII, Ohio Constitution and sections 547  
151.01 to 151.11 or 151.40 of the Revised Code, the issuing 548  
authority may, in addition to the authority referred to in 549  
division (B) of this section, authorize and provide for the 550  
issuance of: 551

(a) Obligations in the form of bond anticipation notes, and 552  
may provide for the renewal of those notes from time to time by 553  
the issuance of new notes. The holders of notes or appertaining 554  
interest coupons have the right to have debt service on those 555

notes paid solely from the moneys and special funds that are or 556  
may be pledged to that payment, including the proceeds of bonds or 557  
renewal notes or both, as the issuing authority provides in the 558  
bond proceedings authorizing the notes. Notes may be additionally 559  
secured by covenants of the issuing authority to the effect that 560  
the issuing authority and the state will do all things necessary 561  
for the issuance of bonds or renewal notes in such principal 562  
amount and upon such terms as may be necessary to provide moneys 563  
to pay when due the debt service on the notes, and apply their 564  
proceeds to the extent necessary, to make full and timely payment 565  
of debt service on the notes as provided in the applicable bond 566  
proceedings. In the bond proceedings authorizing the issuance of 567  
bond anticipation notes the issuing authority shall set forth for 568  
the bonds anticipated an estimated schedule of annual principal 569  
payments the latest of which shall be no later than provided in 570  
division (C) of this section. While the notes are outstanding 571  
there shall be deposited, as shall be provided in the bond 572  
proceedings for those notes, from the sources authorized for 573  
payment of debt service on the bonds, amounts sufficient to pay 574  
the principal of the bonds anticipated as set forth in that 575  
estimated schedule during the time the notes are outstanding, 576  
which amounts shall be used solely to pay the principal of those 577  
notes or of the bonds anticipated. 578

(b) Obligations for the refunding, including funding and 579  
retirement, and advance refunding with or without payment or 580  
redemption prior to maturity, of any obligations previously 581  
issued. Refunding obligations may be issued in amounts sufficient 582  
to pay or to provide for repayment of the principal amount, 583  
including principal amounts maturing prior to the redemption of 584  
the remaining prior obligations, any redemption premium, and 585  
interest accrued or to accrue to the maturity or redemption date 586  
or dates, payable on the prior obligations, and related financing 587  
costs and any expenses incurred or to be incurred in connection 588

with that issuance and refunding. Subject to the applicable bond 589  
proceedings, the portion of the proceeds of the sale of refunding 590  
obligations issued under division (J)(1)(b) of this section to be 591  
applied to debt service on the prior obligations shall be credited 592  
to an appropriate separate account in the bond service fund and 593  
held in trust for the purpose by the issuing authority or by a 594  
corporate trustee. Obligations authorized under this division 595  
shall be considered to be issued for those purposes for which the 596  
prior obligations were issued. 597

(2) Except as otherwise provided in sections 151.01 to 151.11 598  
or 151.40 of the Revised Code, bonds or notes authorized pursuant 599  
to division (J) of this section are subject to the provisions of 600  
those sections pertaining to obligations generally. 601

(3) The principal amount of refunding or renewal obligations 602  
issued pursuant to division (J) of this section shall be in 603  
addition to the amount authorized by the general assembly as 604  
referred to in division (B) of the following sections: section 605  
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 606  
151.11, or 151.40 of the Revised Code. 607

(K) Obligations are lawful investments for banks, savings and 608  
loan associations, credit union share guaranty corporations, trust 609  
companies, trustees, fiduciaries, insurance companies, including 610  
domestic for life and domestic not for life, trustees or other 611  
officers having charge of sinking and bond retirement or other 612  
special funds of the state and political subdivisions and taxing 613  
districts of this state, the sinking fund, the administrator of 614  
workers' compensation subject to the approval of the workers' 615  
compensation board, the state teachers retirement system, the 616  
public employees retirement system, the school employees 617  
retirement system, and the Ohio police and fire pension fund, 618  
notwithstanding any other provisions of the Revised Code or rules 619  
adopted pursuant to those provisions by any state agency with 620

respect to investments by them, and are also acceptable as 621  
security for the repayment of the deposit of public moneys. The 622  
exemptions from taxation in Ohio as provided for in particular 623  
sections of the Ohio Constitution and section 5709.76 of the 624  
Revised Code apply to the obligations. 625

(L)(1) Unless otherwise provided or provided for in any 626  
applicable bond proceedings, moneys to the credit of or in a 627  
special fund shall be disbursed on the order of the issuing 628  
authority. No such order is required for the payment, from the 629  
bond service fund or other special fund, when due of debt service 630  
or required payments under credit enhancement facilities. 631

(2) Payments received by the state under interest rate hedges 632  
entered into as credit enhancement facilities under this chapter 633  
shall be deposited to the credit of the bond service fund for the 634  
obligations to which those credit enhancement facilities relate. 635

(M) The full faith and credit, revenue, and taxing power of 636  
the state are and shall be pledged to the timely payment of debt 637  
service on outstanding obligations as it comes due, all in 638  
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 639  
Article VIII, Ohio Constitution, and section 151.03, 151.04, 640  
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 641  
Revised Code. Moneys referred to in Section 5a of Article XII, 642  
Ohio Constitution, may not be pledged or used for the payment of 643  
debt service except on obligations referred to in section 151.06 644  
of the Revised Code. Net state lottery proceeds, as provided for 645  
and referred to in section 3770.06 of the Revised Code, may not be 646  
pledged or used for the payment of debt service except on 647  
obligations referred to in section 151.03 of the Revised Code. The 648  
state covenants, and that covenant shall be controlling 649  
notwithstanding any other provision of law, that the state and the 650  
applicable officers and agencies of the state, including the 651  
general assembly, shall, so long as any obligations are 652

outstanding in accordance with their terms, maintain statutory 653  
authority for and cause to be levied, collected and applied 654  
sufficient pledged excises, taxes, and revenues of the state so 655  
that the revenues shall be sufficient in amounts to pay debt 656  
service when due, to establish and maintain any reserves and other 657  
requirements, and to pay financing costs, including costs of or 658  
relating to credit enhancement facilities, all as provided for in 659  
the bond proceedings. Those excises, taxes, and revenues are and 660  
shall be deemed to be levied and collected, in addition to the 661  
purposes otherwise provided for by law, to provide for the payment 662  
of debt service and financing costs in accordance with sections 663  
151.01 to 151.11 of the Revised Code and the bond proceedings. 664

(N) The general assembly may from time to time repeal or 665  
reduce any excise, tax, or other source of revenue pledged to the 666  
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 667  
2o, 2p, 2q, or 15 of Article VIII, Ohio Constitution, and sections 668  
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 669  
collect and apply any new or increased excise, tax, or revenue to 670  
meet the pledge, to the payment of debt service on outstanding 671  
obligations, of the state's full faith and credit, revenue and 672  
taxing power, or of designated revenues and receipts, except fees, 673  
excises or taxes referred to in Section 5a of Article XII, Ohio 674  
Constitution, for other than obligations referred to in section 675  
151.06 of the Revised Code and except net state lottery proceeds 676  
for other than obligations referred to in section 151.03 of the 677  
Revised Code. Nothing in division (N) of this section authorizes 678  
any impairment of the obligation of this state to levy and collect 679  
sufficient excises, taxes, and revenues to pay debt service on 680  
obligations outstanding in accordance with their terms. 681

(O) Each bond service fund is a trust fund and is hereby 683  
pledged to the payment of debt service on the applicable 684

obligations. Payment of that debt service shall be made or 685  
provided for by the issuing authority in accordance with the bond 686  
proceedings without necessity for any act of appropriation. The 687  
bond proceedings may provide for the establishment of separate 688  
accounts in the bond service fund and for the application of those 689  
accounts only to debt service on specific obligations, and for 690  
other accounts in the bond service fund within the general 691  
purposes of that fund. 692

(P) Subject to the bond proceedings pertaining to any 693  
obligations then outstanding in accordance with their terms, the 694  
issuing authority may in the bond proceedings pledge all, or such 695  
portion as the issuing authority determines, of the moneys in the 696  
bond service fund to the payment of debt service on particular 697  
obligations, and for the establishment and maintenance of any 698  
reserves for payment of particular debt service. 699

(Q) The issuing authority shall by the fifteenth day of July 700  
of each fiscal year, certify or cause to be certified to the 701  
office of budget and management the total amount of moneys 702  
required during the current fiscal year to meet in full all debt 703  
service on the respective obligations and any related financing 704  
costs payable from the applicable bond service fund and not from 705  
the proceeds of refunding or renewal obligations. The issuing 706  
authority shall make or cause to be made supplemental 707  
certifications to the office of budget and management for each 708  
debt service payment date and at such other times during each 709  
fiscal year as may be provided in the bond proceedings or 710  
requested by that office. Debt service, costs of credit 711  
enhancement facilities, and other financing costs shall be set 712  
forth separately in each certification. If and so long as the 713  
moneys to the credit of the bond service fund, together with any 714  
other moneys available for the purpose, are insufficient to meet 715  
in full all payments when due of the amount required as stated in 716

the certificate or otherwise, the office of budget and management 717  
shall at the times as provided in the bond proceedings, and 718  
consistent with any particular provisions in sections 151.03 to 719  
151.11 and 151.40 of the Revised Code, transfer a sufficient 720  
amount to the bond service fund from the pledged revenues in the 721  
case of obligations issued pursuant to section 151.40 of the 722  
Revised Code, and in the case of other obligations from the 723  
revenues derived from excises, taxes, and other revenues, 724  
including net state lottery proceeds in the case of obligations 725  
referred to in section 151.03 of the Revised Code. 726

(R) Unless otherwise provided in any applicable bond 727  
proceedings, moneys to the credit of special funds may be invested 728  
by or on behalf of the state only in one or more of the following: 729

(1) Notes, bonds, or other direct obligations of the United 730  
States or of any agency or instrumentality of the United States, 731  
or in no-front-end-load money market mutual funds consisting 732  
exclusively of those obligations, or in repurchase agreements, 733  
including those issued by any fiduciary, secured by those 734  
obligations, or in collective investment funds consisting 735  
exclusively of those obligations; 736

(2) Obligations of this state or any political subdivision of 737  
this state; 738

(3) Certificates of deposit of any national bank located in 739  
this state and any bank, as defined in section 1101.01 of the 740  
Revised Code, subject to inspection by the superintendent of 741  
financial institutions; 742

(4) The treasurer of state's pooled investment program under 743  
section 135.45 of the Revised Code. 744

The income from investments referred to in division (R) of 745  
this section shall, unless otherwise provided in sections 151.01 746  
to 151.11 or 151.40 of the Revised Code, be credited to special 747



funds or otherwise as the issuing authority determines in the bond 748  
proceedings. Those investments may be sold or exchanged at times 749  
as the issuing authority determines, provides for, or authorizes. 750

751

(S) The treasurer of state shall have responsibility for 752  
keeping records, making reports, and making payments, relating to 753  
any arbitrage rebate requirements under the applicable bond 754  
proceedings. 755

**Sec. 151.09.** (A) As used in this section: 756

(1) "Costs of conservation projects" includes related direct 757  
administrative expenses and allocable portions of the direct costs 758  
of those projects of the department of agriculture, the department 759  
of natural resources, or the Ohio public works commission. 760

(2) "Obligations" means obligations as defined in section 761  
151.01 of the Revised Code issued to pay costs of projects for 762  
conservation purposes as referred to in division (A)(1) of Section 763  
2o of Article VIII, Ohio Constitution and division (A)(1) of 764  
Section 2q of Article VIII, Ohio Constitution. 765

(B)(1) The issuing authority shall issue general obligations 766  
of the state to pay costs of conservation projects pursuant to 767  
division (B)(1) of Section 2o of Article VIII, Ohio Constitution, 768  
division (B)(1) of Section 2q of Article VIII, Ohio Constitution, 769  
section 151.01 of the Revised Code, and this section. The issuing 770  
authority, upon the certification to it by the Ohio public works 771  
commission of amounts needed in and for the purposes of the clean 772  
Ohio conservation fund created by section 164.27 of the Revised 773  
Code, the clean Ohio agricultural easement fund created by section 774  
901.21 of the Revised Code, and the clean Ohio trail fund created 775  
by section 1519.05 of the Revised Code, shall issue obligations in 776  
the amount determined by the issuing authority to be required for 777  
those purposes. Not more than ~~two~~ four hundred million dollars 778

principal amount of obligations issued under this section for 779  
conservation purposes may be outstanding at any one time. Not more 780  
than fifty million dollars principal amount of obligations, plus 781  
the principal amount of obligations that in any prior fiscal year 782  
could have been, but were not issued within the 783  
fifty-million-dollar fiscal year limit, may be issued in any 784  
fiscal year. 785

(2) In making the certification required under division 786  
(B)(1) of this section, the Ohio public works commission shall 787  
consult with the department of agriculture and the department of 788  
natural resources. The commission shall certify amounts that 789  
correspond to the distribution of the net proceeds of obligations 790  
provided in division (C) of this section. 791

(C) Net proceeds of obligations shall be deposited as 792  
follows: 793

(1) Seventy-five per cent into the clean Ohio conservation 794  
fund created by section 164.27 of the Revised Code; 795

(2) Twelve and one-half per cent into the clean Ohio 796  
agricultural easement fund created by section 901.21 of the 797  
Revised Code; 798

(3) Twelve and one-half per cent into the clean Ohio trail 799  
fund created by section 1519.05 of the Revised Code. 800

(D) There is hereby created in the state treasury the 801  
conservation projects bond service fund. All moneys received by 802  
the state and required by the bond proceedings, consistent with 803  
section 151.01 of the Revised Code and this section, to be 804  
deposited, transferred, or credited to the bond service fund, and 805  
all other moneys transferred or allocated to or received for the 806  
purposes of that fund, shall be deposited and credited to the bond 807  
service fund, subject to any applicable provisions of the bond 808  
proceedings, but without necessity for any act of appropriation. 809

During the period beginning with the date of the first issuance of 810  
obligations and continuing during the time that any obligations 811  
are outstanding in accordance with their terms, so long as moneys 812  
in the bond service fund are insufficient to pay debt service when 813  
due on those obligations payable from that fund, except the 814  
principal amounts of bond anticipation notes payable from the 815  
proceeds of renewal notes or bonds anticipated, and due in the 816  
particular fiscal year, a sufficient amount of revenues of the 817  
state is committed and, without necessity for further act of 818  
appropriation, shall be paid to the bond service fund for the 819  
purpose of paying that debt service when due. 820

**Sec. 151.40.** (A) As used in this section: 821

(1) "Bond proceedings" includes any trust agreements, and any 822  
amendments or supplements to them, as authorized by this section. 823

(2) "Costs of revitalization projects" includes related 824  
direct administrative expenses and allocable portions of the 825  
direct costs of those projects of the department of development or 826  
the environmental protection agency. 827

(3) "Issuing authority" means the treasurer of state. 828

(4) "Obligations" means obligations as defined in section 829  
151.01 of the Revised Code issued to pay the costs of projects for 830  
revitalization purposes as referred to in division (A)(2) of 831  
Section 2o of Article VIII, Ohio Constitution and division (A)(2) 832  
of Section 2q of Article VIII, Ohio Constitution. 833

(5) "Pledged liquor profits" means all receipts of the state 834  
representing the gross profit on the sale of spirituous liquor, as 835  
referred to in division (B)(4) of section 4301.10 of the Revised 836  
Code, after paying all costs and expenses of the division of 837  
liquor control and providing an adequate working capital reserve 838  
for the division of liquor control as provided in that division, 839

but excluding the sum required by the second paragraph of section 840  
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 841  
to be paid into the state treasury. 842

(6) "Pledged receipts" means, as and to the extent provided 843  
in bond proceedings: 844

(a) Pledged liquor profits. The pledge of pledged liquor 845  
profits to obligations is subject to the priority of the pledge of 846  
those profits to obligations issued and to be issued pursuant to 847  
Chapter 166. of the Revised Code. 848

(b) Moneys accruing to the state from the lease, sale, or 849  
other disposition or use of revitalization projects or from the 850  
repayment, including any interest, of loans or advances made from 851  
net proceeds; 852

(c) Accrued interest received from the sale of obligations; 853

(d) Income from the investment of the special funds; 854

(e) Any gifts, grants, donations, or pledges, and receipts 855  
therefrom, available for the payment of debt service; 856

(f) Additional or any other specific revenues or receipts 857  
lawfully available to be pledged, and pledged, pursuant to further 858  
authorization by the general assembly, to the payment of debt 859  
service. 860

(B)(1) The issuing authority shall issue obligations of the 861  
state to pay costs of revitalization projects pursuant to division 862  
(B)(2) of Section 2o of Article VIII, Ohio Constitution, division 863  
(B)(2) of Section 2q of Article VIII, Ohio Constitution, section 864  
151.01 of the Revised Code as applicable to this section, and this 865  
section. The issuing authority, upon the certification to it by 866  
the clean Ohio council of the amount of moneys needed in and for 867  
the purposes of the clean Ohio revitalization fund created by 868  
section 122.658 of the Revised Code, shall issue obligations in 869

the amount determined by the issuing authority to be required for 870  
those purposes. Not more than ~~two~~ four hundred million dollars 871  
principal amount of obligations issued under this section for 872  
revitalization purposes may be outstanding at any one time. Not 873  
more than fifty million dollars principal amount of obligations, 874  
plus the principal amount of obligations that in any prior fiscal 875  
year could have been, but were not issued within the 876  
fifty-million-dollar fiscal year limit, may be issued in any 877  
fiscal year. 878

(2) The provisions and authorizations in section 151.01 of 879  
the Revised Code apply to the obligations and the bond proceedings 880  
except as otherwise provided or provided for in those obligations 881  
and bond proceedings. 882

(C) Net proceeds of obligations shall be deposited in the 883  
clean Ohio revitalization fund created in section 122.658 of the 884  
Revised Code. 885

(D) There is hereby created the revitalization projects bond 886  
service fund, which shall be in the custody of the treasurer of 887  
state, but shall be separate and apart from and not a part of the 888  
state treasury. All money received by the state and required by 889  
the bond proceedings, consistent with section 151.01 of the 890  
Revised Code and this section, to be deposited, transferred, or 891  
credited to the bond service fund, and all other money transferred 892  
or allocated to or received for the purposes of that fund, shall 893  
be deposited and credited to the bond service fund, subject to any 894  
applicable provisions of the bond proceedings, but without 895  
necessity for any act of appropriation. During the period 896  
beginning with the date of the first issuance of obligations and 897  
continuing during the time that any obligations are outstanding in 898  
accordance with their terms, so long as moneys in the bond service 899  
fund are insufficient to pay debt service when due on those 900  
obligations payable from that fund, except the principal amounts 901

of bond anticipation notes payable from the proceeds of renewal 902  
notes or bonds anticipated, and due in the particular fiscal year, 903  
a sufficient amount of pledged receipts is committed and, without 904  
necessity for further act of appropriation, shall be paid to the 905  
bond service fund for the purpose of paying that debt service when 906  
due. 907

(E) The issuing authority may pledge all, or such portion as 908  
the issuing authority determines, of the pledged receipts to the 909  
payment of the debt service charges on obligations issued under 910  
this section, and for the establishment and maintenance of any 911  
reserves, as provided in the bond proceedings, and make other 912  
provisions in the bond proceedings with respect to pledged 913  
receipts as authorized by this section, which provisions are 914  
controlling notwithstanding any other provisions of law pertaining 915  
to them. 916

(F) The issuing authority may covenant in the bond 917  
proceedings, and such covenants shall be controlling 918  
notwithstanding any other provision of law, that the state and 919  
applicable officers and state agencies, including the general 920  
assembly, so long as any obligations issued under this section are 921  
outstanding, shall maintain statutory authority for and cause to 922  
be charged and collected wholesale or retail prices for spirituous 923  
liquor sold by the state or its agents so that the available 924  
pledged receipts are sufficient in time and amount to meet debt 925  
service payable from pledged liquor profits and for the 926  
establishment and maintenance of any reserves and other 927  
requirements provided for in the bond proceedings. 928

(G) Obligations may be further secured, as determined by the 929  
issuing authority, by a trust agreement between the state and a 930  
corporate trustee, which may be any trust company or bank having a 931  
place of business within the state. Any trust agreement may 932  
contain the resolution or order authorizing the issuance of the 933

obligations, any provisions that may be contained in any bond 934  
proceedings, and other provisions that are customary or 935  
appropriate in an agreement of that type, including, but not 936  
limited to: 937

(1) Maintenance of each pledge, trust agreement, or other 938  
instrument comprising part of the bond proceedings until the state 939  
has fully paid or provided for the payment of debt service on the 940  
obligations secured by it; 941

(2) In the event of default in any payments required to be 942  
made by the bond proceedings, enforcement of those payments or 943  
agreements by mandamus, the appointment of a receiver, suit in 944  
equity, action at law, or any combination of them; 945

(3) The rights and remedies of the holders or owners of 946  
obligations and of the trustee and provisions for protecting and 947  
enforcing them, including limitations on rights of individual 948  
holders and owners. 949

(H) The obligations shall not be general obligations of the 950  
state and the full faith and credit, revenue, and taxing power of 951  
the state shall not be pledged to the payment of debt service on 952  
them. The holders or owners of the obligations shall have no right 953  
to have any moneys obligated or pledged for the payment of debt 954  
service except as provided in this section and in the applicable 955  
bond proceedings. The rights of the holders and owners to payment 956  
of debt service are limited to all or that portion of the pledged 957  
receipts, and those special funds, pledged to the payment of debt 958  
service pursuant to the bond proceedings in accordance with this 959  
section, and each obligation shall bear on its face a statement to 960  
that effect. 961

Sec. 167.081. If sections 153.50, 153.51, and 153.52 of the 962  
Revised Code do not apply, the council may enter into a contract 963  
that establishes a unit price for, and provides upon a per unit 964

basis, materials, labor, services, overhead, profit, and 965  
associated expenses for the repair, enlargement, improvement, or 966  
demolition of a building or structure if the contract is awarded 967  
pursuant to a competitive bidding procedure of a county, municipal 968  
corporation, or township or a special district, school district, 969  
or other political subdivision that is a council member; a 970  
statewide consortium of which the council is a member; or a 971  
multistate consortium of which the council is a member. 972

A public notice requirement pertaining to the contract shall 973  
be considered as having been met if the public notice is given 974  
once a week for at least two consecutive weeks in a newspaper of 975  
general circulation within the county in which the council 976  
maintains its principal place of business and if the notice is 977  
posted on the council's internet web site for at least two 978  
consecutive weeks before the date specified for receiving bids. 979

A county, municipal corporation, or township and a special 980  
district, school district, or other political subdivision that is 981  
a council member may participate in a contract entered into under 982  
this section. Purchases under a contract entered into under this 983  
section are exempt from any competitive selection or bidding 984  
requirements otherwise required by law. A county, municipal 985  
corporation, or township or a special district, school district, 986  
or other political subdivision that is a member of the council is 987  
not entitled to participate in a contract entered into under this 988  
section if it has received bids for the same work under another 989  
contract, unless participation in a contract under this section 990  
will enable the member to obtain the same work, upon the same 991  
terms, conditions, and specifications, at a lower price. 992

**Sec. 955.201.** (A) As used in this section and in section 993  
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 994  
corporation organized by that name under Chapter 1702. of the 995



Revised Code that consists of humane societies, veterinarians,	996
animal shelters, companion animal breeders, dog wardens, and	997
similar individuals and entities.	998
(B) The Ohio pet fund shall do all of the following:	999
(1) Establish eligibility criteria for organizations that may	1000
receive financial assistance from the <del>pets program funding board</del>	1001
<del>created in section 955.202 of the Revised Code</del> <u>Ohio pet fund</u> .	1002
Those organizations may include any of the following:	1003
(a) An animal shelter as defined in section 4729.01 of the	1004
Revised Code;	1005
(b) A local nonprofit veterinary association that operates a	1006
program for the sterilization of dogs and cats;	1007
(c) A charitable organization that is exempt from federal	1008
income taxation under subsection 501(c)(3) of the Internal Revenue	1009
Code and the primary purpose of which is to support programs for	1010
the sterilization of dogs and cats and educational programs	1011
concerning the proper veterinary care of those animals.	1012
(2) Establish procedures for applying for financial	1013
assistance from the <del>pets program funding board</del> <u>Ohio pet fund</u> .	1014
Application procedures shall require eligible organizations to	1015
submit detailed proposals that outline the intended uses of the	1016
moneys sought.	1017
(3) Establish eligibility criteria for sterilization and	1018
educational programs for which moneys from the <del>pets program</del>	1019
<del>funding board</del> <u>Ohio pet fund</u> may be used and, consistent with	1020
division (C) of this section, establish eligibility criteria for	1021
individuals who seek sterilization for their dogs and cats from	1022
eligible organizations;	1023
(4) Establish procedures for the disbursement of moneys the	1024
<del>pets program funding board</del> <u>Ohio pet fund</u> receives from license	1025

plate contributions pursuant to division (C) of section 4503.551	1026
of the Revised Code;	1027
(5) Advertise or otherwise provide notification of the	1028
availability of financial assistance from the <del>pets program funding</del>	1029
<del>board</del> <u>Ohio pet fund</u> for eligible organizations;	1030
(6) Design markings to be inscribed on "pets" license plates	1031
under section 4503.551 of the Revised Code.	1032
(C)(1) The owner of a dog or cat is eligible for dog or cat	1033
sterilization services from an eligible organization when those	1034
services are subsidized in whole or in part by money from the <del>pets</del>	1035
<del>program funding board</del> <u>Ohio pet fund</u> if any of the following	1036
applies:	1037
(a) The income of the owner's family does not exceed one	1038
hundred fifty per cent of the federal poverty guideline.	1039
(b) The owner, or any member of the owner's family who	1040
resides with the owner, is a recipient or beneficiary of one of	1041
the following government assistance programs:	1042
(i) Low-income housing assistance under the "United States	1043
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the	1044
federal section 8 housing program;	1045
(ii) The Ohio works first program established by Chapter	1046
5107. of the Revised Code;	1047
(iii) Title XIX of the "Social Security Act," 49 Stat. 620	1048
(1935), 42 U.S.C.A. 301, as amended, known as the medical	1049
assistance program or medicaid, provided by the department of job	1050
and family services under Chapter 5111. of the Revised Code;	1051
(iv) A program or law administered by the United States	1052
department of veterans' affairs or veterans' administration for	1053
any service-connected disability;	1054
(v) The food stamp program established under the "Food Stamp	1055

Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, 1056  
administered by the department of job and family services under 1057  
section 5101.54 of the Revised Code; 1058

(vi) The "special supplemental nutrition program for women, 1059  
infants, and children" established under the "Child Nutrition Act 1060  
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 1061  
by the department of health under section 3701.132 of the Revised 1062  
Code; 1063

(vii) Supplemental security income under Title XVI of the 1064  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 1065  
amended; 1066

(viii) Social security disability insurance benefits provided 1067  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 1068  
42 U.S.C.A. 401, as amended. 1069

(c) The owner of the dog or cat submits to the eligible 1070  
organization operating the sterilization program either of the 1071  
following: 1072

(i) A certificate of adoption showing that the dog or cat was 1073  
adopted from a licensed animal shelter, a municipal, county, or 1074  
regional pound, or a holding and impoundment facility that 1075  
contracts with a municipal corporation; 1076

(ii) A certificate of adoption showing that the dog or cat 1077  
was adopted through a nonprofit corporation operating an animal 1078  
adoption referral service whose holding facility, if any, is 1079  
licensed in accordance with state law or a municipal ordinance. 1080

(2) The Ohio pet fund shall determine the type of documentary 1081  
evidence that must be presented by the owner of a dog or cat to 1082  
show that the income of the owner's family does not exceed one 1083  
hundred fifty per cent of the federal poverty guideline or that 1084  
the owner is eligible under division (C)(1)(b) of this section. 1085

(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

**Sec. 1345.52.** There is hereby created in the state treasury the title defect recision fund. The fund shall consist of moneys paid into the fund by the registrar of motor vehicles under division (B)(4) of section 4505.09 of the Revised Code consisting of fees received from motor vehicle dealers, moneys paid to the attorney general by motor vehicle dealers under division (A) of section 4505.181 of the Revised Code for deposit into the fund, the proceeds of all sales conducted and collections obtained by the attorney general under division (D) of that section, and any recoveries to the fund obtained by the attorney general in actions filed under section 1345.07 of the Revised Code for violations of section 4505.181 of the Revised Code.

Moneys in the fund shall be used solely for maintaining and administering the fund, providing restitution pursuant to division (D) of section 4505.181 of the Revised Code to retail purchasers of motor vehicles who suffer damages due to failure of a motor vehicle dealer or person acting on behalf of such a dealer to comply with that section, and pursuit of deficiencies in the fund caused by the failure of motor vehicle dealers to comply with divisions (A), (B), and (G) of that section. The attorney general may adopt rules governing the maintenance and administration of the fund.

**Sec. 1547.11.** (A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis,

aquaplane, or similar device on the waters in this state if, at 1117  
the time of the operation, control, or manipulation, any of the 1118  
following applies: 1119

(1) The person is under the influence of alcohol, a drug of 1120  
abuse, or a combination of them. 1121

(2) The person has a concentration of eight-hundredths of one 1122  
per cent or more by weight of alcohol per unit volume in the 1123  
person's whole blood. 1124

(3) The person has a concentration of ninety-six-thousandths 1125  
of one per cent or more by weight per unit volume of alcohol in 1126  
the person's blood serum or plasma. 1127

(4) The person has a concentration of eleven-hundredths of 1128  
one gram or more by weight of alcohol per one hundred milliliters 1129  
of the person's urine. 1130

(5) The person has a concentration of eight-hundredths of one 1131  
gram or more by weight of alcohol per two hundred ten liters of 1132  
the person's breath. 1133

(6) Except as provided in division (H) of this section, the 1134  
person has a concentration of any of the following controlled 1135  
substances or metabolites of a controlled substance in the 1136  
person's whole blood, blood serum or plasma, or urine that equals 1137  
or exceeds any of the following: 1138

(a) The person has a concentration of amphetamine in the 1139  
person's urine of at least five hundred nanograms of amphetamine 1140  
per milliliter of the person's urine or has a concentration of 1141  
amphetamine in the person's whole blood or blood serum or plasma 1142  
of at least one hundred nanograms of amphetamine per milliliter of 1143  
the person's whole blood or blood serum or plasma. 1144

(b) The person has a concentration of cocaine in the person's 1145  
urine of at least one hundred fifty nanograms of cocaine per 1146

milliliter of the person's urine or has a concentration of cocaine 1147  
in the person's whole blood or blood serum or plasma of at least 1148  
fifty nanograms of cocaine per milliliter of the person's whole 1149  
blood or blood serum or plasma. 1150

(c) The person has a concentration of cocaine metabolite in 1151  
the person's urine of at least one hundred fifty nanograms of 1152  
cocaine metabolite per milliliter of the person's urine or has a 1153  
concentration of cocaine metabolite in the person's whole blood or 1154  
blood serum or plasma of at least fifty nanograms of cocaine 1155  
metabolite per milliliter of the person's whole blood or blood 1156  
serum or plasma. 1157

(d) The person has a concentration of heroin in the person's 1158  
urine of at least two thousand nanograms of heroin per milliliter 1159  
of the person's urine or has a concentration of heroin in the 1160  
person's whole blood or blood serum or plasma of at least fifty 1161  
nanograms of heroin per milliliter of the person's whole blood or 1162  
blood serum or plasma. 1163

(e) The person has a concentration of heroin metabolite 1164  
(6-monoacetyl morphine) in the person's urine of at least ten 1165  
nanograms of heroin metabolite (6-monoacetyl morphine) per 1166  
milliliter of the person's urine or has a concentration of heroin 1167  
metabolite (6-monoacetyl morphine) in the person's whole blood or 1168  
blood serum or plasma of at least ten nanograms of heroin 1169  
metabolite (6-monoacetyl morphine) per milliliter of the person's 1170  
whole blood or blood serum or plasma. 1171

(f) The person has a concentration of L.S.D. in the person's 1172  
urine of at least twenty-five nanograms of L.S.D. per milliliter 1173  
of the person's urine or has a concentration of L.S.D. in the 1174  
person's whole blood or blood serum or plasma of at least ten 1175  
nanograms of L.S.D. per milliliter of the person's whole blood or 1176  
blood serum or plasma. 1177

(g) The person has a concentration of marihuana in the 1178  
person's urine of at least ten nanograms of marihuana per 1179  
milliliter of the person's urine or has a concentration of 1180  
marihuana in the person's whole blood or blood serum or plasma of 1181  
at least two nanograms of marihuana per milliliter of the person's 1182  
whole blood or blood serum or plasma. 1183

(h) The state board of pharmacy has adopted a rule pursuant 1184  
to section 4729.041 of the Revised Code that specifies the amount 1185  
of salvia divinorum and the amount of salvinorin A that constitute 1186  
concentrations of salvia divinorum and salvinorin A in a person's 1187  
urine, in a person's whole blood, or in a person's blood serum or 1188  
plasma at or above which the person is impaired for purposes of 1189  
operating or being in physical control of any vessel underway or 1190  
manipulating any water skis, aquaplane, or similar device on the 1191  
waters of this state, the rule is in effect, and the person has a 1192  
concentration of salvia divinorum or salvinorin A of at least that 1193  
amount so specified by rule in the person's urine, in the person's 1194  
whole blood, or in the person's blood serum or plasma. 1195

(i) Either of the following applies: 1196

(i) The person is under the influence of alcohol, a drug of 1197  
abuse, or a combination of them, and, as measured by gas 1198  
chromatography mass spectrometry, the person has a concentration 1199  
of marihuana metabolite in the person's urine of at least fifteen 1200  
nanograms of marihuana metabolite per milliliter of the person's 1201  
urine or has a concentration of marihuana metabolite in the 1202  
person's whole blood or blood serum or plasma of at least five 1203  
nanograms of marihuana metabolite per milliliter of the person's 1204  
whole blood or blood serum or plasma. 1205

(ii) As measured by gas chromatography mass spectrometry, the 1206  
person has a concentration of marihuana metabolite in the person's 1207  
urine of at least thirty-five nanograms of marihuana metabolite 1208  
per milliliter of the person's urine or has a concentration of 1209

marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(j) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

(k) The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least two-hundredths of one per cent, but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least twenty-eight one-thousandths of one gram, but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the



person's urine. 1241

(4) The person has a concentration of at least two-hundredths 1242  
of one gram, but less than eight-hundredths of one gram by weight 1243  
of alcohol per two hundred ten liters of the person's breath. 1244

(C) In any proceeding arising out of one incident, a person 1245  
may be charged with a violation of division (A)(1) and a violation 1246  
of division (B)(1), (2), (3), or (4) of this section, but the 1247  
person shall not be convicted of more than one violation of those 1248  
divisions. 1249

(D)(1)(a) In any criminal prosecution or juvenile court 1250  
proceeding for a violation of division (A) or (B) of this section 1251  
or for an equivalent offense that is watercraft-related, the 1252  
result of any test of any blood or urine withdrawn and analyzed at 1253  
any health care provider, as defined in section 2317.02 of the 1254  
Revised Code, may be admitted with expert testimony to be 1255  
considered with any other relevant and competent evidence in 1256  
determining the guilt or innocence of the defendant. 1257

(b) In any criminal prosecution or juvenile court proceeding 1258  
for a violation of division (A) or (B) of this section or for an 1259  
equivalent offense that is watercraft-related, the court may admit 1260  
evidence on the concentration of alcohol, drugs of abuse, 1261  
controlled substances, metabolites of a controlled substance, or a 1262  
combination of them in the defendant's or child's whole blood, 1263  
blood serum or plasma, urine, or breath at the time of the alleged 1264  
violation as shown by chemical analysis of the substance 1265  
withdrawn, or specimen taken within three hours of the time of the 1266  
alleged violation. The three-hour time limit specified in this 1267  
division regarding the admission of evidence does not extend or 1268  
affect the two-hour time limit specified in division (C) of 1269  
section 1547.111 of the Revised Code as the maximum period of time 1270  
during which a person may consent to a chemical test or tests as 1271  
described in that section. The court may admit evidence on the 1272

concentration of alcohol, drugs of abuse, or a combination of them 1273  
as described in this division when a person submits to a blood, 1274  
breath, urine, or other bodily substance test at the request of a 1275  
law enforcement officer under section 1547.111 of the Revised Code 1276  
or a blood or urine sample is obtained pursuant to a search 1277  
warrant. Only a physician, a registered nurse, an emergency 1278  
medical technician, or a qualified technician, chemist, or 1279  
phlebotomist shall withdraw blood for the purpose of determining 1280  
the alcohol, drug, controlled substance, metabolite of a 1281  
controlled substance, or combination content of the whole blood, 1282  
blood serum, or blood plasma. This limitation does not apply to 1283  
the taking of breath or urine specimens. A person authorized to 1284  
withdraw blood under this division may refuse to withdraw blood 1285  
under this division if, in that person's opinion, the physical 1286  
welfare of the defendant or child would be endangered by 1287  
withdrawing blood. 1288

The whole blood, blood serum or plasma, urine, or breath 1289  
withdrawn under division (D)(1)(b) of this section shall be 1290  
analyzed in accordance with methods approved by the director of 1291  
health by an individual possessing a valid permit issued by the 1292  
director pursuant to section 3701.143 of the Revised Code. 1293

(2) In a criminal prosecution or juvenile court proceeding 1294  
for a violation of division (A) of this section or for an 1295  
equivalent offense that is watercraft-related, if there was at the 1296  
time the bodily substance was taken a concentration of less than 1297  
the applicable concentration of alcohol specified for a violation 1298  
of division (A)(2), (3), (4), or (5) of this section or less than 1299  
the applicable concentration of a listed controlled substance or a 1300  
listed metabolite of a controlled substance specified for a 1301  
violation of division (A)(6) of this section, that fact may be 1302  
considered with other competent evidence in determining the guilt 1303  
or innocence of the defendant or in making an adjudication for the 1304

child. This division does not limit or affect a criminal 1305  
prosecution or juvenile court proceeding for a violation of 1306  
division (B) of this section or for a violation of a prohibition 1307  
that is substantially equivalent to that division. 1308

(3) Upon the request of the person who was tested, the 1309  
results of the chemical test shall be made available to the person 1310  
or the person's attorney immediately upon completion of the test 1311  
analysis. 1312

If the chemical test was administered pursuant to division 1313  
(D)(1)(b) of this section, the person tested may have a physician, 1314  
a registered nurse, or a qualified technician, chemist, or 1315  
phlebotomist of the person's own choosing administer a chemical 1316  
test or tests in addition to any administered at the direction of 1317  
a law enforcement officer, and shall be so advised. The failure or 1318  
inability to obtain an additional test by a person shall not 1319  
preclude the admission of evidence relating to the test or tests 1320  
taken at the direction of a law enforcement officer. 1321

(E)(1) In any criminal prosecution or juvenile court 1322  
proceeding for a violation of division (A) or (B) of this section, 1323  
of a municipal ordinance relating to operating or being in 1324  
physical control of any vessel underway or to manipulating any 1325  
water skis, aquaplane, or similar device on the waters of this 1326  
state while under the influence of alcohol, a drug of abuse, or a 1327  
combination of them, or of a municipal ordinance relating to 1328  
operating or being in physical control of any vessel underway or 1329  
to manipulating any water skis, aquaplane, or similar device on 1330  
the waters of this state with a prohibited concentration of 1331  
alcohol, a controlled substance, or a metabolite of a controlled 1332  
substance in the whole blood, blood serum or plasma, breath, or 1333  
urine, if a law enforcement officer has administered a field 1334  
sobriety test to the operator or person found to be in physical 1335  
control of the vessel underway involved in the violation or the 1336

person manipulating the water skis, aquaplane, or similar device 1337  
involved in the violation and if it is shown by clear and 1338  
convincing evidence that the officer administered the test in 1339  
substantial compliance with the testing standards for reliable, 1340  
credible, and generally accepted field sobriety tests for vehicles 1341  
that were in effect at the time the tests were administered, 1342  
including, but not limited to, any testing standards then in 1343  
effect that have been set by the national highway traffic safety 1344  
administration, that by their nature are not clearly inapplicable 1345  
regarding the operation or physical control of vessels underway or 1346  
the manipulation of water skis, aquaplanes, or similar devices, 1347  
all of the following apply: 1348

(a) The officer may testify concerning the results of the 1349  
field sobriety test so administered. 1350

(b) The prosecution may introduce the results of the field 1351  
sobriety test so administered as evidence in any proceedings in 1352  
the criminal prosecution or juvenile court proceeding. 1353

(c) If testimony is presented or evidence is introduced under 1354  
division (E)(1)(a) or (b) of this section and if the testimony or 1355  
evidence is admissible under the Rules of Evidence, the court 1356  
shall admit the testimony or evidence, and the trier of fact shall 1357  
give it whatever weight the trier of fact considers to be 1358  
appropriate. 1359

(2) Division (E)(1) of this section does not limit or 1360  
preclude a court, in its determination of whether the arrest of a 1361  
person was supported by probable cause or its determination of any 1362  
other matter in a criminal prosecution or juvenile court 1363  
proceeding of a type described in that division, from considering 1364  
evidence or testimony that is not otherwise disallowed by division 1365  
(E)(1) of this section. 1366

(F)(1) Subject to division (F)(3) of this section, in any 1367

criminal prosecution or juvenile court proceeding for a violation 1368  
of division (A) or (B) of this section or for an equivalent 1369  
offense that is substantially equivalent to either of those 1370  
divisions, the court shall admit as prima-facie evidence a 1371  
laboratory report from any laboratory personnel issued a permit by 1372  
the department of health authorizing an analysis as described in 1373  
this division that contains an analysis of the whole blood, blood 1374  
serum or plasma, breath, urine, or other bodily substance tested 1375  
and that contains all of the information specified in this 1376  
division. The laboratory report shall contain all of the 1377  
following: 1378

(a) The signature, under oath, of any person who performed 1379  
the analysis; 1380

(b) Any findings as to the identity and quantity of alcohol, 1381  
a drug of abuse, a controlled substance, a metabolite of a 1382  
controlled substance, or a combination of them that was found; 1383

(c) A copy of a notarized statement by the laboratory 1384  
director or a designee of the director that contains the name of 1385  
each certified analyst or test performer involved with the report, 1386  
the analyst's or test performer's employment relationship with the 1387  
laboratory that issued the report, and a notation that performing 1388  
an analysis of the type involved is part of the analyst's or test 1389  
performer's regular duties; 1390

(d) An outline of the analyst's or test performer's 1391  
education, training, and experience in performing the type of 1392  
analysis involved and a certification that the laboratory 1393  
satisfies appropriate quality control standards in general and, in 1394  
this particular analysis, under rules of the department of health. 1395

(2) Notwithstanding any other provision of law regarding the 1396  
admission of evidence, a report of the type described in division 1397  
(F)(1) of this section is not admissible against the defendant or 1398

child to whom it pertains in any proceeding, other than a 1399  
preliminary hearing or a grand jury proceeding, unless the 1400  
prosecutor has served a copy of the report on the defendant's or 1401  
child's attorney or, if the defendant or child has no attorney, on 1402  
the defendant or child. 1403

(3) A report of the type described in division (F)(1) of this 1404  
section shall not be prima-facie evidence of the contents, 1405  
identity, or amount of any substance if, within seven days after 1406  
the defendant or child to whom the report pertains or the 1407  
defendant's or child's attorney receives a copy of the report, the 1408  
defendant or child or the defendant's or child's attorney demands 1409  
the testimony of the person who signed the report. The judge in 1410  
the case may extend the seven-day time limit in the interest of 1411  
justice. 1412

(G) Except as otherwise provided in this division, any 1413  
physician, registered nurse, emergency medical technician, or 1414  
qualified technician, chemist, or phlebotomist who withdraws blood 1415  
from a person pursuant to this section or section 1547.111 of the 1416  
Revised Code, and a hospital, first-aid station, or clinic at 1417  
which blood is withdrawn from a person pursuant to this section or 1418  
section 1547.111 of the Revised Code, is immune from criminal and 1419  
civil liability based upon a claim of assault and battery or any 1420  
other claim that is not a claim of malpractice, for any act 1421  
performed in withdrawing blood from the person. The immunity 1422  
provided in this division also extends to an emergency medical 1423  
service organization that employs an emergency medical technician 1424  
who withdraws blood pursuant to this section. The immunity 1425  
provided in this division is not available to a person who 1426  
withdraws blood if the person engages in willful or wanton 1427  
misconduct. 1428

(H) Division (A)(6) of this section does not apply to a 1429  
person who operates or is in physical control of a vessel underway 1430

or manipulates any water skis, aquaplane, or similar device while 1431  
the person has a concentration of a listed controlled substance or 1432  
a listed metabolite of a controlled substance in the person's 1433  
whole blood, blood serum or plasma, or urine that equals or 1434  
exceeds the amount specified in that division, if both of the 1435  
following apply: 1436

(1) The person obtained the controlled substance pursuant to 1437  
a prescription issued by a licensed health professional authorized 1438  
to prescribe drugs. 1439

(2) The person injected, ingested, or inhaled the controlled 1440  
substance in accordance with the health professional's directions. 1441

(I) As used in this section and section 1547.111 of the 1442  
Revised Code: 1443

(1) "Equivalent offense" has the same meaning as in section 1444  
4511.181 of the Revised Code. 1445

(2) "National highway traffic safety administration" has the 1446  
same meaning as in section 4511.19 of the Revised Code. 1447

(3) "Operate" means that a vessel is being used on the waters 1448  
in this state when the vessel is not securely affixed to a dock or 1449  
to shore or to any permanent structure to which the vessel has the 1450  
right to affix or that a vessel is not anchored in a designated 1451  
anchorage area or boat camping area that is established by the 1452  
United States coast guard, this state, or a political subdivision 1453  
and in which the vessel has the right to anchor. 1454

(4) "Controlled substance" and "marihuana" have the same 1455  
meanings as in section 3719.01 of the Revised Code. 1456

(5) "Cocaine" and "L.S.D." have the same meanings as in 1457  
section 2925.01 of the Revised Code. 1458

(6) "Equivalent offense that is watercraft-related" means an 1459  
equivalent offense that is one of the following: 1460

(a) A violation of division (A) or (B) of this section;	1461
(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;	1462 1463 1464 1465 1466 1467 1468 1469 1470 1471 1472
(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this section;	1473 1474 1475
(d) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of this section.	1476 1477
<b>Sec. 1548.10. (A)</b> The clerk of the court of common pleas shall charge a <del>fee of five</del> <u>and retain fees as follows:</u>	1478 1479
<del>(1) Fifteen</del> dollars for each <del>memorandum certificate of title, each non negotiable evidence of ownership, and</del> each duplicate copy of a certificate of title. The <del>fees shall be retained by the clerk</del> <u>shall retain that entire fee.</u>	1480 1481 1482 1483
<del>In addition to those fees, the clerk shall charge a fee of five</del>	1484 1485
<del>(2) Fifteen</del> dollars for each certificate of title <del>and for each,</del> <u>which shall include any notation or indication of any lien or security interest on a certificate of title and any memorandum certificate of title or non-negotiable evidence of ownership requested at the time the certificate of title is issued.</u> The	1486 1487 1488 1489 1490



clerk shall retain ~~two~~ ten dollars and fifty cents of ~~the~~ that fee 1491  
charged for each certificate of title, and three dollars and fifty 1492  
cents of the fee charged for each notation or indication of any 1493  
lien or security interest. 1494

(3) Five dollars for each certificate of title with no 1495  
security interest noted that is issued to a licensed watercraft 1496  
dealer for resale purposes. The clerk shall retain two dollars of 1497  
that fee. 1498

(4) Five dollars for each memorandum certificate of title or 1499  
non-negotiable evidence of ownership that is applied for 1500  
separately. The clerk shall retain that entire fee. 1501

(B) The remaining fees charged for a certificate of title and 1502  
the notation or indication of any lien or security interest on a 1503  
certificate of title that are not retained by the clerk shall be 1504  
paid to the chief of the division of watercraft by monthly 1505  
returns, which shall be forwarded to the chief not later than the 1506  
fifth day of the month next succeeding that in which the 1507  
certificate is forwarded, or that in which the chief is notified 1508  
of a lien or security interest or cancellation of a lien or 1509  
security interest. 1510

The chief shall deposit one dollar of the amount the chief 1511  
receives for each certificate of title in the automated title 1512  
processing fund created in section 4505.09 of the Revised Code. 1513  
Moneys deposited in that fund under this section shall be used for 1514  
the purpose specified in division (B)(3)(b) of that section. 1515

**Sec. 1751.53.** (A) As used in this section: 1516

(1) "Group contract" means a group health insuring 1517  
corporation contract covering employees that meets either of the 1518  
following conditions: 1519

(a) The contract was issued by an entity that, on June 4, 1520

1997, holds a certificate of authority or license to operate under Chapter 1738. or 1742. of the Revised Code, and covers an employee at the time the employee's employment is terminated.

(b) The contract is delivered, issued for delivery, or renewed in this state after June 4, 1997, and covers an employee at the time the employee's employment is terminated.

(2) "Eligible employee" means an employee to whom all of the following apply:

(a) The employee has been continuously covered under a group contract or under the contract and any prior similar group coverage replaced by the contract, during the entire three-month period preceding the termination of the employee's employment.

~~(b) The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code~~ The employee did not voluntarily terminate the employee's employment and the termination of employment is not a result of any gross misconduct on the part of the employee.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare.

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the employee was not covered immediately prior to the termination of employment. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(B) A group contract shall provide that any eligible employee 1552  
may continue the coverage under the contract, for the employee and 1553  
the employee's eligible dependents, for a period of ~~six~~ twelve 1554  
months after the date that the group coverage would otherwise 1555  
terminate by reason of the termination of the employee's 1556  
employment. Each certificate of coverage issued to employees under 1557  
the contract shall include a notice of the employee's privilege of 1558  
continuation. 1559

(C) All of the following apply to the continuation of group 1560  
coverage required under division (B) of this section: 1561

(1) Continuation need not include any supplemental health 1562  
care services benefits or specialty health care services benefits 1563  
provided by the group contract. 1564

(2) The employer shall notify the employee of the right of 1565  
continuation at the time the employer notifies the employee of the 1566  
termination of employment. The notice shall inform the employee of 1567  
the amount of contribution required by the employer under division 1568  
(C)(4) of this section. 1569

(3) The employee shall file a written election of 1570  
continuation with the employer and pay the employer the first 1571  
contribution required under division (C)(4) of this section. The 1572  
request and payment must be received by the employer no later than 1573  
the earlier of any of the following dates: 1574

(a) Thirty-one days after the date on which the employee's 1575  
coverage would otherwise terminate; 1576

(b) Ten days after the date on which the employee's coverage 1577  
would otherwise terminate, if the employer has notified the 1578  
employee of the right of continuation prior to this date; 1579

(c) Ten days after the employer notifies the employee of the 1580  
right of continuation, if the notice is given after the date on 1581  
which the employee's coverage would otherwise terminate. 1582

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following occurs:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(b) A period of ~~six~~ twelve months expires after the date that the employee's coverage under the group contract would otherwise have terminated because of the termination of employment;

(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;

(d) The group contract is terminated, or the employer terminates participation under the contract, unless the employer replaces the coverage by similar coverage under another contract or other group health arrangement. If the employer replaces the contract with similar group health coverage, all of the following apply:

(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the contract replaced reduced by any benefits payable under the contract replaced.

(iii) The contract replaced shall continue to provide 1613  
benefits to the extent of its accrued liabilities and extensions 1614  
of benefits as if the replacement had not occurred. 1615

(D) This section does not apply to any group contract 1616  
offering only supplemental health care services or specialty 1617  
health care services. 1618

(E) An employee shall notify the health insuring corporation 1619  
if the employee elects continuation of coverage under this 1620  
section. The health insuring corporation may require the employer 1621  
to provide documentation if the employee elects continuation of 1622  
coverage and is seeking premium assistance for the continuation of 1623  
coverage under the "American Recovery and Investment Act of 2009," 1624  
Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall 1625  
publish guidance for employers and health insuring corporations 1626  
regarding the contents of such documentation. 1627

**Sec. 2911.21.** (A) No person, without privilege to do so, 1628  
shall do any of the following: 1629

(1) Knowingly enter or remain on the land or premises of 1630  
another; 1631

(2) Knowingly enter or remain on the land or premises of 1632  
another, the use of which is lawfully restricted to certain 1633  
persons, purposes, modes, or hours, when the offender knows the 1634  
offender is in violation of any such restriction or is reckless in 1635  
that regard; 1636

(3) Recklessly enter or remain on the land or premises of 1637  
another, as to which notice against unauthorized access or 1638  
presence is given by actual communication to the offender, or in a 1639  
manner prescribed by law, or by posting in a manner reasonably 1640  
calculated to come to the attention of potential intruders, or by 1641  
fencing or other enclosure manifestly designed to restrict access; 1642

(4) Being on the land or premises of another, negligently 1643  
fail or refuse to leave upon being notified by signage posted in a 1644  
conspicuous place or otherwise being notified to do so by the 1645  
owner or occupant, or the agent or servant of either. 1646

(B) It is no defense to a charge under this section that the 1647  
land or premises involved was owned, controlled, or in custody of 1648  
a public agency. 1649

(C) It is no defense to a charge under this section that the 1650  
offender was authorized to enter or remain on the land or premises 1651  
involved, when such authorization was secured by deception. 1652

(D)(1) Whoever violates this section is guilty of criminal 1653  
trespass, a misdemeanor of the fourth degree. 1654

~~(E)(2)~~ Notwithstanding section 2929.28 of the Revised Code, 1655  
if the person, in committing the violation of this section, used 1656  
an all-purpose vehicle, the court shall impose a fine of two times 1657  
the usual amount imposed for the violation. 1658

(3) If an offender previously has been convicted of or 1659  
pleaded guilty to two or more violations of this section or a 1660  
substantially equivalent municipal ordinance, and the offender, in 1661  
committing each violation, used an all-purpose vehicle, the court, 1662  
in addition to or independent of all other penalties imposed for 1663  
the violation, may impound the certificate of registration and 1664  
license plate of that all-purpose vehicle for not less than sixty 1665  
days. In such a case, section 4519.47 of the Revised Code applies. 1666

(E) Notwithstanding any provision of the Revised Code, if the 1667  
offender, in committing the violation of this section, used an 1668  
all-purpose vehicle, the clerk of the court shall pay the fine 1669  
imposed pursuant to this section to the state recreational vehicle 1670  
fund created by section 4519.11 of the Revised Code. 1671

(F) As used in this section, "land: 1672

(1) "All-purpose vehicle" has the same meaning as in section 4519.01 of the Revised Code. 1673  
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(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof. 1675  
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**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. 1678  
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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 county or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (H) of section 4511.191 of the Revised Code. 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 created pursuant to section 120.08 of the Revised Code. 1684  
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(B) The juvenile court in which a child is found to be a juvenile traffic offender for an act that is a moving violation shall impose an additional court cost of ten dollars upon the juvenile traffic offender. The juvenile court shall not waive the payment of the ten dollars unless the court determines that the juvenile is indigent and waives the payment of all court costs imposed upon the indigent offender.

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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 county juvenile indigent drivers alcohol treatment fund under the control of that court, as created by the county under division (H) of section 4511.191 of the Revised Code. 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 created pursuant to section 120.08 of the Revised Code.

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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

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this section. The clerk of the court shall retain the ten dollars 1736  
until the person is convicted, pleads guilty, forfeits bail, is 1737  
found not guilty, or has the charges dismissed. If the person is 1738  
convicted, pleads guilty, or forfeits bail, the clerk shall 1739  
transmit three dollars and fifty cents out of the ten dollars to 1740  
the ~~division of criminal justice services, and the division of~~ 1741  
~~criminal justice services shall deposit the money so transmitted~~ 1742  
into state treasury of which ninety-seven per cent shall be 1743  
credited to the drug law enforcement fund created under section 1744  
5502.68 of the Revised Code and the remaining three per cent shall 1745  
be credited to the justice program services fund created under 1746  
section 5502.67 of the Revised Code, the clerk shall transmit one 1747  
dollar and fifty cents out of the ten dollars to the county, 1748  
municipal, or county juvenile indigent drivers alcohol treatment 1749  
fund under the control of that court, as created by the county or 1750  
municipal corporation under division (H) of section 4511.191 of 1751  
the Revised Code, and the clerk shall transmit five dollars out of 1752  
the ten dollars to the state treasury to be credited to the 1753  
indigent defense support fund created under section 120.08 of the 1754  
Revised Code. If the person is found not guilty or the charges are 1755  
dismissed, the clerk shall return the ten dollars to the person. 1756  
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(D) No person shall be placed or held in a detention facility 1758  
for failing to pay the court cost or bail that is required to be 1759  
paid by this section. 1760

(E) As used in this section: 1761

(1) "Bail" and "moving violation" have the same meanings as 1762  
in section 2949.093 of the Revised Code. 1763

(2) "Detention facility" has the same meaning as in section 1764  
2921.01 of the Revised Code. 1765

(3) "Division of criminal justice services" means the 1766

division of criminal justice services of the department of public 1767  
safety, created by section 5502.62 of the Revised Code. 1768

**Sec. 3781.01.** (A) Chapters 3781. and 3791. of the Revised 1769  
Code do not prevent the legislative authority of a municipal 1770  
corporation from making further and additional regulations, not in 1771  
conflict with those chapters or with the rules the board of 1772  
building standards adopts. Those chapters or rules do not modify 1773  
or repeal any portion of any building code adopted by a municipal 1774  
corporation and in force on September 13, 1911, that is not in 1775  
direct conflict with those chapters or rules. 1776

(B) The state residential building code the board of building 1777  
standards adopts pursuant to section 3781.10 of the Revised Code 1778  
does not prevent a local governing authority from adopting 1779  
additional regulations governing residential structures that do 1780  
not conflict with the state residential building code if the 1781  
procedures in division (C) of this section are followed. 1782

(C)(1) A local governing authority shall, and any person may, 1783  
notify the board of building standards of any regulation the local 1784  
governing authority adopts pursuant to division (B) of this 1785  
section and request the board of building standards to determine 1786  
whether that regulation conflicts with the state residential 1787  
building code. 1788

(2) Not later than sixty days after receiving a notice under 1789  
division (C)(1) of this section, the board shall determine whether 1790  
the regulation conflicts with the state residential building code 1791  
and shall notify any person who submitted the notice and the local 1792  
governing authority that adopted the regulation of the board's 1793  
determination. 1794

(a) If the board determines that a conflict does not exist, 1795  
the board shall take no further action with regard to the 1796  
regulation. If the board determines a conflict exists and the 1797

regulation is not necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the regulation is not valid and the local governing authority may not enforce the regulation.

(b) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the board shall adopt a rule to incorporate the regulation into the state residential building code in accordance with division (D)(2) of section 4740.14 of the Revised Code. Until the rule becomes a part of the state residential building code, the board shall grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the board determines the temporary variance should apply.

(D) As used in this section, "local governing authority" means a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The residential building code adopted by the board shall be the only code for one-, two-, and three-family dwellings and shall include sanitation and plumbing standards. The standards shall relate to the conservation of energy and the safety and sanitation

of those buildings. 1829

(2) The rules governing nonresidential buildings are the 1830  
lawful minimum requirements specified for those buildings and 1831  
industrialized units, except that no rule other than as provided 1832  
in division (C) of section 3781.108 of the Revised Code that 1833  
specifies a higher requirement than is imposed by any section of 1834  
the Revised Code is enforceable. The rules governing residential 1835  
buildings are uniform requirements for residential buildings in 1836  
any area with a building department certified to enforce the state 1837  
residential building code. In no case shall any local code or 1838  
regulation ~~differ from~~ conflict with the state residential 1839  
building code unless that code or regulation addresses subject 1840  
matter not addressed by the state residential building code or is 1841  
adopted pursuant to section 3781.01 of the Revised Code. 1842

(3) The rules adopted pursuant to this section are complete, 1843  
lawful alternatives to any requirements specified for buildings or 1844  
industrialized units in any section of the Revised Code. ~~The~~ 1845  
Except as otherwise limited by division (I) of this section, the 1846  
board shall, on its own motion or on application made under 1847  
sections 3781.12 and 3781.13 of the Revised Code, formulate, 1848  
propose, adopt, modify, amend, or repeal the rules to the extent 1849  
necessary or desirable to effectuate the purposes of sections 1850  
3781.06 to 3781.18 of the Revised Code. 1851

(B) The board shall report to the general assembly proposals 1852  
for amendments to existing statutes relating to the purposes 1853  
declared in section 3781.06 of the Revised Code that public health 1854  
and safety and the development of the arts require and shall 1855  
recommend any additional legislation to assist in carrying out 1856  
fully, in statutory form, the purposes declared in that section. 1857  
The board shall prepare and submit to the general assembly a 1858  
summary report of the number, nature, and disposition of the 1859  
petitions filed under sections 3781.13 and 3781.14 of the Revised 1860

Code. 1861

(C) On its own motion or on application made under sections 1862  
3781.12 and 3781.13 of the Revised Code, and after thorough 1863  
testing and evaluation, the board shall determine by rule that any 1864  
particular fixture, device, material, process of manufacture, 1865  
manufactured unit or component, method of manufacture, system, or 1866  
method of construction complies with performance standards adopted 1867  
pursuant to section 3781.11 of the Revised Code. The board shall 1868  
make its determination with regard to adaptability for safe and 1869  
sanitary erection, use, or construction, to that described in any 1870  
section of the Revised Code, wherever the use of a fixture, 1871  
device, material, method of manufacture, system, or method of 1872  
construction described in that section of the Revised Code is 1873  
permitted by law. The board shall amend or annul any rule or issue 1874  
an authorization for the use of a new material or manufactured 1875  
unit on any like application. No department, officer, board, or 1876  
commission of the state other than the board of building standards 1877  
or the board of building appeals shall permit the use of any 1878  
fixture, device, material, method of manufacture, newly designed 1879  
product, system, or method of construction at variance with what 1880  
is described in any rule the board of building standards adopts or 1881  
issues or that is authorized by any section of the Revised Code. 1882  
Nothing in this section shall be construed as requiring approval, 1883  
by rule, of plans for an industrialized unit that conforms with 1884  
the rules the board of building standards adopts pursuant to 1885  
section 3781.11 of the Revised Code. 1886

(D) The board shall recommend rules, codes, and standards to 1887  
help carry out the purposes of section 3781.06 of the Revised Code 1888  
and to help secure uniformity of state administrative rulings and 1889  
local legislation and administrative action to the bureau of 1890  
workers' compensation, the director of commerce, any other 1891  
department, officer, board, or commission of the state, and to 1892

legislative authorities and building departments of counties, 1893  
townships, and municipal corporations, and shall recommend that 1894  
they audit those recommended rules, codes, and standards by any 1895  
appropriate action that they are allowed pursuant to law or the 1896  
constitution. 1897

(E)(1) The board shall certify municipal, township, and 1898  
county building departments and the personnel of those building 1899  
departments, and persons and employees of individuals, firms, or 1900  
corporations as described in division (E)(7) of this section to 1901  
exercise enforcement authority, to accept and approve plans and 1902  
specifications, and to make inspections, pursuant to sections 1903  
3781.03, 3791.04, and 4104.43 of the Revised Code. 1904

(2) The board shall certify departments, personnel, and 1905  
persons to enforce the state residential building code, to enforce 1906  
the nonresidential building code, or to enforce both the 1907  
residential and the nonresidential building codes. Any department, 1908  
personnel, or person may enforce only the type of building code 1909  
for which certified. 1910

(3) The board shall not require a building department, its 1911  
personnel, or any persons that it employs to be certified for 1912  
residential building code enforcement if that building department 1913  
does not enforce the state residential building code. The board 1914  
shall specify, in rules adopted pursuant to Chapter 119. of the 1915  
Revised Code, the requirements for certification for residential 1916  
and nonresidential building code enforcement, which shall be 1917  
consistent with this division. The requirements for residential 1918  
and nonresidential certification may differ. Except as otherwise 1919  
provided in this division, the requirements shall include, but are 1920  
not limited to, the satisfactory completion of an initial 1921  
examination and, to remain certified, the completion of a 1922  
specified number of hours of continuing building code education 1923  
within each three-year period following the date of certification 1924

which shall be not less than thirty hours. The rules shall provide 1925  
that continuing education credits and certification issued by the 1926  
council of American building officials, national model code 1927  
organizations, and agencies or entities the board recognizes are 1928  
acceptable for purposes of this division. The rules shall specify 1929  
requirements that are compatible, to the extent possible, with 1930  
requirements the council of American building officials and 1931  
national model code organizations establish. 1932

(4) The board shall establish and collect a certification and 1933  
renewal fee for building department personnel, and persons and 1934  
employees of persons, firms, or corporations as described in this 1935  
section, who are certified pursuant to this division. A portion of 1936  
the fees collected shall be used to fund the implementation of the 1937  
state residential building code and the operations of the 1938  
residential construction advisory committee. 1939

(5) Any individual certified pursuant to this division shall 1940  
complete the number of hours of continuing building code education 1941  
that the board requires or, for failure to do so, forfeit 1942  
certification. 1943

(6) This division does not require or authorize the board to 1944  
certify personnel of municipal, township, and county building 1945  
departments, and persons and employees of persons, firms, or 1946  
corporations as described in this section, whose responsibilities 1947  
do not include the exercise of enforcement authority, the approval 1948  
of plans and specifications, or making inspections under the state 1949  
residential and nonresidential building codes. 1950

(7) Enforcement authority for approval of plans and 1951  
specifications and enforcement authority for inspections may be 1952  
exercised, and plans and specifications may be approved and 1953  
inspections may be made on behalf of a municipal corporation, 1954  
township, or county, by any of the following who the board of 1955  
building standards certifies: 1956

(a) Officers or employees of the municipal corporation, township, or county;	1957 1958
(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;	1959 1960 1961
(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services.	1962 1963 1964 1965
(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.	1966 1967 1968 1969 1970
(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:	1971 1972 1973 1974
(a) Whether the certification is requested for residential or nonresidential buildings, or both;	1975 1976
(b) The number and qualifications of the staff composing the building department;	1977 1978
(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;	1979 1980 1981
(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;	1982 1983 1984 1985
(e) The proposed budget for the operation of the building	1986



department. 1987

(10) The board of building standards shall adopt rules 1988  
governing all of the following: 1989

(a) The certification of building department personnel and 1990  
persons and employees of persons, firms, or corporations 1991  
exercising authority pursuant to division (E)(7) of this section. 1992  
The rules shall disqualify any employee of the department or 1993  
person who contracts for services with the department from 1994  
performing services for the department when that employee or 1995  
person would have to pass upon, inspect, or otherwise exercise 1996  
authority over any labor, material, or equipment the employee or 1997  
person furnishes for the construction, alteration, or maintenance 1998  
of a building or the preparation of working drawings or 1999  
specifications for work within the jurisdictional area of the 2000  
department. The department shall provide other similarly qualified 2001  
personnel to enforce the residential and nonresidential building 2002  
codes as they pertain to that work. 2003

(b) The minimum services to be provided by a certified 2004  
building department. 2005

(11) The board of building standards may revoke or suspend 2006  
certification to enforce the residential and nonresidential 2007  
building codes, on petition to the board by any person affected by 2008  
that enforcement or approval of plans, or by the board on its own 2009  
motion. Hearings shall be held and appeals permitted on any 2010  
proceedings for certification or revocation or suspension of 2011  
certification in the same manner as provided in section 3781.101 2012  
of the Revised Code for other proceedings of the board of building 2013  
standards. 2014

(12) Upon certification, and until that authority is revoked, 2015  
any county or township building department shall enforce the 2016  
residential and nonresidential building codes for which it is 2017

certified without regard to limitation upon the authority of 2018  
boards of county commissioners under Chapter 307. of the Revised 2019  
Code or boards of township trustees under Chapter 505. of the 2020  
Revised Code. 2021

(F) In addition to hearings sections 3781.06 to 3781.18 and 2022  
3791.04 of the Revised Code require, the board of building 2023  
standards shall make investigations and tests, and require from 2024  
other state departments, officers, boards, and commissions 2025  
information the board considers necessary or desirable to assist 2026  
it in the discharge of any duty or the exercise of any power 2027  
mentioned in this section or in sections 3781.06 to 3781.18, 2028  
3791.04, and 4104.43 of the Revised Code. 2029

(G) The board shall adopt rules and establish reasonable fees 2030  
for the review of all applications submitted where the applicant 2031  
applies for authority to use a new material, assembly, or product 2032  
of a manufacturing process. The fee shall bear some reasonable 2033  
relationship to the cost of the review or testing of the 2034  
materials, assembly, or products and for the notification of 2035  
approval or disapproval as provided in section 3781.12 of the 2036  
Revised Code. 2037

(H)(1) The residential construction advisory committee shall 2038  
provide the board with a proposal for a state residential building 2039  
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 2040  
of section 4740.14 of the Revised Code. Upon receiving a 2041  
recommendation from the committee that is acceptable to the board, 2042  
the board shall adopt rules establishing that code as the state 2043  
residential building code. 2044

(2) With respect to a residential energy code as a component 2045  
of the residential building code, the board shall adopt rules to 2046  
implement the most recently published international energy 2047  
conservation code (IECC) or a code that the residential 2048  
construction advisory committee determines achieves an equivalent 2049

energy savings. No residential energy code shall be adopted by the 2050  
board until the residential construction advisory committee has 2051  
examined the code in accordance with the requirements of section 2052  
4740.14 of the Revised Code. 2053

(I) The committee shall provide the board with proposed rules 2054  
to update or amend the state residential building code or to 2055  
update or amend rules that the board adopts pursuant to division 2056  
(E) of this section that relate to the certification of entities 2057  
that enforce the state residential building code that the 2058  
committee recommends pursuant to division (D)(2) of section 2059  
4740.14 of the Revised Code. Upon receiving a recommendation from 2060  
the committee that is acceptable to the board, the board shall 2061  
adopt rules in accordance with that recommendation. 2062

The board shall not adopt any rules to update or amend the 2063  
state residential building code or the rules the board adopts 2064  
pursuant to division (E) of this section as those rules relate to 2065  
the certification of entities that enforce the state residential 2066  
building code unless the board first receives a recommendation 2067  
from the committee as described in division (D)(2) of section 2068  
4740.14 of the Revised Code. 2069

(J) The board shall cooperate with the director of job and 2070  
family services when the director promulgates rules pursuant to 2071  
section 5104.05 of the Revised Code regarding safety and 2072  
sanitation in type A family day-care homes. 2073

~~(J)~~(K) The board shall adopt rules to implement the 2074  
requirements of section 3781.108 of the Revised Code. 2075

(L) With respect to a commercial energy code as a component 2076  
of the commercial building code, the board of building standards 2077  
shall adopt rules to implement the energy code for buildings 2078  
developed by the American national standards institute, the 2079  
American society of heating, refrigerating, and air conditioning, 2080

and the illuminating engineering society of North America, known 2081  
as the ANSI/ASHRAE/IESNA Standard 90.1-2007, or a code that 2082  
achieves equivalent or greater energy savings. 2083

**Sec. 3781.12.** (A)(1) Any person may petition the board of 2084  
building standards to adopt, amend, or annul a rule adopted 2085  
pursuant to section 3781.10 of the Revised Code, except for any 2086  
rules regarding the state residential building code or rules the 2087  
board adopts pursuant to division (E) of that section as those 2088  
rules relate to the certification of entities that enforce the 2089  
state residential building code, or to permit the use of any 2090  
particular fixture, device, material, system, method of 2091  
manufacture, product of a manufacturing process, or method or 2092  
manner of construction or installation that complies with 2093  
performance standards adopted pursuant to section 3781.11 of the 2094  
Revised Code, as regards the purposes declared in section 3781.06 2095  
of the Revised Code, of the fixtures, devices, materials, systems, 2096  
or methods or manners of construction, manufacture or installation 2097  
described in any section of the Revised Code relating to those 2098  
purposes, where the use is permitted by law. 2099

(2) Any person may petition the residential construction 2100  
advisory committee to recommend a rule to the board that the board 2101  
adopts pursuant to division (E) of section 3781.10 of the Revised 2102  
Code regarding the state residential building code or relating to 2103  
the certification of entities that enforce the state residential 2104  
building code. 2105

(B) Upon petition under division (A) of this section, the 2106  
board shall cause to be conducted testing and evaluation that the 2107  
board determines desirable of any fixture, device, material, 2108  
system, assembly or product of a manufacturing process, or method 2109  
or manner of construction or installation sought to be used under 2110  
the rules the board adopts pursuant to section 3781.10 of the 2111

Revised Code. 2112

(C) If the board, after hearing, determines it advisable to 2113  
adopt the rule, amendment, or annulment, or to permit the use of 2114  
the materials or assemblages petitioned for under division (A) of 2115  
this section, it shall give at least thirty days' notice of the 2116  
time and place of a public hearing as provided by section 119.03 2117  
of the Revised Code. No rule shall be adopted, amended, or 2118  
annulled or the use of materials or assemblages authorized until 2119  
after the public hearing. A copy of every rule, amendment, or 2120  
annulment, and a copy of every approved material or assembly 2121  
authorization signed by the chairperson of the board of building 2122  
standards and sealed with the seal of the department of commerce 2123  
shall, after final adoption or authorization by the board, be 2124  
filed with the secretary of state and published as the board 2125  
determines. The issuance of the authorization for the use of the 2126  
materials or assemblages described in the petition constitutes 2127  
approval for their use anywhere in this state. Any rule, 2128  
amendment, or annulment does not take effect until a date the 2129  
board fixes and states. No rule, amendment, or annulment applies 2130  
to any building for which the plans or drawings, specifications, 2131  
and data were approved prior to the time the rule, amendment, or 2132  
annulment becomes effective. All hearings of the board are open to 2133  
the public. Each member of the board may administer oaths in the 2134  
performance of the member's duties. 2135

**Sec. 3781.19.** There is hereby established in the department 2136  
of commerce a board of building appeals consisting of five members 2137  
who shall be appointed by the governor with the advice and consent 2138  
of the senate. Terms of office shall be for four years, commencing 2139  
on the fourteenth day of October and ending on the thirteenth day 2140  
of October. Each member shall hold office from the date of 2141  
appointment until the end of the term for which the member was 2142  
appointed. Any member appointed to fill a vacancy occurring prior 2143

to the expiration of the term for which the member's predecessor 2144  
was appointed shall hold office for the remainder of such term. 2145  
Any member shall continue in office subsequent to the expiration 2146  
date of the member's term until a successor takes office, or until 2147  
a period of sixty days has elapsed, whichever occurs first. One 2148  
member shall be an attorney-at-law, admitted to the bar of this 2149  
state and of the remaining members, one shall be a registered 2150  
architect and one shall be a professional engineer, each of whom 2151  
shall be duly licensed to practice their respective professions in 2152  
this state, one shall be a fire prevention officer qualified under 2153  
section 3737.66 of the Revised Code, and one shall be a person 2154  
with recognized ability in the plumbing or pipefitting profession. 2155  
No member of the board of building standards shall be a member of 2156  
the board of building appeals. Each member shall be paid an amount 2157  
fixed pursuant to Chapter 124. of the Revised Code per diem. The 2158  
department shall provide and assign to the board such employees as 2159  
are required by the board to perform its functions. The board may 2160  
adopt its own rules of procedure not inconsistent with sections 2161  
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 2162  
them in its discretion. The board may establish reasonable fees, 2163  
based on actual costs for administration of filing and processing, 2164  
not to exceed two hundred dollars, for the costs of filing and 2165  
processing appeals. A full and complete record of all proceedings 2166  
of the board shall be kept and be open to public inspection. 2167

In the enforcement by any department of the state or any 2168  
political subdivision of this chapter and Chapter 3791., and 2169  
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 2170  
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 2171  
made thereunder, such department is the agency referred to in 2172  
sections 119.07, 119.08, and 119.10 of the Revised Code. 2173

The appropriate municipal or county board of appeals, where 2174  
one exists, certified pursuant to section 3781.20 of the Revised 2175

Code shall conduct the adjudication hearing referred to in 2176  
sections 119.09 to 119.13 and required by section 3781.031 of the 2177  
Revised Code. If there is no certified municipal or county board 2178  
of appeals, the board of building appeals shall conduct the 2179  
adjudication hearing. If the adjudication hearing concerns section 2180  
3781.111 of the Revised Code or any rule made thereunder, 2181  
reasonable notice of the time, date, place, and subject of the 2182  
hearing shall be given to any local corporation, association, or 2183  
other organization composed of or representing handicapped 2184  
persons, as defined in section 3781.111 of the Revised Code, or if 2185  
there is no local organization, then to any statewide corporation, 2186  
association, or other organization composed of or representing 2187  
handicapped persons. 2188

In addition to the provisions of Chapter 119. of the Revised 2189  
Code, the municipal, county, or state board of building appeals, 2190  
as the agency conducting the adjudication hearing, may reverse or 2191  
modify the order of the enforcing agency if it finds that the 2192  
order is contrary to this chapter and Chapters 3791. and 4104., 2193  
and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the 2194  
Revised Code and any rule made thereunder or to a fair 2195  
interpretation or application of such laws or any rule made 2196  
thereunder, or that a variance from the provisions of such laws or 2197  
any rule made thereunder, in the specific case, will not be 2198  
contrary to the public interest where a literal enforcement of 2199  
such provisions will result in unnecessary hardship. 2200

The state board of building appeals or a certified municipal 2201  
or county board of appeals shall render its decision within thirty 2202  
days after the date of the adjudication hearing. Following the 2203  
adjudication hearing, any municipal or county officer, official 2204  
municipal or county board, or person who was a party to the 2205  
hearing before the municipal or county board of appeals may apply 2206  
to the state board of appeals for a de novo hearing before the 2207

state board, or may appeal directly to the court of common pleas 2208  
pursuant to section 3781.031 of the Revised Code. 2209

In addition, any local corporation, association, or other 2210  
organization composed of or representing handicapped persons as 2211  
defined in section 3781.111 of the Revised Code, or, if no local 2212  
corporation, association, or organization exists, then any 2213  
statewide corporation, association, or other organization composed 2214  
of or representing handicapped persons may apply for the de novo 2215  
hearing or appeal to the court of common pleas from any decision 2216  
of a certified municipal or county board of appeals interpreting, 2217  
applying, or granting a variance from section 3781.111 of the 2218  
Revised Code and any rule made thereunder. Application for a de 2219  
novo hearing before the state board shall be made no later than 2220  
thirty days after the municipal or county board renders its 2221  
decision. 2222

The state board of building appeals or the appropriate 2223  
certified local board of building appeals shall grant variances 2224  
and exemptions from the requirements of section 3781.108 of the 2225  
Revised Code in accordance with rules adopted by the board of 2226  
building standards pursuant to division ~~(J)~~(K) of section 3781.10 2227  
of the Revised Code. 2228

The state board of building appeals or the appropriate 2229  
certified local board of building appeals shall, in granting a 2230  
variance or exemption from section 3781.108 of the Revised Code, 2231  
in addition to any other considerations the state or the 2232  
appropriate local board determines appropriate, consider the 2233  
architectural and historical significance of the building. 2234

**Sec. 3905.423.** (A) As used in this section: 2235

(1) "Consumer" has the same meaning as in section 1345.01 of 2236  
the Revised Code. 2237



(2) "Consumer goods" means goods sold, leased, assigned, awarded by chance, or transferred to a consumer in a consumer transaction.	2238 2239 2240
(3) "Consumer goods service contract" means a contract or agreement to perform or pay for repairs, replacement, or maintenance of consumer goods due to a defect in materials or workmanship, normal wear and tear, power surges, or accidental damage from handling, that is effective for a specified duration and paid for by means other than the purchase of the consumer goods. "Consumer goods service contract" does not include any of the following:	2241 2242 2243 2244 2245 2246 2247 2248
(a) A contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle or utility vehicle, as defined in section 4501.01 of the Revised Code, <u>due to a defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle</u> that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle or utility vehicle;	2249 2250 2251 2252 2253 2254 2255 2256
(b) A vehicle protection product as defined in section 3905.421 of the Revised Code;	2257 2258
(c) A home service contract as defined in section 3905.422 of the Revised Code;	2259 2260
(d) <u>A motor vehicle tire or wheel road hazard contract as defined in section 3905.425 of the Revised Code;</u>	2261 2262
(e) <u>A motor vehicle ancillary product protection contract as defined in section 3905.426 of the Revised Code.</u>	2263 2264
(4) "Consumer transaction" has the same meaning as in section 1345.01 of the Revised Code.	2265 2266
(5) "Contract holder" means the consumer who purchased goods	2267

covered by a consumer goods service contract, any authorized 2268  
transferee or assignee of the consumer, or any other person 2269  
assuming the consumer's rights under the consumer goods service 2270  
contract. 2271

(6) "Provider" means a person who is contractually obligated 2272  
to a contract holder under the terms of a consumer goods service 2273  
contract. 2274

(7) "Reimbursement insurance policy" means a policy of 2275  
insurance issued by an insurer authorized or eligible to do 2276  
business in this state to a provider to pay, on behalf of the 2277  
provider, all covered contractual obligations incurred by the 2278  
provider under the terms and conditions of the consumer goods 2279  
service contract. 2280

(8) "Supplier" has the same meaning as in section 1345.01 of 2281  
the Revised Code. 2282

(B) All consumer goods service contracts issued in this state 2283  
that provide for the performance of or payment for repairs, 2284  
replacement, or maintenance of consumer goods due to power surges 2285  
or accidental damage from handling shall be covered by a 2286  
reimbursement insurance policy. 2287

(C) A consumer goods service contract issued by a provider 2288  
that is required to be covered by a reimbursement insurance policy 2289  
under division (B) of this section shall ~~comply with~~ conspicuously 2290  
state all of the following ~~requirements~~: 2291

(1) ~~Conspicuously state that~~ That the obligations of the 2292  
provider are guaranteed under a reimbursement insurance policy; 2293

(2) ~~Conspicuously state that~~ That if a provider fails to 2294  
perform or make payment due under the terms of the contract within 2295  
sixty days after the contract holder requests performance or 2296  
payment pursuant to the terms of the contract, the contract holder 2297  
may request performance or payment directly from the provider's 2298

reimbursement insurance policy insurer, including, but not limited 2299  
to, any obligation in the contract by which the provider must 2300  
refund the contract holder upon cancellation of a contract; 2301  
2302

(3) ~~Conspicuously state the~~ The name, address, and telephone 2303  
number of the provider's reimbursement insurance policy insurer. 2304

(D) A reimbursement insurance policy that is required to be 2305  
issued under this section shall contain a: 2306

(1) A statement that if a provider fails to perform or make 2307  
payment due under the terms of the consumer goods service contract 2308  
within sixty days after the contract holder requests performance 2309  
or payment pursuant to the terms of the contract, the contract 2310  
holder may request performance or payment directly from the 2311  
provider's reimbursement insurance policy insurer, including, but 2312  
not limited to, any obligation in the contract by which the 2313  
provider must refund the contract holder upon cancellation of a 2314  
contract; 2315

(2) A statement that in the event of cancellation of the 2316  
provider's reimbursement insurance policy, insurance coverage will 2317  
continue for all contract holders whose consumer goods service 2318  
contracts were issued by the provider and reported to the insurer 2319  
for coverage during the term of the reimbursement insurance 2320  
policy. 2321

(E) The sale or issuance of a consumer goods service contract 2322  
is a consumer transaction for purposes of sections 1345.01 to 2323  
1345.13 of the Revised Code. The provider is the supplier and the 2324  
contract holder is the consumer for purposes of those sections. 2325

(F) Unless issued by an insurer authorized or eligible to do 2326  
business in this state, a consumer goods service contract does not 2327  
constitute a contract substantially amounting to insurance, or the 2328  
contract's issuance the business of insurance, under section 2329

3905.42 of the Revised Code. 2330

(G) The rights of a contract holder against a provider's 2331  
reimbursement insurance policy insurer as provided in this section 2332  
apply only in regard to a reimbursement insurance policy issued 2333  
under this section. This section does not create any contractual 2334  
rights in favor of a person that does not qualify as an insured 2335  
under any other type of insurance policy described in Title XXXIX 2336  
of the Revised Code. 2337

**Sec. 3905.425.** (A) As used in this section: 2338

(1) "Contract holder" means the person who purchased a motor 2339  
vehicle tire or wheel road hazard contract, any authorized 2340  
transferee or assignee of the purchaser, or any other person 2341  
assuming the purchaser's rights under the motor vehicle tire or 2342  
wheel road hazard contract. 2343

(2) "Motor vehicle" has the same meaning as in section 2344  
4501.01 of the Revised Code and also includes utility vehicles as 2345  
defined in that section. 2346

(3) "Motor vehicle tire or wheel road hazard contract" means 2347  
a contract or agreement to perform or pay for repairs or 2348  
replacement of tires or wheels damaged because of a road hazard 2349  
with or without additional provisions for incidental payment of 2350  
indemnity under limited circumstances, including, without 2351  
limitation, towing, rental, and emergency road services, that is 2352  
effective for a specified duration and paid for by means other 2353  
than the purchase of the motor vehicle tire or wheel. "Motor 2354  
vehicle tire or wheel road hazard contract" does not include any 2355  
of the following: 2356

(a) A contract or agreement to perform or pay for the repair, 2357  
replacement, or maintenance of a motor vehicle due to a defect in 2358  
materials or workmanship, normal wear and tear, mechanical or 2359

electrical breakdown, or failure of parts or equipment of a motor vehicle that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle; 2360  
2361  
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(b) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code; 2363  
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(c) A home service contract as defined in section 3905.422 of the Revised Code; 2365  
2366

(d) A consumer goods service contract as defined in section 3905.423 of the Revised Code. 2367  
2368

(4) "Provider" means a person who is contractually obligated to a contract holder under the terms of a motor vehicle tire or wheel road hazard contract. 2369  
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(5) "Reimbursement insurance policy" means a policy of insurance issued by an insurer authorized or eligible to do business in this state to a provider to pay, on behalf of the provider in the event of the provider's nonperformance, all covered contractual obligations incurred by the provider under the terms and conditions of the motor vehicle tire or wheel road hazard contract. 2372  
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(6) "Road hazard" means a condition that may cause damage or wear and tear to a tire or wheel on a public or private roadway, roadside, driveway, or parking lot or garage, including potholes, nails, glass, road debris, and curbs. "Road hazard" does not include fire, theft, vandalism or malicious mischief, or other perils normally covered by automobile physical damage insurance. 2379  
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(7) "Supplier" has the same meaning as in section 1345.01 of the Revised Code. 2385  
2386

(B)(1) All motor vehicle tire or wheel road hazard contracts issued in this state shall be covered by a reimbursement insurance policy. 2387  
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(2) A motor vehicle tire or wheel road hazard contract in 2390  
which the provider is a tire manufacturer is exempt from the 2391  
requirement of division (B)(1) of this section. 2392

(C) A motor vehicle tire or wheel road hazard contract issued 2393  
by a provider that is required to be covered by a reimbursement 2394  
insurance policy under division (B) of this section shall 2395  
conspicuously state all of the following: 2396

(1) "This contract is not insurance and is not subject to the 2397  
insurance laws of this state." 2398

(2) That the obligations of the provider are guaranteed under 2399  
a reimbursement insurance policy; 2400

(3) That if a provider fails to perform or make payment due 2401  
under the terms of the contract within sixty days after the 2402  
contract holder requests performance or payment pursuant to the 2403  
terms of the contract, the contract holder may request performance 2404  
or payment directly from the provider's reimbursement insurance 2405  
policy insurer, including any obligation in the contract by which 2406  
the provider must refund the contract holder upon cancellation of 2407  
a contract; 2408

(4) The name, address, and telephone number of the provider's 2409  
reimbursement insurance policy insurer. 2410

(D) A reimbursement insurance policy that is required to be 2411  
issued under this section shall contain: 2412

(1) A statement that if a provider fails to perform or make 2413  
payment due under the terms of the motor vehicle tire or wheel 2414  
road hazard contract within sixty days after the contract holder 2415  
requests performance or payment pursuant to the terms of the 2416  
contract, the contract holder may request performance or payment 2417  
directly from the provider's reimbursement insurance policy 2418  
insurer, including any obligation in the contract by which the 2419  
provider must refund the contract holder upon cancellation of a 2420

contract; 2421

(2) A statement that in the event of cancellation of the 2422  
provider's reimbursement insurance policy, insurance coverage will 2423  
continue for all contract holders whose motor vehicle tire or 2424  
wheel road hazard contracts were issued by the provider and 2425  
reported to the insurer for coverage during the term of the 2426  
reimbursement insurance policy. 2427

(E) The sale or issuance of a motor vehicle tire or wheel 2428  
road hazard contract is a consumer transaction for purposes of 2429  
sections 1345.01 to 1345.13 of the Revised Code. The provider is 2430  
the supplier and the contract holder is the consumer for purposes 2431  
of those sections. 2432

(F) Unless issued by an insurer authorized or eligible to do 2433  
business in this state, a motor vehicle tire or wheel road hazard 2434  
contract does not constitute a contract substantially amounting to 2435  
insurance, or the contract's issuance the business of insurance, 2436  
under section 3905.42 of the Revised Code. 2437

(G) The rights of a contract holder against a provider's 2438  
reimbursement insurance policy insurer as provided in this section 2439  
apply only in regard to a reimbursement insurance policy issued 2440  
under this section. This section does not create any contractual 2441  
rights in favor of a person that does not qualify as an insured 2442  
under any other type of insurance policy described in Title XXXIX 2443  
of the Revised Code. This section does not prohibit the insurer of 2444  
a provider's reimbursement insurance policy from assuming 2445  
liability for contracts issued prior to the effective date of the 2446  
policy or this statute. 2447

**Sec. 3905.426.** (A) As used in this section: 2448

(1) "Contract holder" means the person who purchased a motor 2449  
vehicle ancillary product protection contract, any authorized 2450

transferee or assignee of the purchaser, or any other person 2451  
assuming the purchaser's rights under the motor vehicle ancillary 2452  
product protection contract. 2453

(2) "Motor vehicle" has the same meaning as in section 2454  
4501.01 of the Revised Code and also includes utility vehicles as 2455  
defined in that section. 2456

(3)(a) "Motor vehicle ancillary product protection contract" 2457  
means a contract or agreement that is effective for a specified 2458  
duration and paid for by means other than the purchase of a motor 2459  
vehicle, or its parts or equipment, to perform any one or more of 2460  
the following services: 2461

(i) Repair or replacement of glass on a motor vehicle 2462  
necessitated by wear and tear or damage caused by a road hazard; 2463

(ii) Removal of a dent, ding, or crease without affecting the 2464  
existing paint finish using paintless dent removal techniques but 2465  
which expressly excludes replacement of vehicle body panels, 2466  
sanding, bonding, or painting; 2467

(iii) Repair to the interior components of a motor vehicle 2468  
necessitated by wear and tear but which expressly excludes 2469  
replacement of any part or component of a motor vehicle's 2470  
interior. 2471

(b) "Motor vehicle ancillary product protection contract" 2472  
does not include any of the following: 2473

(i) A contract or agreement to perform or pay for the repair, 2474  
replacement, or maintenance of a motor vehicle due to defect in 2475  
materials or workmanship, normal wear and tear, mechanical or 2476  
electrical breakdown, or failure of parts or equipment of a motor 2477  
vehicle that is effective for a specified duration and paid for by 2478  
means other than the purchase of a motor vehicle; 2479

(ii) A vehicle protection product warranty as defined in 2480



<u>section 3905.421 of the Revised Code;</u>	2481
<u>(iii) A home service contract as defined in section 3905.422</u>	2482
<u>of the Revised Code;</u>	2483
<u>(iv) A consumer goods service contract as defined in section</u>	2484
<u>3905.423 of the Revised Code;</u>	2485
<u>(v) A motor vehicle tire or wheel road hazard contract as</u>	2486
<u>defined in section 3905.425 of the Revised Code.</u>	2487
<u>(4) "Provider" means a person who is contractually obligated</u>	2488
<u>to a contract holder under the terms of a motor vehicle ancillary</u>	2489
<u>product protection contract.</u>	2490
<u>(5) "Reimbursement insurance policy" means a policy of</u>	2491
<u>insurance issued by an insurer authorized or eligible to do</u>	2492
<u>business in this state to a provider to pay, on behalf of the</u>	2493
<u>provider, all covered contractual obligations incurred by the</u>	2494
<u>provider under the terms and conditions of the motor vehicle</u>	2495
<u>ancillary product protection contract.</u>	2496
<u>(6) "Supplier" has the same meaning as in section 1345.01 of</u>	2497
<u>the Revised Code.</u>	2498
<u>(B) All motor vehicle ancillary product protection contracts</u>	2499
<u>issued in this state shall be covered by a reimbursement insurance</u>	2500
<u>policy.</u>	2501
<u>(C) A motor vehicle ancillary product protection contract</u>	2502
<u>issued by a provider that is required to be covered by a</u>	2503
<u>reimbursement insurance policy under division (B) of this section</u>	2504
<u>shall conspicuously state all of the following:</u>	2505
<u>(1) "This contract is not insurance and is not subject to the</u>	2506
<u>insurance laws of this state."</u>	2507
<u>(2) "This contract may provide a duplication of coverage</u>	2508
<u>already provided by your automobile physical damage insurance</u>	2509
<u>policy."</u>	2510

(3) That the obligations of the provider are guaranteed under 2511  
a reimbursement insurance policy; 2512

(4) That if a provider fails to perform or make payment due 2513  
under the terms of the contract within sixty days after the 2514  
contract holder requests performance or payment pursuant to the 2515  
terms of the contract, the contract holder may request performance 2516  
or payment directly from the provider's reimbursement insurance 2517  
policy insurer, including any obligation in the contract by which 2518  
the provider must refund the contract holder upon cancellation of 2519  
a contract; 2520

(5) The name, address, and telephone number of the provider's 2521  
reimbursement insurance policy insurer. 2522

(D) A reimbursement insurance policy that is required to be 2523  
issued under this section shall contain: 2524

(1) A statement that if a provider fails to perform or make 2525  
payment due under the terms of the motor vehicle ancillary product 2526  
protection contract within sixty days after the contract holder 2527  
requests performance or payment pursuant to the terms of the 2528  
contract, the contract holder may request performance or payment 2529  
directly from the provider's reimbursement insurance policy 2530  
insurer, including any obligation in the contract by which the 2531  
provider must refund the contract holder upon cancellation of a 2532  
contract. 2533

(2) A statement that in the event of cancellation of the 2534  
provider's reimbursement insurance policy, insurance coverage will 2535  
continue for all contract holders whose motor vehicle ancillary 2536  
product protection contracts were issued by the provider and 2537  
reported to the insurer for coverage during the term of the 2538  
reimbursement insurance policy. 2539

(E) The sale or issuance of a motor vehicle ancillary product 2540  
protection contract is a consumer transaction for purposes of 2541

sections 1345.01 to 1345.13 of the Revised Code. The provider is 2542  
the supplier and the contract holder is the consumer for purposes 2543  
of those sections. 2544

(F) Unless issued by an insurer authorized or eligible to do 2545  
business in this state, a motor vehicle ancillary product 2546  
protection contract does not constitute a contract substantially 2547  
amounting to insurance, or the contract's issuance the business of 2548  
insurance, under section 3905.42 of the Revised Code. 2549

(G) The rights of a contract holder against a provider's 2550  
reimbursement insurance policy insurer as provided in this section 2551  
apply only in regard to a reimbursement insurance policy issued 2552  
under this section. This section does not create any contractual 2553  
rights in favor of a person that does not qualify as an insured 2554  
under any other type of insurance policy described in Title XXXIX 2555  
of the Revised Code. This section does not prohibit the insurer of 2556  
a provider's reimbursement insurance policy from assuming 2557  
liability for contracts issued prior to the effective date of the 2558  
policy or this statute. 2559

**Sec. 3923.38.** (A) As used in this section: 2560

(1) "Group policy" includes any group sickness and accident 2561  
policy or contract delivered, issued for delivery, or renewed in 2562  
this state on or after June 28, 1984, and any private or public 2563  
employer self-insurance plan or other plan that provides, or 2564  
provides payment for, health care benefits for employees resident 2565  
in this state other than through an insurer or health insuring 2566  
corporation, to which both of the following apply: 2567

(a) The policy insures employees for hospital, surgical, or 2568  
major medical insurance on an expense incurred or service basis, 2569  
other than for specified diseases or for accidental injuries only. 2570

(b) The policy is in effect and covers an eligible employee 2571

at the time the employee's employment is terminated. 2572

(2) "Eligible employee" includes only an employee to whom all 2573  
of the following apply: 2574

(a) The employee has been continuously insured under a group 2575  
policy or under the policy and any prior similar group coverage 2576  
replaced by the policy, during the entire three-month period 2577  
preceding the termination of the employee's employment. 2578

~~(b) The employee is entitled, at the time of the termination~~ 2579  
~~of the employee's employment, to unemployment compensation~~ 2580  
~~benefits under Chapter 4141. of the Revised Code~~ The employee did 2581  
not voluntarily terminate the employee's employment and the 2582  
termination of employment is not a result of any gross misconduct 2583  
on the part of the employee. 2584

(c) The employee is not, and does not become, covered by or 2585  
eligible for coverage by medicare under Title XVIII of the Social 2586  
Security Act, as amended. 2587

(d) The employee is not, and does not become, covered by or 2588  
eligible for coverage by any other insured or uninsured 2589  
arrangement that provides hospital, surgical, or medical coverage 2590  
for individuals in a group and under which the person was not 2591  
covered immediately prior to such termination. A person eligible 2592  
for continuation of coverage under this section, who is also 2593  
eligible for coverage under section 3923.123 of the Revised Code, 2594  
may elect either coverage, but not both. A person who elects 2595  
continuation of coverage may elect any coverage available under 2596  
section 3923.123 of the Revised Code upon the termination of the 2597  
continuation of coverage. 2598

(3) "Group rate" means, in the case of an employer 2599  
self-insurance or other health benefits plan, the average monthly 2600  
cost per employee, over a period of at least twelve months, of the 2601  
operation of the plan that would represent a group insurance rate 2602

if the same coverage had been provided under a group sickness and 2603  
accident insurance policy. 2604

(B) A group policy shall provide that any eligible employee 2605  
may continue the employee's hospital, surgical, and medical 2606  
insurance under the policy, for the employee and the employee's 2607  
eligible dependents, for a period of ~~six~~ twelve months after the 2608  
date that the insurance coverage would otherwise terminate by 2609  
reason of the termination of the employee's employment. Each 2610  
certificate of coverage, or other notice of coverage, issued to 2611  
employees under the policy shall include a notice of the 2612  
employee's privilege of continuation. 2613

(C) All of the following apply to the continuation of 2614  
coverage required under division (B) of this section: 2615

(1) Continuation need not include dental, vision care, 2616  
~~prescription drug benefits~~, or any other benefits provided under 2617  
the policy in addition to its hospital, surgical, or major medical 2618  
benefits. 2619

(2) The employer shall notify the employee of the right of 2620  
continuation at the time the employer notifies the employee of the 2621  
termination of employment. The notice shall inform the employee of 2622  
the amount of contribution required by the employer under division 2623  
(C)(4) of this section. 2624

(3) The employee shall file a written election of 2625  
continuation with the employer and pay the employer the first 2626  
contribution required under division (C)(4) of this section. The 2627  
request and payment must be received by the employer no later than 2628  
the earlier of any of the following dates: 2629

(a) Thirty-one days after the date on which the employee's 2630  
coverage would otherwise terminate; 2631

(b) Ten days after the date on which the employee's coverage 2632  
would otherwise terminate, if the employer has notified the 2633

employee of the right of continuation prior to such date; 2634

(c) Ten days after the employer notifies the employee of the 2635  
right of continuation, if the notice is given after the date on 2636  
which the employee's coverage would otherwise terminate. 2637

(4) The employee must pay to the employer, on a monthly 2638  
basis, in advance, the amount of contribution required by the 2639  
employer. The amount required shall not exceed the group rate for 2640  
the insurance being continued under the policy on the due date of 2641  
each payment. 2642

(5) The employee's privilege to continue coverage and the 2643  
coverage under any continuation ceases if any of the following 2644  
occurs: 2645

(a) The employee ceases to be an eligible employee under 2646  
division (A)(2)(c) or (d) of this section; 2647

(b) A period of ~~six~~ twelve months expires after the date that 2648  
the employee's insurance under the policy would otherwise have 2649  
terminated because of the termination of employment; 2650

(c) The employee fails to make a timely payment of a required 2651  
contribution, in which event the coverage shall cease at the end 2652  
of the coverage for which contributions were made; 2653

(d) The policy is terminated, or the employer terminates 2654  
participation under the policy, unless the employer replaces the 2655  
coverage by similar coverage under another group policy or other 2656  
group health arrangement. 2657

If the employer replaces the policy with similar group health 2658  
coverage, all of the following apply: 2659

(i) The member shall be covered under the replacement 2660  
coverage, for the balance of the period that the member would have 2661  
remained covered under the terminated coverage if it had not been 2662  
terminated. 2663

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the policy replaced reduced by any benefits payable under the policy replaced.

(iii) The policy replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.

(D) This section does not apply to an employer's self-insurance plan if federal law supersedes, preempts, prohibits, or otherwise precludes its application to such plans.

(E) An employee shall notify the insurer if the employee elects continuation of coverage under this section. The insurer may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and insurers regarding the contents of such documentation.

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

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

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power

other than muscular power or power collected from overhead 2694  
electric trolley wires. "Motor vehicle" does not include utility 2695  
vehicles as defined in division (VV) of this section, motorized 2696  
bicycles, road rollers, traction engines, power shovels, power 2697  
cranes, and other equipment used in construction work and not 2698  
designed for or employed in general highway transportation, 2699  
well-drilling machinery, ditch-digging machinery, farm machinery, 2700  
and trailers that are designed and used exclusively to transport a 2701  
boat between a place of storage and a marina, or in and around a 2702  
marina, when drawn or towed on a public road or highway for a 2703  
distance of no more than ten miles and at a speed of twenty-five 2704  
miles per hour or less. 2705

(C) "Agricultural tractor" and "traction engine" mean any 2706  
self-propelling vehicle that is designed or used for drawing other 2707  
vehicles or wheeled machinery, but has no provisions for carrying 2708  
loads independently of such other vehicles, and that is used 2709  
principally for agricultural purposes. 2710

(D) "Commercial tractor," except as defined in division (C) 2711  
of this section, means any motor vehicle that has motive power and 2712  
either is designed or used for drawing other motor vehicles, or is 2713  
designed or used for drawing another motor vehicle while carrying 2714  
a portion of the other motor vehicle or its load, or both. 2715

(E) "Passenger car" means any motor vehicle that is designed 2716  
and used for carrying not more than nine persons and includes any 2717  
motor vehicle that is designed and used for carrying not more than 2718  
fifteen persons in a ridesharing arrangement. 2719

(F) "Collector's vehicle" means any motor vehicle or 2720  
agricultural tractor or traction engine that is of special 2721  
interest, that has a fair market value of one hundred dollars or 2722  
more, whether operable or not, and that is owned, operated, 2723  
collected, preserved, restored, maintained, or used essentially as 2724  
a collector's item, leisure pursuit, or investment, but not as the 2725



owner's principal means of transportation. "Licensed collector's  
vehicle" means a collector's vehicle, other than an agricultural  
tractor or traction engine, that displays current, valid license  
tags issued under section 4503.45 of the Revised Code, or a  
similar type of motor vehicle that displays current, valid license  
tags issued under substantially equivalent provisions in the laws  
of other states.

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

(H) "Noncommercial motor vehicle" means any motor vehicle,  
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, or two wheels in the front and one wheel  
in the rear, any of which is more than fourteen inches in  
diameter.

(L) "Motorized bicycle" means any vehicle that either has two 2757  
tandem wheels or one wheel in the front and two wheels in the 2758  
rear, that is capable of being pedaled, and that is equipped with 2759  
a helper motor of not more than fifty cubic centimeters piston 2760  
displacement that produces no more than one brake horsepower and 2761  
is capable of propelling the vehicle at a speed of no greater than 2762  
twenty miles per hour on a level surface. 2763

(M) "Trailer" means any vehicle without motive power that is 2764  
designed or used for carrying property or persons wholly on its 2765  
own structure and for being drawn by a motor vehicle, and includes 2766  
any such vehicle that is formed by or operated as a combination of 2767  
a semitrailer and a vehicle of the dolly type such as that 2768  
commonly known as a trailer dolly, a vehicle used to transport 2769  
agricultural produce or agricultural production materials between 2770  
a local place of storage or supply and the farm when drawn or 2771  
towed on a public road or highway at a speed greater than 2772  
twenty-five miles per hour, and a vehicle that is designed and 2773  
used exclusively to transport a boat between a place of storage 2774  
and a marina, or in and around a marina, when drawn or towed on a 2775  
public road or highway for a distance of more than ten miles or at 2776  
a speed of more than twenty-five miles per hour. "Trailer" does 2777  
not include a manufactured home or travel trailer. 2778

(N) "Noncommercial trailer" means any trailer, except a 2779  
travel trailer or trailer that is used to transport a boat as 2780  
described in division (B) of this section, but, where applicable, 2781  
includes a vehicle that is used to transport a boat as described 2782  
in division (M) of this section, that has a gross weight of no 2783  
more than three thousand pounds, and that is used exclusively for 2784  
purposes other than engaging in business for a profit. 2785

(O) "Mobile home" means a building unit or assembly of closed 2786  
construction that is fabricated in an off-site facility, is more 2787  
than thirty-five body feet in length or, when erected on site, is 2788

three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

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

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

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

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

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

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

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

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

(a) "Travel trailer" means a nonself-propelled recreational

vehicle that does not exceed an overall length of thirty-five 2819  
feet, exclusive of bumper and tongue or coupling, and contains 2820  
less than three hundred twenty square feet of space when erected 2821  
on site. "Travel trailer" includes a tent-type fold-out camping 2822  
trailer as defined in section 4517.01 of the Revised Code. 2823

(b) "Motor home" means a self-propelled recreational vehicle 2824  
that has no fifth wheel and is constructed with permanently 2825  
installed facilities for cold storage, cooking and consuming of 2826  
food, and for sleeping. 2827

(c) "Truck camper" means a nonself-propelled recreational 2828  
vehicle that does not have wheels for road use and is designed to 2829  
be placed upon and attached to a motor vehicle. "Truck camper" 2830  
does not include truck covers that consist of walls and a roof, 2831  
but do not have floors and facilities enabling them to be used as 2832  
a dwelling. 2833

(d) "Fifth wheel trailer" means a vehicle that is of such 2834  
size and weight as to be movable without a special highway permit, 2835  
that has a gross trailer area of four hundred square feet or less, 2836  
that is constructed with a raised forward section that allows a 2837  
bi-level floor plan, and that is designed to be towed by a vehicle 2838  
equipped with a fifth-wheel hitch ordinarily installed in the bed 2839  
of a truck. 2840

(e) "Park trailer" means a vehicle that is commonly known as 2841  
a park model recreational vehicle, meets the American national 2842  
standard institute standard A119.5 (1988) for park trailers, is 2843  
built on a single chassis, has a gross trailer area of four 2844  
hundred square feet or less when set up, is designed for seasonal 2845  
or temporary living quarters, and may be connected to utilities 2846  
necessary for the operation of installed features and appliances. 2847

(R) "Pneumatic tires" means tires of rubber and fabric or 2848  
tires of similar material, that are inflated with air. 2849

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

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

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

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

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of

business is used to dismantle, salvage, or rebuild motor vehicles 2882  
by means of used parts, if such departments are operated for the 2883  
purpose of furthering and assisting in the business of 2884  
manufacturing, selling, displaying, offering for sale, or dealing 2885  
in motor vehicles. Places of business or departments in a place of 2886  
business used to dismantle, salvage, or rebuild motor vehicles by 2887  
means of using used parts are not considered as being maintained 2888  
for the purpose of assisting or furthering the manufacturing, 2889  
selling, displaying, and offering for sale or dealing in motor 2890  
vehicles. 2891

(X) "Operator" includes any person who drives or operates a 2892  
motor vehicle upon the public highways. 2893

(Y) "Chauffeur" means any operator who operates a motor 2894  
vehicle, other than a taxicab, as an employee for hire; or any 2895  
operator whether or not the owner of a motor vehicle, other than a 2896  
taxicab, who operates such vehicle for transporting, for gain, 2897  
compensation, or profit, either persons or property owned by 2898  
another. Any operator of a motor vehicle who is voluntarily 2899  
involved in a ridesharing arrangement is not considered an 2900  
employee for hire or operating such vehicle for gain, 2901  
compensation, or profit. 2902

(Z) "State" includes the territories and federal districts of 2903  
the United States, and the provinces of Canada. 2904

(AA) "Public roads and highways" for vehicles includes all 2905  
public thoroughfares, bridges, and culverts. 2906

(BB) "Manufacturer's number" means the manufacturer's 2907  
original serial number that is affixed to or imprinted upon the 2908  
chassis or other part of the motor vehicle. 2909

(CC) "Motor number" means the manufacturer's original number 2910  
that is affixed to or imprinted upon the engine or motor of the 2911  
vehicle. 2912

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

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

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

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

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

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

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

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 2944  
the carrier's tariff, lawfully on file with the United States 2945  
department of transportation, for the purpose of group travel to a 2946  
specified destination or for a particular itinerary, either agreed 2947  
upon in advance or modified by the chartered group after having 2948  
left the place of origin. 2949

(HH) "International registration plan" means a reciprocal 2950  
agreement of member jurisdictions that is endorsed by the American 2951  
association of motor vehicle administrators, and that promotes and 2952  
encourages the fullest possible use of the highway system by 2953  
authorizing apportioned registration of fleets of vehicles and 2954  
recognizing registration of vehicles apportioned in member 2955  
jurisdictions. 2956

(II) "Restricted plate" means a license plate that has a 2957  
restriction of time, geographic area, mileage, or commodity, and 2958  
includes license plates issued to farm trucks under division (J) 2959  
of section 4503.04 of the Revised Code. 2960

(JJ) "Gross vehicle weight," with regard to any commercial 2961  
car, trailer, semitrailer, or bus that is taxed at the rates 2962  
established under section 4503.042 of the Revised Code, means the 2963  
unladen weight of the vehicle fully equipped plus the maximum 2964  
weight of the load to be carried on the vehicle. 2965

(KK) "Combined gross vehicle weight" with regard to any 2966  
combination of a commercial car, trailer, and semitrailer, that is 2967  
taxed at the rates established under section 4503.042 of the 2968  
Revised Code, means the total unladen weight of the combination of 2969  
vehicles fully equipped plus the maximum weight of the load to be 2970  
carried on that combination of vehicles. 2971

(LL) "Chauffeured limousine" means a motor vehicle that is 2972  
designed to carry nine or fewer passengers and is operated for 2973  
hire on an hourly basis pursuant to a prearranged contract for the 2974



transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

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

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

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

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

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

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

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

designated in section 4503.035 of the Revised Code for electronic 3006  
motor vehicle dealers and designates as an electronic motor 3007  
vehicle dealer under that section. 3008

(TT) "Electric personal assistive mobility device" means a 3009  
self-balancing two non-tandem wheeled device that is designed to 3010  
transport only one person, has an electric propulsion system of an 3011  
average of seven hundred fifty watts, and when ridden on a paved 3012  
level surface by an operator who weighs one hundred seventy pounds 3013  
has a maximum speed of less than twenty miles per hour. 3014

(UU) "Limited driving privileges" means the privilege to 3015  
operate a motor vehicle that a court grants under section 4510.021 3016  
of the Revised Code to a person whose driver's or commercial 3017  
driver's license or permit or nonresident operating privilege has 3018  
been suspended. 3019

(VV) "Utility vehicle" means a self-propelled vehicle 3020  
designed with a bed, principally for the purpose of transporting 3021  
material or cargo in connection with construction, agricultural, 3022  
forestry, grounds maintenance, lawn and garden, materials 3023  
handling, or similar activities. "Utility vehicle" includes a 3024  
vehicle with a maximum attainable speed of twenty miles per hour 3025  
or less that is used exclusively within the boundaries of state 3026  
parks by state park employees or volunteers for the operation or 3027  
maintenance of state park facilities. 3028

Sec. 4501.026. The registrar of motor vehicles or a deputy 3029  
registrar shall ask an individual with whom the registrar or 3030  
deputy registrar conducts driver's license or identification card 3031  
transactions if the individual is a veteran or is currently 3032  
serving in the armed forces of the United States or any reserve 3033  
component of the armed forces of the United States or the Ohio 3034  
national guard. If the individual claims to be a veteran or to be 3035  
currently serving in the armed forces of the United States or any 3036

reserve component of the armed forces of the United States or the 3037  
Ohio national guard, the registrar or deputy registrar shall 3038  
provide the individual's name, address, and military status to the 3039  
department of veterans services for official government purposes 3040  
regarding benefits and services. 3041

**Sec. 4501.03.** The registrar of motor vehicles shall open an 3042  
account with each county and district of registration in the 3043  
state, and may assign each county and district of registration in 3044  
the state a unique code for identification purposes. Except as 3045  
provided in section 4501.044 or division ~~(B)~~(A) (1) of section 3046  
4501.045 of the Revised Code, the registrar shall pay all moneys 3047  
the registrar receives under sections 4503.02, 4503.12, and 3048  
4504.09 of the Revised Code into the state treasury to the credit 3049  
of the auto registration distribution fund, which is hereby 3050  
created, for distribution in the manner provided for in this 3051  
section and sections 4501.04, 4501.041, 4501.042, and 4501.043 of 3052  
the Revised Code. All other moneys received by the registrar shall 3053  
be deposited in the state bureau of motor vehicles fund 3054  
established in section 4501.25 of the Revised Code for the 3055  
purposes enumerated in that section, unless otherwise provided by 3056  
law. 3057

All moneys credited to the auto registration distribution 3058  
fund shall be distributed to the counties and districts of 3059  
registration, except for funds received by the registrar under 3060  
section 4504.09 of the Revised Code, after receipt of 3061  
certifications from the commissioners of the sinking fund 3062  
certifying, as required by sections 5528.15 and 5528.35 of the 3063  
Revised Code, that there are sufficient moneys to the credit of 3064  
the highway improvement bond retirement fund created by section 3065  
5528.12 of the Revised Code to meet in full all payments of 3066  
interest, principal, and charges for the retirement of bonds and 3067

other obligations issued pursuant to Section 2g of Article VIII, 3068  
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 3069  
Code due and payable during the current calendar year, and that 3070  
there are sufficient moneys to the credit of the highway 3071  
obligations bond retirement fund created by section 5528.32 of the 3072  
Revised Code to meet in full all payments of interest, principal, 3073  
and charges for the retirement of highway obligations issued 3074  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 3075  
sections 5528.30 and 5528.31 of the Revised Code due and payable 3076  
during the current calendar year, in the manner provided in 3077  
section 4501.04 of the Revised Code. 3078

The treasurer of state may invest any portion of the moneys 3079  
credited to the auto registration distribution fund, in the same 3080  
manner and subject to all the laws with respect to the investment 3081  
of state funds by the treasurer of state, and all investment 3082  
earnings of the fund shall be credited to the fund. 3083

Once each month the registrar shall prepare vouchers in favor 3084  
of the county auditor of each county for the amount of the tax 3085  
collection pursuant to sections 4503.02 and 4503.12 of the Revised 3086  
Code apportioned to the county and to the districts of 3087  
registration located wholly or in part in the county auditor's 3088  
county. The county auditor shall distribute the proceeds of the 3089  
tax collections due the county and the districts of registration 3090  
in the manner provided in section 4501.04 of the Revised Code. 3091

Once each month the registrar also shall prepare vouchers in 3092  
favor of the county auditor of each county levying a county motor 3093  
vehicle license tax pursuant to section 4504.02, 4504.15, or 3094  
4504.16 of the Revised Code and of each county in which is located 3095  
one or more townships levying a township motor vehicle license tax 3096  
pursuant to section 4504.18 of the Revised Code for the amount of 3097  
the tax due the county or townships in the county. 3098

All moneys received by the registrar under sections 4503.02, 3099

4503.12, and 4504.09 of the Revised Code shall be distributed to 3100  
counties, townships, and municipal corporations within thirty days 3101  
of the expiration of the registration year, except that a sum 3102  
equal to five per cent of the total amount received under sections 3103  
4503.02 and 4503.12 of the Revised Code may be reserved to make 3104  
final adjustments in accordance with the formula for distribution 3105  
set forth in section 4501.04 of the Revised Code. If amounts set 3106  
aside to make the adjustments are inadequate, necessary 3107  
adjustments shall be made immediately out of funds available for 3108  
distribution for the following two registration years. 3109

**Sec. 4501.21.** (A) There is hereby created in the state 3110  
treasury the license plate contribution fund. The fund shall 3111  
consist of all contributions paid by motor vehicle registrants and 3112  
collected by the registrar of motor vehicles pursuant to sections 3113  
4503.491, 4503.493, 4503.50, 4503.501, 4503.502, 4503.51, 3114  
4503.522, 4503.523, 4503.545, 4503.55, 4503.551, 4503.552, 3115  
4503.553, 4503.561, 4503.562, 4503.591, 4503.67, 4503.68, 4503.69, 3116  
4503.71, 4503.711, 4503.712, 4503.72, 4503.73, 4503.74, 4503.75, 3117  
4503.85, and 4503.92 of the Revised Code. 3118

(B) The registrar shall pay the contributions the registrar 3119  
collects in the fund as follows: 3120

The registrar shall pay the contributions received pursuant 3121  
to section 4503.491 of the Revised Code to the breast cancer fund 3122  
of Ohio, which shall use that money only to pay for programs that 3123  
provide assistance and education to Ohio breast cancer patients 3124  
and that improve access for such patients to quality health care 3125  
and clinical trials and shall not use any of the money for 3126  
abortion information, counseling, services, or other 3127  
abortion-related activities. 3128

The registrar shall pay the contributions received pursuant 3129  
to section 4503.493 of the Revised Code to the autism society of 3130

Ohio, which shall use the contributions for programs and autism 3131  
awareness efforts throughout the state. 3132

The registrar shall pay the contributions the registrar 3133  
receives pursuant to section 4503.50 of the Revised Code to the 3134  
future farmers of America foundation, which shall deposit the 3135  
contributions into its general account to be used for educational 3136  
and scholarship purposes of the future farmers of America 3137  
foundation. 3138

The registrar shall pay the contributions the registrar 3139  
receives pursuant to section 4503.501 of the Revised Code to the 3140  
4-H youth development program of the Ohio state university 3141  
extension program, which shall use those contributions to pay the 3142  
expenses it incurs in conducting its educational activities. 3143

The registrar shall pay the contributions received pursuant 3144  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 3145  
foundation, which shall use those contributions for scholarships 3146  
and other educational activities. 3147

The registrar shall pay each contribution the registrar 3148  
receives pursuant to section 4503.51 of the Revised Code to the 3149  
university or college whose name or marking or design appears on 3150  
collegiate license plates that are issued to a person under that 3151  
section. A university or college that receives contributions from 3152  
the fund shall deposit the contributions into its general 3153  
scholarship fund. 3154

The registrar shall pay the contributions the registrar 3155  
receives pursuant to section 4503.522 of the Revised Code to the 3156  
"friends of Perry's victory and international peace memorial, 3157  
incorporated," a nonprofit corporation organized under the laws of 3158  
this state, to assist that organization in paying the expenses it 3159  
incurs in sponsoring or holding charitable, educational, and 3160  
cultural events at the monument. 3161

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

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

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

~~In accordance with section 955.202 of the Revised Code, the~~  
The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section ~~only~~ to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.552 of the Revised Code to the rock and roll hall of fame and museum, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other programs of each coalition member that provide care for unwanted, abused, and neglected horses. The Ohio coalition for animals may use a portion of the money to pay for reasonable marketing costs incurred in the design and promotion of the license plate and for administrative costs incurred in the disbursement and management of funds received under this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under that section that an applicant pays



to obtain license plates that bear the logo of a professional 3226  
sports team located in the county of that sports commission and 3227  
that is participating in the license plate program pursuant to 3228  
division (E) of that section, irrespective of the county of 3229  
residence of an applicant. 3230

The registrar shall pay to a community charity each 3231  
contribution the registrar receives under section 4503.591 of the 3232  
Revised Code that an applicant pays to obtain license plates that 3233  
bear the logo of a professional sports team that is participating 3234  
in the license plate program pursuant to division (G) of that 3235  
section. 3236

The registrar shall pay the contributions the registrar 3237  
receives pursuant to section 4503.67 of the Revised Code to the 3238  
Dan Beard council of the boy scouts of America. The council shall 3239  
distribute all contributions in an equitable manner throughout the 3240  
state to regional councils of the boy scouts. 3241

The registrar shall pay the contributions the registrar 3242  
receives pursuant to section 4503.68 of the Revised Code to the 3243  
great river council of the girl scouts of the United States of 3244  
America. The council shall distribute all contributions in an 3245  
equitable manner throughout the state to regional councils of the 3246  
girl scouts. 3247

The registrar shall pay the contributions the registrar 3248  
receives pursuant to section 4503.69 of the Revised Code to the 3249  
Dan Beard council of the boy scouts of America. The council shall 3250  
distribute all contributions in an equitable manner throughout the 3251  
state to regional councils of the boy scouts. 3252

The registrar shall pay the contributions the registrar 3253  
receives pursuant to section 4503.71 of the Revised Code to the 3254  
fraternal order of police of Ohio, incorporated, which shall 3255  
deposit the fees into its general account to be used for purposes 3256

of the fraternal order of police of Ohio, incorporated. 3257

The registrar shall pay the contributions the registrar 3258  
receives pursuant to section 4503.711 of the Revised Code to the 3259  
fraternal order of police of Ohio, incorporated, which shall 3260  
deposit the contributions into an account that it creates to be 3261  
used for the purpose of advancing and protecting the law 3262  
enforcement profession, promoting improved law enforcement 3263  
methods, and teaching respect for law and order. 3264

The registrar shall pay the contributions received pursuant 3265  
to section 4503.712 of the Revised Code to Ohio concerns of police 3266  
survivors, which shall use those contributions to provide whatever 3267  
assistance may be appropriate to the families of Ohio law 3268  
enforcement officers who are killed in the line of duty. 3269

The registrar shall pay the contributions the registrar 3270  
receives pursuant to section 4503.72 of the Revised Code to the 3271  
organization known on March 31, 2003, as the Ohio CASA/GAL 3272  
association, a private, nonprofit corporation organized under 3273  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 3274  
shall use these contributions to pay the expenses it incurs in 3275  
administering a program to secure the proper representation in the 3276  
courts of this state of abused, neglected, and dependent children, 3277  
and for the training and supervision of persons participating in 3278  
that program. 3279

The registrar shall pay the contributions the registrar 3280  
receives pursuant to section 4503.73 of the Revised Code to Wright 3281  
B. Flyer, incorporated, which shall deposit the contributions into 3282  
its general account to be used for purposes of Wright B. Flyer, 3283  
incorporated. 3284

The registrar shall pay the contributions the registrar 3285  
receives pursuant to section 4503.74 of the Revised Code to the 3286  
Columbus zoological park association, which shall disburse the 3287

moneys to Ohio's major metropolitan zoos, as defined in section 3288  
4503.74 of the Revised Code, in accordance with a written 3289  
agreement entered into by the major metropolitan zoos. 3290

The registrar shall pay the contributions the registrar 3291  
receives pursuant to section 4503.75 of the Revised Code to the 3292  
rotary foundation, located on March 31, 2003, in Evanston, 3293  
Illinois, to be placed in a fund known as the permanent fund and 3294  
used to endow educational and humanitarian programs of the rotary 3295  
foundation. 3296

The registrar shall pay the contributions the registrar 3297  
receives pursuant to section 4503.85 of the Revised Code to the 3298  
Ohio sea grant college program to be used for Lake Erie area 3299  
research projects. 3300

The registrar shall pay the contributions received pursuant 3301  
to section 4503.92 of the Revised Code to support our troops, 3302  
incorporated, a national nonprofit corporation, which shall use 3303  
those contributions in accordance with its articles of 3304  
incorporation and for the benefit of servicemembers of the armed 3305  
forces of the United States and their families when they are in 3306  
financial need. 3307

(C) All investment earnings of the license plate contribution 3308  
fund shall be credited to the fund. Not later than the first day 3309  
of May of every year, the registrar shall distribute to each 3310  
entity described in division (B) of this section the investment 3311  
income the fund earned the previous calendar year. The amount of 3312  
such a distribution paid to an entity shall be proportionate to 3313  
the amount of money the entity received from the fund during the 3314  
previous calendar year. 3315

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 3316  
designate the county auditor in each county a deputy registrar. If 3317  
the population of a county is forty thousand or less according to 3318

the last federal census and if the county auditor is designated by 3319  
the registrar as a deputy registrar, no other person need be 3320  
designated in the county to act as a deputy registrar. 3321

(b) The registrar may designate a clerk of a court of common 3322  
pleas as a deputy registrar if the population of the county is 3323  
forty thousand or less according to the last federal census. A 3324  
clerk of a court of common pleas in a county with a population 3325  
greater than forty thousand according to the last federal census 3326  
may apply to the registrar to act under contract as a full 3327  
authority deputy registrar; the registrar shall award such 3328  
contracts upon a competitive basis, subject to the terms and 3329  
conditions prescribed by the registrar by rule. All fees collected 3330  
and retained by a clerk for conducting deputy registrar services 3331  
shall be paid into the county treasury to the credit of the 3332  
certificate of title administration fund created under section 3333  
325.33 of the Revised Code. 3334

(c) In all other instances, the registrar shall contract with 3335  
one or more other persons in each county to act as deputy 3336  
registrars. 3337

(2) Deputy registrars shall accept applications for the 3338  
annual license tax for any vehicle not taxed under section 4503.63 3339  
of the Revised Code and shall assign distinctive numbers in the 3340  
same manner as the registrar. Such deputies shall be located in 3341  
such locations in the county as the registrar sees fit. There 3342  
shall be at least one deputy registrar in each county. 3343

Deputy registrar contracts are subject to the provisions of 3344  
division (B) of section 125.081 of the Revised Code. 3345

(B) The registrar shall not contract with any person to act 3346  
as a deputy registrar if the person or, where applicable, the 3347  
person's spouse or a member of the person's immediate family has 3348  
made, within the current calendar year or any one of the previous 3349

three calendar years, one or more contributions totaling in excess 3350  
of one hundred dollars to any person or entity included in 3351  
division (A)(2) of section 4503.033 of the Revised Code. As used 3352  
in this division, "immediate family" has the same meaning as in 3353  
division (D) of section 102.01 of the Revised Code, and "entity" 3354  
includes any political party and any "continuing association" as 3355  
defined in division (B)(4) of section 3517.01 of the Revised Code 3356  
or "political action committee" as defined in division (B)(8) of 3357  
that section that is primarily associated with that political 3358  
party. For purposes of this division, contributions to any 3359  
continuing association or any political action committee that is 3360  
primarily associated with a political party shall be aggregated 3361  
with contributions to that political party. 3362

The contribution limitations contained in this division do 3363  
not apply to any county auditor or clerk of a court of common 3364  
pleas. 3365

The registrar shall not contract with either of the following 3366  
to act as a deputy registrar: 3367

(1) Any elected public official other than a county auditor 3368  
or, as authorized by division (A)(1)(b) of this section, a clerk 3369  
of a court of common pleas, acting in an official capacity; 3370

(2) Any person holding a current, valid contract to conduct 3371  
motor vehicle inspections under section 3704.14 of the Revised 3372  
Code. 3373

(C)(1) Except as provided in division (C)(2) of this section, 3374  
deputy registrars are independent contractors and neither they nor 3375  
their employees are employees of this state, except that nothing 3376  
in this section shall affect the status of county auditors or 3377  
clerks of courts of common pleas as public officials, nor the 3378  
status of their employees as employees of any of the counties of 3379  
this state, which are political subdivisions of this state. Each 3380

deputy registrar shall be responsible for the payment of all 3381  
unemployment compensation premiums, all workers' compensation 3382  
premiums, social security contributions, and any and all taxes for 3383  
which the deputy registrar is legally responsible. Each deputy 3384  
registrar shall comply with all applicable federal, state, and 3385  
local laws requiring the withholding of income taxes or other 3386  
taxes from the compensation of the deputy registrar's employees. 3387  
Each deputy registrar shall maintain during the entire term of the 3388  
deputy registrar's contract a policy of business liability 3389  
insurance satisfactory to the registrar and shall hold the 3390  
department of public safety, the director of public safety, the 3391  
bureau of motor vehicles, and the registrar harmless upon any and 3392  
all claims for damages arising out of the operation of the deputy 3393  
registrar agency. 3394

(2) For purposes of Chapter 4141. of the Revised Code, 3395  
determinations concerning the employment of deputy registrars and 3396  
their employees shall be made under Chapter 4141. of the Revised 3397  
Code. 3398

(D)(1) With the approval of the director, the registrar shall 3399  
adopt rules governing the terms of the contract between the 3400  
registrar and each deputy registrar and specifications for the 3401  
services to be performed. The rules shall include specifications 3402  
relating to the amount of bond to be given as provided in this 3403  
section; the size and location of the deputy's office; and the 3404  
leasing of equipment necessary to conduct the vision screenings 3405  
required under section 4507.12 of the Revised Code and training in 3406  
the use of the equipment. The specifications shall permit and 3407  
encourage every deputy registrar to inform the public of the 3408  
location of the deputy registrar's office and hours of operation 3409  
by means of public service announcements and allow any deputy 3410  
registrar to advertise in regard to the operation of the deputy 3411  
registrar's office. The rules also shall include specifications 3412

for the hours the deputy's office is to be open to the public and 3413  
shall require as a minimum that one deputy's office in each county 3414  
be open to the public for at least four hours each weekend, 3415  
provided that if only one deputy's office is located within the 3416  
boundary of the county seat, that office is the office that shall 3417  
be open for the four-hour period each weekend, and that every 3418  
deputy's office in each county shall be open to the public until 3419  
six-thirty p.m. on at least one weeknight each week. The rules 3420  
also shall include specifications providing that every deputy in 3421  
each county, upon request, provide any person with information 3422  
about the location and office hours of all deputy registrars in 3423  
the county and that every deputy prominently display within the 3424  
deputy's office, the toll-free telephone number of the bureau. The 3425  
rules shall not prohibit the award of a deputy registrar contract 3426  
to a nonprofit corporation formed under the laws of this state. 3427  
The rules shall prohibit any deputy registrar from operating more 3428  
than one such office at any time, except that the rules may permit 3429  
a nonprofit corporation formed for the purposes of providing 3430  
automobile-related services to its members or the public and that 3431  
provides such services from more than one location in this state 3432  
to operate a deputy registrar office at any such location, 3433  
provided that the nonprofit corporation operates no more than one 3434  
deputy registrar office in any one county. The rules may include 3435  
such other specifications as the registrar and director consider 3436  
necessary to provide a high level of service. 3437

(2) With the prior approval of the registrar, each deputy 3438  
registrar may conduct at the location of the deputy registrar's 3439  
office any business that is consistent with the functions of a 3440  
deputy registrar and that is not specifically mandated or 3441  
authorized by this or another chapter of the Revised Code or by 3442  
implementing rules of the registrar. 3443

(3) As used in this section and in section 4507.01 of the 3444

Revised Code, "nonprofit corporation" has the same meaning as in 3445  
section 1702.01 of the Revised Code. 3446

(E) Unless otherwise terminated and except for interim 3447  
contracts of less than one year, contracts with deputy registrars 3448  
shall be for a term of at least two years, but no more than three 3449  
years, and all contracts effective on or after July 1, 1996, shall 3450  
be for a term of more than two years, but not more than three 3451  
years. All contracts with deputy registrars shall expire on the 3452  
last Saturday of June in the year of their expiration. The auditor 3453  
of state may examine the accounts, reports, systems, and other 3454  
data of each deputy registrar at least every two years. The 3455  
registrar, with the approval of the director, shall immediately 3456  
remove a deputy who violates any provision of the Revised Code 3457  
related to the duties as a deputy, any rule adopted by the 3458  
registrar, or a term of the deputy's contract with the registrar. 3459  
The registrar also may remove a deputy who, in the opinion of the 3460  
registrar, has engaged in any conduct that is either unbecoming to 3461  
one representing this state or is inconsistent with the efficient 3462  
operation of the deputy's office. 3463

If the registrar, with the approval of the director, 3464  
determines that there is good cause to believe that a deputy 3465  
registrar or a person proposing for a deputy registrar contract 3466  
has engaged in any conduct that would require the denial or 3467  
termination of the deputy registrar contract, the registrar may 3468  
require the production of books, records, and papers as the 3469  
registrar determines are necessary, and may take the depositions 3470  
of witnesses residing within or outside the state in the same 3471  
manner as is prescribed by law for the taking of depositions in 3472  
civil actions in the court of common pleas, and for that purpose 3473  
the registrar may issue a subpoena for any witness or a subpoena 3474  
duces tecum to compel the production of any books, records, or 3475  
papers, directed to the sheriff of the county where the witness 3476



resides or is found. Such a subpoena shall be served and returned 3477  
in the same manner as a subpoena in a criminal case is served and 3478  
returned. The fees of the sheriff shall be the same as that 3479  
allowed in the court of common pleas in criminal cases. Witnesses 3480  
shall be paid the fees and mileage provided for under section 3481  
119.094 of the Revised Code. The fees and mileage shall be paid 3482  
from the fund in the state treasury for the use of the agency in 3483  
the same manner as other expenses of the agency are paid. 3484

In any case of disobedience or neglect of any subpoena served 3485  
on any person or the refusal of any witness to testify to any 3486  
matter regarding which the witness lawfully may be interrogated, 3487  
the court of common pleas of any county where the disobedience, 3488  
neglect, or refusal occurs or any judge of that court, on 3489  
application by the registrar, shall compel obedience by attachment 3490  
proceedings for contempt, as in the case of disobedience of the 3491  
requirements of a subpoena issued from that court, or a refusal to 3492  
testify in that court. 3493

Nothing in this division shall be construed to require a 3494  
hearing of any nature prior to the termination of any deputy 3495  
registrar contract by the registrar, with the approval of the 3496  
director, for cause. 3497

(F) Except as provided in section 2743.03 of the Revised 3498  
Code, no court, other than the court of common pleas of Franklin 3499  
county, has jurisdiction of any action against the department of 3500  
public safety, the director, the bureau, or the registrar to 3501  
restrain the exercise of any power or authority, or to entertain 3502  
any action for declaratory judgment, in the selection and 3503  
appointment of, or contracting with, deputy registrars. Neither 3504  
the department, the director, the bureau, nor the registrar is 3505  
liable in any action at law for damages sustained by any person 3506  
because of any acts of the department, the director, the bureau, 3507  
or the registrar, or of any employee of the department or bureau, 3508

in the performance of official duties in the selection and 3509  
appointment of, and contracting with, deputy registrars. 3510

(G) The registrar shall assign to each deputy registrar a 3511  
series of numbers sufficient to supply the demand at all times in 3512  
the area the deputy registrar serves, and the registrar shall keep 3513  
a record in the registrar's office of the numbers within the 3514  
series assigned. Each deputy shall be required to give bond in the 3515  
amount of at least twenty-five thousand dollars, or in such higher 3516  
amount as the registrar determines necessary, based on a uniform 3517  
schedule of bond amounts established by the registrar and 3518  
determined by the volume of registrations handled by the deputy. 3519  
The form of the bond shall be prescribed by the registrar. The 3520  
bonds required of deputy registrars, in the discretion of the 3521  
registrar, may be individual or schedule bonds or may be included 3522  
in any blanket bond coverage carried by the department. 3523

(H) Each deputy registrar shall keep a file of each 3524  
application received by the deputy and shall register that motor 3525  
vehicle with the name and address of its owner. 3526

(I) Upon request, a deputy registrar shall make the physical 3527  
inspection of a motor vehicle and issue the physical inspection 3528  
certificate required in section 4505.061 of the Revised Code. 3529

(J) Each deputy registrar shall file a report semi-annually 3530  
with the registrar of motor vehicles listing the number of 3531  
applicants for licenses the deputy has served, the number of voter 3532  
registration applications the deputy has completed and transmitted 3533  
to the board of elections, and the number of voter registration 3534  
applications declined. 3535

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 3536  
motorcycle, and all-purpose vehicle required to be registered 3537  
under section 4519.02 of the Revised Code shall file an 3538  
application for registration under section 4519.03 of the Revised 3539

Code. The owner of a motor vehicle, other than a snowmobile, 3540  
off-highway motorcycle, or all-purpose vehicle, that is not 3541  
designed and constructed by the manufacturer for operation on a 3542  
street or highway may not register it under this chapter except 3543  
upon certification of inspection pursuant to section 4513.02 of 3544  
the Revised Code by the sheriff, or the chief of police of the 3545  
municipal corporation or township, with jurisdiction over the 3546  
political subdivision in which the owner of the motor vehicle 3547  
resides. Except as provided in section 4503.103 of the Revised 3548  
Code, every owner of every other motor vehicle not previously 3549  
described in this section and every person mentioned as owner in 3550  
the last certificate of title of a motor vehicle that is operated 3551  
or driven upon the public roads or highways shall cause to be 3552  
filed each year, by mail or otherwise, in the office of the 3553  
registrar of motor vehicles or a deputy registrar, a written or 3554  
electronic application or a preprinted registration renewal notice 3555  
issued under section 4503.102 of the Revised Code, the form of 3556  
which shall be prescribed by the registrar, for registration for 3557  
the following registration year, which shall begin on the first 3558  
day of January of every calendar year and end on the thirty-first 3559  
day of December in the same year. Applications for registration 3560  
and registration renewal notices shall be filed at the times 3561  
established by the registrar pursuant to section 4503.101 of the 3562  
Revised Code. A motor vehicle owner also may elect to apply for or 3563  
renew a motor vehicle registration by electronic means using 3564  
electronic signature in accordance with rules adopted by the 3565  
registrar. Except as provided in division (J) of this section, 3566  
applications for registration shall be made on blanks furnished by 3567  
the registrar for that purpose, containing the following 3568  
information: 3569

(1) A brief description of the motor vehicle to be 3570  
registered, including the year, make, model, and vehicle 3571  
identification number, and, in the case of commercial cars, the 3572

gross weight of the vehicle fully equipped computed in the manner	3573
prescribed in section 4503.08 of the Revised Code;	3574
(2) The name and residence address of the owner, and the	3575
township and municipal corporation in which the owner resides;	3576
(3) The district of registration, which shall be determined	3577
as follows:	3578
(a) In case the motor vehicle to be registered is used for	3579
hire or principally in connection with any established business or	3580
branch business, conducted at a particular place, the district of	3581
registration is the municipal corporation in which that place is	3582
located or, if not located in any municipal corporation, the	3583
county and township in which that place is located.	3584
(b) In case the vehicle is not so used, the district of	3585
registration is the municipal corporation or county in which the	3586
owner resides at the time of making the application.	3587
(4) Whether the motor vehicle is a new or used motor vehicle;	3588
(5) The date of purchase of the motor vehicle;	3589
(6) Whether the fees required to be paid for the registration	3590
or transfer of the motor vehicle, during the preceding	3591
registration year and during the preceding period of the current	3592
registration year, have been paid. Each application for	3593
registration shall be signed by the owner, either manually or by	3594
electronic signature, or pursuant to obtaining a limited power of	3595
attorney authorized by the registrar for registration, or other	3596
document authorizing such signature. If the owner elects to apply	3597
for or renew the motor vehicle registration with the registrar by	3598
electronic means, the owner's manual signature is not required.	3599
(7) The owner's social security number, driver's license	3600
number, or state identification number, or, where a motor vehicle	3601
to be registered is used for hire or principally in connection	3602

with any established business, the owner's federal taxpayer 3603  
identification number. The bureau of motor vehicles shall retain 3604  
in its records all social security numbers provided under this 3605  
section, but the bureau shall not place social security numbers on 3606  
motor vehicle certificates of registration. 3607

(B) Except as otherwise provided in this division, each time 3608  
an applicant first registers a motor vehicle in the applicant's 3609  
name, the applicant shall present for inspection a physical 3610  
certificate of title or memorandum certificate showing title to 3611  
the motor vehicle to be registered in the name of the applicant if 3612  
a physical certificate of title or memorandum certificate has been 3613  
issued by a clerk of a court of common pleas. If, under sections 3614  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 3615  
instead has issued an electronic certificate of title for the 3616  
applicant's motor vehicle, that certificate may be presented for 3617  
inspection at the time of first registration in a manner 3618  
prescribed by rules adopted by the registrar. An applicant is not 3619  
required to present a certificate of title to an electronic motor 3620  
vehicle dealer acting as a limited authority deputy registrar in 3621  
accordance with rules adopted by the registrar. When a motor 3622  
vehicle inspection and maintenance program is in effect under 3623  
section 3704.14 of the Revised Code and rules adopted under it, 3624  
each application for registration for a vehicle required to be 3625  
inspected under that section and those rules shall be accompanied 3626  
by an inspection certificate for the motor vehicle issued in 3627  
accordance with that section. The application shall be refused if 3628  
any of the following applies: 3629

(1) The application is not in proper form. 3630

(2) The application is prohibited from being accepted by 3631  
division (D) of section 2935.27, division (A) of section 2937.221, 3632  
division (A) of section 4503.13, division (B) of section 4510.22, 3633  
or division (B)(1) of section 4521.10 of the Revised Code. 3634

(3) A certificate of title or memorandum certificate of title 3635  
is required but does not accompany the application or, in the case 3636  
of an electronic certificate of title, is required but is not 3637  
presented in a manner prescribed by the registrar's rules. 3638

(4) All registration and transfer fees for the motor vehicle, 3639  
for the preceding year or the preceding period of the current 3640  
registration year, have not been paid. 3641

(5) The owner or lessee does not have an inspection 3642  
certificate for the motor vehicle as provided in section 3704.14 3643  
of the Revised Code, and rules adopted under it, if that section 3644  
is applicable. 3645

This section does not require the payment of license or 3646  
registration taxes on a motor vehicle for any preceding year, or 3647  
for any preceding period of a year, if the motor vehicle was not 3648  
taxable for that preceding year or period under sections 4503.02, 3649  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 3650  
Revised Code. When a certificate of registration is issued upon 3651  
the first registration of a motor vehicle by or on behalf of the 3652  
owner, the official issuing the certificate shall indicate the 3653  
issuance with a stamp on the certificate of title or memorandum 3654  
certificate or, in the case of an electronic certificate of title, 3655  
an electronic stamp or other notation as specified in rules 3656  
adopted by the registrar, and with a stamp on the inspection 3657  
certificate for the motor vehicle, if any. The official also shall 3658  
indicate, by a stamp or by other means the registrar prescribes, 3659  
on the registration certificate issued upon the first registration 3660  
of a motor vehicle by or on behalf of the owner the odometer 3661  
reading of the motor vehicle as shown in the odometer statement 3662  
included in or attached to the certificate of title. Upon each 3663  
subsequent registration of the motor vehicle by or on behalf of 3664  
the same owner, the official also shall so indicate the odometer 3665  
reading of the motor vehicle as shown on the immediately preceding 3666

certificate of registration. 3667

The registrar shall include in the permanent registration 3668  
record of any vehicle required to be inspected under section 3669  
3704.14 of the Revised Code the inspection certificate number from 3670  
the inspection certificate that is presented at the time of 3671  
registration of the vehicle as required under this division. 3672

(C)(1) Commencing with each registration renewal with an 3673  
expiration date on or after October 1, 2003, and for each initial 3674  
application for registration received on and after that date, the 3675  
registrar and each deputy registrar shall collect an additional 3676  
fee of eleven dollars for each application for registration and 3677  
registration renewal received. The additional fee is for the 3678  
purpose of defraying the department of public safety's costs 3679  
associated with the administration and enforcement of the motor 3680  
vehicle and traffic laws of Ohio. Each deputy registrar shall 3681  
transmit the fees collected under division (C)(1) of this section 3682  
in the time and manner provided in this section. The registrar 3683  
shall deposit all moneys received under division (C)(1) of this 3684  
section into the state highway safety fund established in section 3685  
4501.06 of the Revised Code. 3686

(2) In addition, a charge of twenty-five cents shall be made 3687  
for each reflectorized safety license plate issued, and a single 3688  
charge of twenty-five cents shall be made for each county 3689  
identification sticker or each set of county identification 3690  
stickers issued, as the case may be, to cover the cost of 3691  
producing the license plates and stickers, including material, 3692  
manufacturing, and administrative costs. Those fees shall be in 3693  
addition to the license tax. If the total cost of producing the 3694  
plates is less than twenty-five cents per plate, or if the total 3695  
cost of producing the stickers is less than twenty-five cents per 3696  
sticker or per set issued, any excess moneys accruing from the 3697  
fees shall be distributed in the same manner as provided by 3698

section 4501.04 of the Revised Code for the distribution of 3699  
license tax moneys. If the total cost of producing the plates 3700  
exceeds twenty-five cents per plate, or if the total cost of 3701  
producing the stickers exceeds twenty-five cents per sticker or 3702  
per set issued, the difference shall be paid from the license tax 3703  
moneys collected pursuant to section 4503.02 of the Revised Code. 3704

(D) Each deputy registrar shall be allowed a fee of two 3705  
dollars and seventy-five cents commencing on July 1, 2001, three 3706  
dollars and twenty-five cents commencing on January 1, 2003, and 3707  
three dollars and fifty cents commencing on January 1, 2004, for 3708  
each application for registration and registration renewal notice 3709  
the deputy registrar receives, which shall be for the purpose of 3710  
compensating the deputy registrar for the deputy registrar's 3711  
services, and such office and rental expenses, as may be necessary 3712  
for the proper discharge of the deputy registrar's duties in the 3713  
receiving of applications and renewal notices and the issuing of 3714  
registrations. 3715

(E) Upon the certification of the registrar, the county 3716  
sheriff or local police officials shall recover license plates 3717  
erroneously or fraudulently issued. 3718

(F) Each deputy registrar, upon receipt of any application 3719  
for registration or registration renewal notice, together with the 3720  
license fee and any local motor vehicle license tax levied 3721  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 3722  
fee and tax, if any, in the manner provided in this section, 3723  
together with the original and duplicate copy of the application, 3724  
to the registrar. The registrar, subject to the approval of the 3725  
director of public safety, may deposit the funds collected by 3726  
those deputies in a local bank or depository to the credit of the 3727  
"state of Ohio, bureau of motor vehicles." Where a local bank or 3728  
depository has been designated by the registrar, each deputy 3729  
registrar shall deposit all moneys collected by the deputy 3730



registrar into that bank or depository not more than one business 3731  
day after their collection and shall make reports to the registrar 3732  
of the amounts so deposited, together with any other information, 3733  
some of which may be prescribed by the treasurer of state, as the 3734  
registrar may require and as prescribed by the registrar by rule. 3735  
The registrar, within three days after receipt of notification of 3736  
the deposit of funds by a deputy registrar in a local bank or 3737  
depository, shall draw on that account in favor of the treasurer 3738  
of state. The registrar, subject to the approval of the director 3739  
and the treasurer of state, may make reasonable rules necessary 3740  
for the prompt transmittal of fees and for safeguarding the 3741  
interests of the state and of counties, townships, municipal 3742  
corporations, and transportation improvement districts levying 3743  
local motor vehicle license taxes. The registrar may pay service 3744  
charges usually collected by banks and depositories for such 3745  
service. If deputy registrars are located in communities where 3746  
banking facilities are not available, they shall transmit the fees 3747  
forthwith, by money order or otherwise, as the registrar, by rule 3748  
approved by the director and the treasurer of state, may 3749  
prescribe. The registrar may pay the usual and customary fees for 3750  
such service. 3751

(G) This section does not prevent any person from making an 3752  
application for a motor vehicle license directly to the registrar 3753  
by mail, by electronic means, or in person at any of the 3754  
registrar's offices, upon payment of a service fee of two dollars 3755  
and seventy-five cents commencing on July 1, 2001, three dollars 3756  
and twenty-five cents commencing on January 1, 2003, and three 3757  
dollars and fifty cents commencing on January 1, 2004, for each 3758  
application. 3759

(H) No person shall make a false statement as to the district 3760  
of registration in an application required by division (A) of this 3761  
section. Violation of this division is falsification under section 3762

2921.13 of the Revised Code and punishable as specified in that 3763  
section. 3764

(I)(1) Where applicable, the requirements of division (B) of 3765  
this section relating to the presentation of an inspection 3766  
certificate issued under section 3704.14 of the Revised Code and 3767  
rules adopted under it for a motor vehicle, the refusal of a 3768  
license for failure to present an inspection certificate, and the 3769  
stamping of the inspection certificate by the official issuing the 3770  
certificate of registration apply to the registration of and 3771  
issuance of license plates for a motor vehicle under sections 3772  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 3773  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 3774  
4503.47, and 4503.51 of the Revised Code. 3775

(2)(a) The registrar shall adopt rules ensuring that each 3776  
owner registering a motor vehicle in a county where a motor 3777  
vehicle inspection and maintenance program is in effect under 3778  
section 3704.14 of the Revised Code and rules adopted under it 3779  
receives information about the requirements established in that 3780  
section and those rules and about the need in those counties to 3781  
present an inspection certificate with an application for 3782  
registration or preregistration. 3783

(b) Upon request, the registrar shall provide the director of 3784  
environmental protection, or any person that has been awarded a 3785  
contract under division (D) of section 3704.14 of the Revised 3786  
Code, an on-line computer data link to registration information 3787  
for all passenger cars, noncommercial motor vehicles, and 3788  
commercial cars that are subject to that section. The registrar 3789  
also shall provide to the director of environmental protection a 3790  
magnetic data tape containing registration information regarding 3791  
passenger cars, noncommercial motor vehicles, and commercial cars 3792  
for which a multi-year registration is in effect under section 3793  
4503.103 of the Revised Code or rules adopted under it, including, 3794

without limitation, the date of issuance of the multi-year 3795  
registration, the registration deadline established under rules 3796  
adopted under section 4503.101 of the Revised Code that was 3797  
applicable in the year in which the multi-year registration was 3798  
issued, and the registration deadline for renewal of the 3799  
multi-year registration. 3800

(J) ~~Application~~ Subject to division (K) of this section, 3801  
application for registration under the international registration 3802  
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 3803  
Code, shall be made to the registrar on forms furnished by the 3804  
registrar. In accordance with international registration plan 3805  
guidelines and pursuant to rules adopted by the registrar, the 3806  
forms shall include the following: 3807

(1) A uniform mileage schedule; 3808

(2) The gross vehicle weight of the vehicle or combined gross 3809  
vehicle weight of the combination vehicle as declared by the 3810  
registrant; 3811

(3) Any other information the registrar requires by rule. 3812

(K) Not later than July 1, 2010, the registrar shall adopt 3813  
rules implementing a commercial fleet licensing and management 3814  
program that will enable the owners of commercial tractors, 3815  
commercial trailers, and commercial semitrailers to conduct as 3816  
many transactions with the bureau and to send as much information 3817  
to the bureau via the internet as is technologically possible. The 3818  
registrar shall adopt new rules under this division or amend 3819  
existing rules adopted under this division as necessary in order 3820  
to respond to advances in technology. 3821

If international registration plan guidelines and provisions 3822  
allow member jurisdictions to permit applications for 3823  
registrations under the international registration plan to be made 3824  
via the internet, the rules the registrar adopts pursuant to this 3825

division shall permit such action. 3826

**Sec. 4503.103.** (A)(1)(a)(i) The registrar of motor vehicles 3827  
may adopt rules to permit any person or lessee, other than a 3828  
person receiving an apportioned license plate under the 3829  
international registration plan, who owns or leases one or more 3830  
motor vehicles to file a written application for registration for 3831  
no more than five succeeding registration years. The rules adopted 3832  
by the registrar may designate the classes of motor vehicles that 3833  
are eligible for such registration. At the time of application, 3834  
all annual taxes and fees shall be paid for each year for which 3835  
the person is registering. 3836

(ii) ~~The~~ Not later than October 1, 2009, the registrar shall 3837  
adopt rules to permit any person or lessee who owns or leases two 3838  
or more trailers or semitrailers that are subject to the tax rates 3839  
prescribed in section 4503.042 of the Revised Code for such 3840  
trailers or semitrailers to file a written application for 3841  
registration for not more than five succeeding registration years. 3842  
At the time of application, all annual taxes and fees shall be 3843  
paid for each year for which the person is registering. 3844

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 3845  
section, the registrar shall adopt rules to permit any person who 3846  
owns a motor vehicle to file an application for registration for 3847  
the next two succeeding registration years. At the time of 3848  
application, the person shall pay the annual taxes and fees for 3849  
each registration year, calculated in accordance with division (C) 3850  
of section 4503.11 of the Revised Code. A person who is 3851  
registering a vehicle under division (A)(1)(b) of this section 3852  
shall pay for each year of registration the additional fee 3853  
established under division (C)(1) of section 4503.10 of the 3854  
Revised Code. The person shall also pay one and one-half times the 3855  
amount of the deputy registrar service fee specified in division 3856

(D) of section 4503.10 of the Revised Code or the bureau of motor vehicles service fee specified in division (G) of that section, as applicable. 3857  
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(ii) Division (A)(1)(b)(i) of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code. 3860  
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(2) No person applying for a multi-year registration under division (A)(1) of this section is entitled to a refund of any taxes or fees paid. 3865  
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(3) The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of this section a multi-year registration or renewal thereof under this division or rules adopted under it for any motor vehicle that is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order. 3868  
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(B) Upon receipt from the director of environmental protection of a notice issued under rules adopted under section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained a required inspection certificate for the vehicle, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of 3876  
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which is or is located in the same county as the county named in 3889  
the order during the number of years after expiration of the 3890  
current multi-year registration that equals the number of years 3891  
for which the current multi-year registration was issued. 3892

An order issued under this division shall require the owner 3893  
to surrender to the registrar the certificate of registration and 3894  
license plates for the vehicle named in the order within five days 3895  
after its issuance. If the owner fails to do so within that time, 3896  
the registrar shall certify that fact to the county sheriff or 3897  
local police officials who shall recover the certificate of 3898  
registration and license plates for the vehicle. 3899

(C) Upon the occurrence of either of the following 3900  
circumstances, the registrar in accordance with Chapter 119. of 3901  
the Revised Code shall issue to the owner a modified order 3902  
rescinding the provisions of the order issued under division (B) 3903  
of this section impounding the certificate of registration and 3904  
license plates for the vehicle named in that original order: 3905

(1) Receipt from the director of environmental protection of 3906  
a subsequent notice under rules adopted under section 3704.14 of 3907  
the Revised Code that the owner has obtained the inspection 3908  
certificate for the vehicle as required under those rules; 3909

(2) Presentation to the registrar by the owner of the 3910  
required inspection certificate for the vehicle. 3911

(D) The owner of a motor vehicle for which the certificate of 3912  
registration and license plates have been impounded pursuant to an 3913  
order issued under division (B) of this section, upon issuance of 3914  
a modified order under division (C) of this section, may apply to 3915  
the registrar for their return. A fee of two dollars and fifty 3916  
cents shall be charged for the return of the certificate of 3917  
registration and license plates for each vehicle named in the 3918  
application. 3919

**Sec. 4503.191.** (A)(1) The identification license plate shall 3920  
be issued for a multi-year period as determined by the director of 3921  
public safety, and shall be accompanied by a validation sticker, 3922  
to be attached to the license plate. ~~The~~ Except as provided in 3923  
division (A)(2) of this section, the validation sticker shall 3924  
indicate the expiration of the registration period to which the 3925  
motor vehicle for which the license plate is issued is assigned, 3926  
in accordance with rules adopted by the registrar of motor 3927  
vehicles. During each succeeding year of the multi-year period 3928  
following the issuance of the plate and validation sticker, upon 3929  
the filing of an application for registration and the payment of 3930  
the tax therefor, a validation sticker alone shall be issued. The 3931  
validation stickers required under this section shall be of 3932  
different colors or shades each year, the new colors or shades to 3933  
be selected by the director. 3934

(2) The director shall develop a universal validation sticker 3935  
that may be issued to any owner of two hundred fifty or more 3936  
passenger vehicles, so that a sticker issued to the owner may be 3937  
placed on any passenger vehicle in that owner's fleet. The 3938  
director may establish and charge an additional fee of not more 3939  
than one dollar per registration to compensate for necessary costs 3940  
of the universal validation sticker program. 3941

(B) Identification license plates shall be produced by Ohio 3942  
penal industries. Validation stickers and county identification 3943  
stickers shall be produced by Ohio penal industries unless the 3944  
registrar adopts rules that permit the registrar or deputy 3945  
registrars to print or otherwise produce them in house. 3946

**Sec. 4505.032.** (A)(1) If a person who is not an electronic 3947  
motor vehicle dealer owns a motor vehicle for which a physical 3948  
certificate of title has not been issued by a clerk of a court of 3949  
common pleas and the person sells the motor vehicle to a motor 3950

vehicle dealer licensed under Chapter 4517. of the Revised Code, 3951  
the person is not required to obtain a physical certificate of 3952  
title to the motor vehicle in order to transfer ownership to the 3953  
dealer. The person shall present the dealer, in a manner approved 3954  
by the registrar of motor vehicles, with sufficient proof of the 3955  
person's identity and complete and sign a form prescribed by the 3956  
registrar attesting to the person's identity and assigning the 3957  
motor vehicle to the dealer. Except as otherwise provided in this 3958  
section, the motor vehicle dealer shall present the assignment 3959  
form to any clerk of a court of common pleas together with an 3960  
application for a certificate of title and payment of the fees 3961  
prescribed by section 4505.09 of the Revised Code. 3962

In a case in which an electronic certificate of title has 3963  
been issued and either the buyer or seller of the motor vehicle is 3964  
an electronic motor vehicle dealer, the electronic motor vehicle 3965  
dealer instead may inform a clerk of a court of common pleas via 3966  
electronic means of the sale of the motor vehicle and assignment 3967  
of ownership of the vehicle. The clerk shall enter the information 3968  
relating to the assignment, including, but not limited to, the 3969  
odometer disclosure statement required by section 4505.06 of the 3970  
Revised Code, into the automated title processing system, and 3971  
ownership of the vehicle passes to the applicant when the clerk 3972  
enters this information into the system. The dealer is not 3973  
required to obtain a physical certificate of title to the vehicle 3974  
in the dealer's name. 3975

(2) ~~A~~ (a) Except as provided in division (A)(2)(b) of this 3976  
section, a clerk shall charge and collect from a dealer a fee of 3977  
~~five~~ fifteen dollars for each motor vehicle assignment sent by the 3978  
dealer to the clerk under division (A)(1) of this section. 3979

(b) A clerk shall charge and collect from the dealer a fee of 3980  
five dollars for each motor vehicle assignment sent by the dealer 3981



to the clerk for resale purposes. 3982

(3) The ~~fee~~ fees shall be distributed in accordance with 3983  
section 4505.09 of the Revised Code. 3984

(B) If a person who is not an electronic motor vehicle dealer 3985  
owns a motor vehicle for which a physical certificate of title has 3986  
not been issued by a clerk of a court of common pleas and the 3987  
person sells the motor vehicle to a person who is not a motor 3988  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 3989  
the person shall obtain a physical certificate of title to the 3990  
motor vehicle in order to transfer ownership of the vehicle to 3991  
that person. 3992

**Sec. 4505.09.** (A) (1) The clerk of a court of common pleas 3993  
shall charge a ~~fee of five~~ and retain fees as follows: 3994

(a) Five dollars for each certificate of title that is not 3995  
applied for within thirty days after the later of the assignment 3996  
or delivery of the motor vehicle described in it. The ~~fees~~ entire  
fee shall be retained by the clerk. 3998

~~In addition to those fees, the clerk shall charge a fee of~~ 3999  
~~five~~ (b) Fifteen dollars for each certificate of title, or 4000  
duplicate certificate of title, including the issuance of a 4001  
memorandum certificate of title, or authorization to print a 4002  
non-negotiable evidence of ownership described in division (G) of 4003  
section 4505.08 of the Revised Code, non-negotiable evidence of 4004  
ownership printed by the clerk under division (H) of that section, 4005  
and notation of any lien on a certificate of title that is applied 4006  
for at the same time as the certificate of title. The clerk shall 4007  
retain ~~two~~ eleven dollars and ~~twenty-five~~ fifty cents of the that 4008  
~~fee charged for each certificate of title, four dollars and~~ 4009  
~~seventy-five cents of the fee charged for each duplicate~~ 4010  
~~certificate of title, all of the fees charged for each memorandum~~ 4011  
~~certificate, authorization to print a non negotiable evidence of~~ 4012

~~ownership, or non negotiable evidence of ownership printed by the 4013  
clerk, and four dollars and twenty five cents of the fee charged 4014  
for each notation of a lien. 4015~~

(c) Five dollars for each certificate of title with no 4016  
security interest noted that is issued to a licensed motor vehicle 4017  
dealer for resale purposes. The clerk shall retain two dollars and 4018  
twenty-five cents of that fee. 4019

(d) Five dollars for each memorandum certificate of title or 4020  
non-negotiable evidence of ownership that is applied for 4021  
separately. The clerk shall retain that entire fee. 4022

~~(2) The remaining two dollars and seventy five cents charged 4023  
for the certificate of title, the remaining twenty five cents 4024  
charged for the duplicate certificate of title, and the remaining 4025  
seventy five cents charged for the notation of any lien on a 4026  
certificate of title fees that are not retained by the clerk shall 4027  
be paid to the registrar of motor vehicles by monthly returns, 4028  
which shall be forwarded to the registrar not later than the fifth 4029  
day of the month next succeeding that in which the certificate is 4030  
issued or that in which the registrar is notified of a lien or 4031  
cancellation of a lien. 4032~~

(B)(1) The registrar shall pay twenty-five cents of the 4033  
amount received for each certificate of title ~~and all of the 4034  
amounts received for each notation of any lien and each duplicate 4035  
certificate issued to a motor vehicle dealer for resale and one 4036  
dollar for all other certificates of title issued into the state 4037  
bureau of motor vehicles fund established in section 4501.25 of 4038  
the Revised Code. 4039~~

(2) Fifty cents of the amount received for each certificate 4040  
of title shall be paid by the registrar as follows: 4041

(a) Four cents shall be paid into the state treasury to the 4042  
credit of the motor vehicle dealers board fund, which is hereby 4043

created. All investment earnings of the fund shall be credited to 4044  
the fund. The moneys in the motor vehicle dealers board fund shall 4045  
be used by the motor vehicle dealers board created under section 4046  
4517.30 of the Revised Code, together with other moneys 4047  
appropriated to it, in the exercise of its powers and the 4048  
performance of its duties under Chapter 4517. of the Revised Code, 4049  
except that the director of budget and management may transfer 4050  
excess money from the motor vehicle dealers board fund to the 4051  
bureau of motor vehicles fund if the registrar determines that the 4052  
amount of money in the motor vehicle dealers board fund, together 4053  
with other moneys appropriated to the board, exceeds the amount 4054  
required for the exercise of its powers and the performance of its 4055  
duties under Chapter 4517. of the Revised Code and requests the 4056  
director to make the transfer. 4057

(b) Twenty-one cents shall be paid into the highway operating 4058  
fund. 4059

(c) Twenty-five cents shall be paid into the state treasury 4060  
to the credit of the motor vehicle sales audit fund, which is 4061  
hereby created. The moneys in the fund shall be used by the tax 4062  
commissioner together with other funds available to the 4063  
commissioner to conduct a continuing investigation of sales and 4064  
use tax returns filed for motor vehicles in order to determine if 4065  
sales and use tax liability has been satisfied. The commissioner 4066  
shall refer cases of apparent violations of section 2921.13 of the 4067  
Revised Code made in connection with the titling or sale of a 4068  
motor vehicle and cases of any other apparent violations of the 4069  
sales or use tax law to the appropriate county prosecutor whenever 4070  
the commissioner considers it advisable. 4071

(3) ~~Two~~ One dollar and fifty cents of the amount received by 4072  
the registrar for each certificate of title issued to a motor 4073  
vehicle dealer for resale purposes and two dollars of the amount 4074  
received by the registrar for ~~each certificate~~ all other 4075

certificates of title shall be paid into the state treasury to the 4076  
credit of the automated title processing fund, which is hereby 4077  
created and which shall consist of moneys collected under division 4078  
(B)(3) of this section and under sections 1548.10 and 4519.59 of 4079  
the Revised Code. All investment earnings of the fund shall be 4080  
credited to the fund. The moneys in the fund shall be used as 4081  
follows: 4082

(a) Except for moneys collected under section 1548.10 of the 4083  
Revised Code and as provided in division (B)(3)(c) of this 4084  
section, moneys collected under division (B)(3) of this section 4085  
shall be used to implement and maintain an automated title 4086  
processing system for the issuance of motor vehicle, off-highway 4087  
motorcycle, and all-purpose vehicle certificates of title in the 4088  
offices of the clerks of the courts of common pleas. 4089

(b) Moneys collected under section 1548.10 of the Revised 4090  
Code shall be used to issue marine certificates of title in the 4091  
offices of the clerks of the courts of common pleas as provided in 4092  
Chapter 1548. of the Revised Code. 4093

(c) Moneys collected under division (B)(3) of this section 4094  
shall be used in accordance with section 4505.25 of the Revised 4095  
Code to implement Sub. S.B. 59 of the 124th general assembly. 4096

(4) The registrar shall pay fifty cents of the amount 4097  
received for each certificate of title issued to a motor vehicle 4098  
dealer for resale purposes into the title defect recision fund 4099  
created in section 1345.52 of the Revised Code. 4100

(C)(1) The automated title processing board is hereby created 4101  
consisting of the registrar or the registrar's representative, a 4102  
person selected by the registrar, the president of the Ohio clerks 4103  
of court association or the president's representative, and two 4104  
clerks of courts of common pleas appointed by the governor. The 4105  
director of budget and management or the director's designee, the 4106

chief of the division of watercraft in the department of natural 4107  
resources or the chief's designee, and the tax commissioner or the 4108  
commissioner's designee shall be nonvoting members of the board. 4109  
The purpose of the board is to facilitate the operation and 4110  
maintenance of an automated title processing system and approve 4111  
the procurement of automated title processing system equipment. 4112  
Voting members of the board, excluding the registrar or the 4113  
registrar's representative, shall serve without compensation, but 4114  
shall be reimbursed for travel and other necessary expenses 4115  
incurred in the conduct of their official duties. The registrar or 4116  
the registrar's representative shall receive neither compensation 4117  
nor reimbursement as a board member. 4118

(2) The automated title processing board shall determine each 4119  
of the following: 4120

(a) The automated title processing equipment and certificates 4121  
of title requirements for each county; 4122

(b) The payment of expenses that may be incurred by the 4123  
counties in implementing an automated title processing system; 4124

(c) The repayment to the counties for existing title 4125  
processing equipment. 4126

(3) The registrar shall purchase, lease, or otherwise acquire 4127  
any automated title processing equipment and certificates of title 4128  
that the board determines are necessary from moneys in the 4129  
automated title processing fund established by division (B)(3) of 4130  
this section. 4131

(D) All counties shall conform to the requirements of the 4132  
registrar regarding the operation of their automated title 4133  
processing system for motor vehicle titles, certificates of title 4134  
for off-highway motorcycles and all-purpose vehicles, and 4135  
certificates of title for watercraft and outboard motors. 4136  
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Sec. 4506.07. (A) Every application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit, or a duplicate of such a license, shall be made upon a form approved and furnished by the registrar of motor vehicles. Except as provided in section 4506.24 of the Revised Code in regard to a restricted commercial driver's license, the application shall be signed by the applicant and shall contain the following information:

(1) The applicant's name, date of birth, social security account number, sex, general description including height, weight, and color of hair and eyes, current residence, duration of residence in this state, country of citizenship, and occupation;

(2) Whether the applicant previously has been licensed to operate a commercial motor vehicle or any other type of motor vehicle in another state or a foreign jurisdiction and, if so, when, by what state, and whether the license or driving privileges currently are suspended or revoked in any jurisdiction, or the applicant otherwise has been disqualified from operating a commercial motor vehicle, or is subject to an out-of-service order issued under this chapter or any similar law of another state or a foreign jurisdiction and, if so, the date of, locations involved, and reason for the suspension, revocation, disqualification, or out-of-service order;

(3) Whether the applicant is afflicted with or suffering from any physical or mental disability or disease that prevents the applicant from exercising reasonable and ordinary control over a motor vehicle while operating it upon a highway or is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and, if so, the nature and extent of the disability, disease, or condition, and the names and addresses of the physicians attending the applicant;

(4) Whether the applicant has obtained a medical examiner's certificate as required by this chapter; 4169  
4170

(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred; 4171  
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(6) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.05 of the Revised Code, which shall be given no consideration in the issuance of a license; 4176  
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(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument; 4180  
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(8) On and after ~~the date that is fifteen months after the effective date of this amendment~~ October 7, 2009, whether the applicant is ~~an honorably discharged~~ a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such ~~an honorably discharged veteran~~, whether the applicant wishes the license issued to indicate that the applicant is ~~an honorably discharged~~ a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license. 4189  
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(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following: 4198  
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(1) That the motor vehicle in which the applicant intends to 4200  
take the driving skills test is representative of the type of 4201  
motor vehicle that the applicant expects to operate as a driver; 4202

(2) That the applicant is not subject to any disqualification 4203  
or out-of-service order, or license suspension, revocation, or 4204  
cancellation, under the laws of this state, of another state, or 4205  
of a foreign jurisdiction and does not have more than one driver's 4206  
license issued by this or another state or a foreign jurisdiction; 4207

(3) Any additional information, certification, or evidence 4208  
that the registrar requires by rule in order to ensure that the 4209  
issuance of a commercial driver's license to the applicant is in 4210  
compliance with the law of this state and with federal law. 4211

(C) Every applicant shall execute a form, approved and 4212  
furnished by the registrar, under which the applicant consents to 4213  
the release by the registrar of information from the applicant's 4214  
driving record. 4215

(D) The registrar or a deputy registrar, in accordance with 4216  
section 3503.11 of the Revised Code, shall register as an elector 4217  
any applicant for a commercial driver's license or for a renewal 4218  
or duplicate of such a license under this chapter, if the 4219  
applicant is eligible and wishes to be registered as an elector. 4220  
The decision of an applicant whether to register as an elector 4221  
shall be given no consideration in the decision of whether to 4222  
issue the applicant a license or a renewal or duplicate. 4223

(E) The registrar or a deputy registrar, in accordance with 4224  
section 3503.11 of the Revised Code, shall offer the opportunity 4225  
of completing a notice of change of residence or change of name to 4226  
any applicant for a commercial driver's license or for a renewal 4227  
or duplicate of such a license who is a resident of this state, if 4228  
the applicant is a registered elector who has changed the 4229  
applicant's residence or name and has not filed such a notice. 4230



(F) In considering any application submitted pursuant to this section, the bureau of motor vehicles may conduct any inquiries necessary to ensure that issuance or renewal of a commercial driver's license would not violate any provision of the Revised Code or federal law.

(G) In addition to any other information it contains, on and after ~~the date that is fifteen months after the effective date of this amendment~~ October 7, 2009, the form approved and furnished by the registrar of motor vehicles for an application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit or an application for a duplicate of such a license shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license or duplicate indicate that the applicant is ~~an honorably discharged~~ a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A)(8) of this section.

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

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

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

(3) A physical description of the licensee, including sex,	4262
height, weight, and color of eyes and hair;	4263
(4) The licensee's date of birth;	4264
(5) The licensee's social security number if the person has	4265
requested that the number be displayed in accordance with section	4266
4501.31 of the Revised Code or if federal law requires the social	4267
security number to be displayed and any number or other identifier	4268
the director of public safety considers appropriate and	4269
establishes by rules adopted under Chapter 119. of the Revised	4270
Code and in compliance with federal law;	4271
(6) The licensee's signature;	4272
(7) The classes of commercial motor vehicles the licensee is	4273
authorized to drive and any endorsements or restrictions relating	4274
to the licensee's driving of those vehicles;	4275
(8) The name of this state;	4276
(9) The dates of issuance and of expiration of the license;	4277
(10) If the licensee has certified willingness to make an	4278
anatomical gift under section 2108.05 of the Revised Code, any	4279
symbol chosen by the registrar of motor vehicles to indicate that	4280
the licensee has certified that willingness;	4281
(11) If the licensee has executed a durable power of attorney	4282
for health care or a declaration governing the use or	4283
continuation, or the withholding or withdrawal, of life-sustaining	4284
treatment and has specified that the licensee wishes the license	4285
to indicate that the licensee has executed either type of	4286
instrument, any symbol chosen by the registrar to indicate that	4287
the licensee has executed either type of instrument;	4288
(12) On and after <del>the date that is fifteen months after the</del>	4289
<del>effective date of this amendment</del> <u>October 7, 2009</u> , if the licensee	4290
has specified that the licensee wishes the license to indicate	4291

that the licensee is ~~an honorably discharged~~ a veteran, active 4292  
duty, or reservist of the armed forces of the United States and 4293  
has presented a copy of the licensee's DD-214 form or an 4294  
equivalent document, any symbol chosen by the registrar to 4295  
indicate that the licensee is ~~an honorably discharged~~ a veteran, 4296  
active duty, or reservist of the armed forces of the United 4297  
States; 4298

(13) Any other information the registrar considers advisable 4299  
and requires by rule. 4300

(B) The registrar may establish and maintain a file of 4301  
negatives of photographs taken for the purposes of this section. 4302

(C) Neither the registrar nor any deputy registrar shall 4303  
issue a commercial driver's license to anyone under twenty-one 4304  
years of age that does not have the characteristics prescribed by 4305  
the registrar distinguishing it from the commercial driver's 4306  
license issued to persons who are twenty-one years of age or 4307  
older. 4308

(D) Whoever violates division (C) of this section is guilty 4309  
of a minor misdemeanor. 4310

**Sec. 4506.17.** (A) Any person who holds a commercial driver's 4311  
license or operates a commercial motor vehicle requiring a 4312  
commercial driver's license within this state shall be deemed to 4313  
have given consent to a test or tests of the person's whole blood, 4314  
blood serum or plasma, breath, or urine for the purpose of 4315  
determining the person's alcohol concentration or the presence of 4316  
any controlled substance or a metabolite of a controlled 4317  
substance. 4318

(B) A test or tests as provided in division (A) of this 4319  
section may be administered at the direction of a peace officer 4320  
having reasonable ground to stop or detain the person and, after 4321

investigating the circumstances surrounding the operation of the 4322  
commercial motor vehicle, also having reasonable ground to believe 4323  
the person was driving the commercial vehicle while having a 4324  
measurable or detectable amount of alcohol or of a controlled 4325  
substance or a metabolite of a controlled substance in the 4326  
person's whole blood, blood serum or plasma, breath, or urine. Any 4327  
such test shall be given within two hours of the time of the 4328  
alleged violation. 4329

(C) A person requested to submit to a test under division (A) 4330  
of this section shall be advised by the peace officer requesting 4331  
the test that a refusal to submit to the test will result in the 4332  
person immediately being placed out-of-service for a period of 4333  
twenty-four hours and being disqualified from operating a 4334  
commercial motor vehicle for a period of not less than one year, 4335  
and that the person is required to surrender the person's 4336  
commercial driver's license to the peace officer. 4337

(D) If a person refuses to submit to a test after being 4338  
warned as provided in division (C) of this section or submits to a 4339  
test that discloses the presence of a controlled substance or a 4340  
metabolite of a controlled substance, an alcohol concentration of 4341  
four-hundredths of one per cent or more by whole blood or breath, 4342  
an alcohol concentration of forty-eight-thousandths of one per 4343  
cent or more by blood serum or blood plasma, or an alcohol 4344  
concentration of fifty-six-thousandths of one per cent or more by 4345  
urine, the person immediately shall surrender the person's 4346  
commercial driver's license to the peace officer. The peace 4347  
officer shall forward the license, together with a sworn report, 4348  
to the registrar of motor vehicles certifying that the test was 4349  
requested pursuant to division (A) of this section and that the 4350  
person either refused to submit to testing or submitted to a test 4351  
that disclosed the presence of a controlled substance or a 4352  
metabolite of a controlled substance or a prohibited alcohol 4353

concentration. The form and contents of the report required by 4354  
this section shall be established by the registrar by rule, but 4355  
shall contain the advice to be read to the driver and a statement 4356  
to be signed by the driver acknowledging that the driver has been 4357  
read the advice and that the form was shown to the driver. 4358

(E) Upon receipt of a sworn report from a peace officer as 4359  
provided in division (D) of this section, the registrar shall 4360  
disqualify the person named in the report from driving a 4361  
commercial motor vehicle for the period described below: 4362

(1) Upon a first incident, one year; 4363

(2) Upon an incident of refusal or of a prohibited 4364  
concentration of alcohol, a controlled substance, or a metabolite 4365  
of a controlled substance after one or more previous incidents of 4366  
either refusal or of a prohibited concentration of alcohol, a 4367  
controlled substance, or a metabolite of a controlled substance, 4368  
the person shall be disqualified for life or such lesser period as 4369  
prescribed by rule by the registrar. 4370

(F) A test of a person's whole blood or a person's blood 4371  
serum or plasma given under this section shall comply with the 4372  
applicable provisions of division (D) of section 4511.19 of the 4373  
Revised Code and any physician, registered nurse, emergency 4374  
medical technician, or qualified technician, chemist, or 4375  
phlebotomist who withdraws whole blood or blood serum or plasma 4376  
from a person under this section, and any hospital, first-aid 4377  
station, clinic, or other facility at which whole blood or blood 4378  
serum or plasma is withdrawn from a person pursuant to this 4379  
section, is immune from criminal liability, and from civil 4380  
liability that is based upon a claim of assault and battery or 4381  
based upon any other claim of malpractice, for any act performed 4382  
in withdrawing whole blood or blood serum or plasma from the 4383  
person. The immunity provided in this division also extends to an 4384  
emergency medical service organization that employs an emergency 4385

medical technician who withdraws blood pursuant to this section. 4386

(G) When a person submits to a test under this section, the 4387  
results of the test, at the person's request, shall be made 4388  
available to the person, the person's attorney, or the person's 4389  
agent, immediately upon completion of the chemical test analysis. 4390  
The person also may have an additional test administered by a 4391  
physician, a registered nurse, or a qualified technician, chemist, 4392  
or phlebotomist of the person's own choosing as provided in 4393  
division (D) of section 4511.19 of the Revised Code for tests 4394  
administered under that section, and the failure to obtain such a 4395  
test has the same effect as in that division. 4396

(H) No person shall refuse to immediately surrender the 4397  
person's commercial driver's license to a peace officer when 4398  
required to do so by this section. 4399

(I) A peace officer issuing an out-of-service order or 4400  
receiving a commercial driver's license surrendered under this 4401  
section may remove or arrange for the removal of any commercial 4402  
motor vehicle affected by the issuance of that order or the 4403  
surrender of that license. 4404

(J)(1) Except for civil actions arising out of the operation 4405  
of a motor vehicle and civil actions in which the state is a 4406  
plaintiff, no peace officer of any law enforcement agency within 4407  
this state is liable in compensatory damages in any civil action 4408  
that arises under the Revised Code or common law of this state for 4409  
an injury, death, or loss to person or property caused in the 4410  
performance of official duties under this section and rules 4411  
adopted under this section, unless the officer's actions were 4412  
manifestly outside the scope of the officer's employment or 4413  
official responsibilities, or unless the officer acted with 4414  
malicious purpose, in bad faith, or in a wanton or reckless 4415  
manner. 4416

(2) Except for civil actions that arise out of the operation 4417  
of a motor vehicle and civil actions in which the state is a 4418  
plaintiff, no peace officer of any law enforcement agency within 4419  
this state is liable in punitive or exemplary damages in any civil 4420  
action that arises under the Revised Code or common law of this 4421  
state for any injury, death, or loss to person or property caused 4422  
in the performance of official duties under this section of the 4423  
Revised Code and rules adopted under this section, unless the 4424  
officer's actions were manifestly outside the scope of the 4425  
officer's employment or official responsibilities, or unless the 4426  
officer acted with malicious purpose, in bad faith, or in a wanton 4427  
or reckless manner. 4428

(K) When disqualifying a driver, the registrar shall cause 4429  
the records of the bureau of motor vehicles to be updated to 4430  
reflect the disqualification within ten days after it occurs. 4431

(L) The registrar immediately shall notify a driver who is 4432  
subject to disqualification of the disqualification, of the length 4433  
of the disqualification, and that the driver may request a hearing 4434  
within thirty days of the mailing of the notice to show cause why 4435  
the driver should not be disqualified from operating a commercial 4436  
motor vehicle. If a request for such a hearing is not made within 4437  
thirty days of the mailing of the notice, the order of 4438  
disqualification is final. The registrar may designate hearing 4439  
examiners who, after affording all parties reasonable notice, 4440  
shall conduct a hearing to determine whether the disqualification 4441  
order is supported by reliable evidence. The registrar shall adopt 4442  
rules to implement this division. 4443

(M) Any person who is disqualified from operating a 4444  
commercial motor vehicle under this section may apply to the 4445  
registrar for a driver's license to operate a motor vehicle other 4446  
than a commercial motor vehicle, provided the person's commercial 4447  
driver's license is not otherwise suspended. A person whose 4448

commercial driver's license is suspended shall not apply to the 4449  
registrar for or receive a driver's license under Chapter 4507. of 4450  
the Revised Code during the period of suspension. 4451

(N) Whoever violates division (H) of this section is guilty 4452  
of a misdemeanor of the first degree. 4453

**Sec. 4507.06.** (A)(1) Every application for a driver's license 4454  
or motorcycle operator's license or endorsement, or duplicate of 4455  
any such license or endorsement, shall be made upon the approved 4456  
form furnished by the registrar of motor vehicles and shall be 4457  
signed by the applicant. 4458

Every application shall state the following: 4459

(a) The applicant's name, date of birth, social security 4460  
number if such has been assigned, sex, general description, 4461  
including height, weight, color of hair, and eyes, residence 4462  
address, including county of residence, duration of residence in 4463  
this state, and country of citizenship; 4464

(b) Whether the applicant previously has been licensed as an 4465  
operator, chauffeur, driver, commercial driver, or motorcycle 4466  
operator and, if so, when, by what state, and whether such license 4467  
is suspended or canceled at the present time and, if so, the date 4468  
of and reason for the suspension or cancellation; 4469

(c) Whether the applicant is now or ever has been afflicted 4470  
with epilepsy, or whether the applicant now is suffering from any 4471  
physical or mental disability or disease and, if so, the nature 4472  
and extent of the disability or disease, giving the names and 4473  
addresses of physicians then or previously in attendance upon the 4474  
applicant; 4475

(d) Whether an applicant for a duplicate driver's license, or 4476  
duplicate license containing a motorcycle operator endorsement has 4477  
pending a citation for violation of any motor vehicle law or 4478



ordinance, a description of any such citation pending, and the 4479  
date of the citation; 4480

(e) Whether the applicant wishes to certify willingness to 4481  
make an anatomical gift under section 2108.05 of the Revised Code, 4482  
which shall be given no consideration in the issuance of a license 4483  
or endorsement; 4484

(f) Whether the applicant has executed a valid durable power 4485  
of attorney for health care pursuant to sections 1337.11 to 4486  
1337.17 of the Revised Code or has executed a declaration 4487  
governing the use or continuation, or the withholding or 4488  
withdrawal, of life-sustaining treatment pursuant to sections 4489  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 4490  
executed either type of instrument, whether the applicant wishes 4491  
the applicant's license to indicate that the applicant has 4492  
executed the instrument; 4493

(g) On and after ~~the date that is fifteen months after the~~ 4494  
~~effective date of this amendment~~ October 7, 2009, whether the 4495  
applicant is ~~an honorably discharged~~ a veteran, active duty, or 4496  
reservist of the armed forces of the United States and, if the 4497  
applicant is such ~~an honorably discharged veteran~~, whether the 4498  
applicant wishes the applicant's license to indicate that the 4499  
applicant is ~~an honorably discharged~~ a veteran, active duty, or 4500  
reservist of the armed forces of the United States by a military 4501  
designation on the license. 4502

(2) Every applicant for a driver's license shall be 4503  
photographed in color at the time the application for the license 4504  
is made. The application shall state any additional information 4505  
that the registrar requires. 4506

(B) The registrar or a deputy registrar, in accordance with 4507  
section 3503.11 of the Revised Code, shall register as an elector 4508  
any person who applies for a driver's license or motorcycle 4509

operator's license or endorsement under division (A) of this 4510  
section, or for a renewal or duplicate of the license or 4511  
endorsement, if the applicant is eligible and wishes to be 4512  
registered as an elector. The decision of an applicant whether to 4513  
register as an elector shall be given no consideration in the 4514  
decision of whether to issue the applicant a license or 4515  
endorsement, or a renewal or duplicate. 4516

(C) The registrar or a deputy registrar, in accordance with 4517  
section 3503.11 of the Revised Code, shall offer the opportunity 4518  
of completing a notice of change of residence or change of name to 4519  
any applicant for a driver's license or endorsement under division 4520  
(A) of this section, or for a renewal or duplicate of the license 4521  
or endorsement, if the applicant is a registered elector who has 4522  
changed the applicant's residence or name and has not filed such a 4523  
notice. 4524

(D) In addition to any other information it contains, on and 4525  
after ~~the date that is fifteen months after the effective date of~~ 4526  
~~this amendment~~ October 7, 2009, the approved form furnished by the 4527  
registrar of motor vehicles for an application for a driver's 4528  
license or motorcycle operator's license or endorsement or an 4529  
application for a duplicate of any such license or endorsement 4530  
shall inform applicants that the applicant must present a copy of 4531  
the applicant's DD-214 or an equivalent document in order to 4532  
qualify to have the license or duplicate indicate that the 4533  
applicant is ~~an honorably discharged~~ a veteran, active duty, or 4534  
reservist of the armed forces of the United States based on a 4535  
request made pursuant to division (A)(1)(g) of this section. 4536  
4537

**Sec. 4507.13.** (A) The registrar of motor vehicles shall issue 4538  
a driver's license to every person licensed as an operator of 4539  
motor vehicles other than commercial motor vehicles. No person 4540

licensed as a commercial motor vehicle driver under Chapter 4506. 4541  
of the Revised Code need procure a driver's license, but no person 4542  
shall drive any commercial motor vehicle unless licensed as a 4543  
commercial motor vehicle driver. 4544

Every driver's license shall display on it the distinguishing 4545  
number assigned to the licensee and shall display the licensee's 4546  
name and date of birth; the licensee's residence address and 4547  
county of residence; a color photograph of the licensee; a brief 4548  
description of the licensee for the purpose of identification; a 4549  
facsimile of the signature of the licensee as it appears on the 4550  
application for the license; a notation, in a manner prescribed by 4551  
the registrar, indicating any condition described in division 4552  
(D)(3) of section 4507.08 of the Revised Code to which the 4553  
licensee is subject; if the licensee has executed a durable power 4554  
of attorney for health care or a declaration governing the use or 4555  
continuation, or the withholding or withdrawal, of life-sustaining 4556  
treatment and has specified that the licensee wishes the license 4557  
to indicate that the licensee has executed either type of 4558  
instrument, any symbol chosen by the registrar to indicate that 4559  
the licensee has executed either type of instrument; on and after 4560  
~~the date that is fifteen months after the effective date of this~~ 4561  
~~amendment~~ October 7, 2009, if the licensee has specified that the 4562  
licensee wishes the license to indicate that the licensee is ~~an~~ 4563  
~~honorably discharged~~ a veteran, active duty, or reservist of the 4564  
armed forces of the United States and has presented a copy of the 4565  
licensee's DD-214 form or an equivalent document, any symbol 4566  
chosen by the registrar to indicate that the licensee is ~~an~~ 4567  
~~honorably discharged~~ a veteran, active duty, or reservist of the 4568  
armed forces of the United States; and any additional information 4569  
that the registrar requires by rule. No license shall display the 4570  
licensee's social security number unless the licensee specifically 4571  
requests that the licensee's social security number be displayed 4572  
on the license. If federal law requires the licensee's social 4573

security number to be displayed on the license, the social 4574  
security number shall be displayed on the license notwithstanding 4575  
this section. 4576

The driver's license for licensees under twenty-one years of 4577  
age shall have characteristics prescribed by the registrar 4578  
distinguishing it from that issued to a licensee who is twenty-one 4579  
years of age or older, except that a driver's license issued to a 4580  
person who applies no more than thirty days before the applicant's 4581  
twenty-first birthday shall have the characteristics of a license 4582  
issued to a person who is twenty-one years of age or older. 4583

The driver's license issued to a temporary resident shall 4584  
contain the word "nonrenewable" and shall have any additional 4585  
characteristics prescribed by the registrar distinguishing it from 4586  
a license issued to a resident. 4587

Every driver's or commercial driver's license displaying a 4588  
motorcycle operator's endorsement and every restricted license to 4589  
operate a motor vehicle also shall display the designation 4590  
"novice," if the endorsement or license is issued to a person who 4591  
is eighteen years of age or older and previously has not been 4592  
licensed to operate a motorcycle by this state or another 4593  
jurisdiction recognized by this state. The "novice" designation 4594  
shall be effective for one year after the date of issuance of the 4595  
motorcycle operator's endorsement or license. 4596

Each license issued under this section shall be of such 4597  
material and so designed as to prevent its reproduction or 4598  
alteration without ready detection and, to this end, shall be 4599  
laminated with a transparent plastic material. 4600

(B) Except in regard to a driver's license issued to a person 4601  
who applies no more than thirty days before the applicant's 4602  
twenty-first birthday, neither the registrar nor any deputy 4603  
registrar shall issue a driver's license to anyone under 4604

twenty-one years of age that does not have the characteristics 4605  
prescribed by the registrar distinguishing it from the driver's 4606  
license issued to persons who are twenty-one years of age or 4607  
older. 4608

(C) Whoever violates division (B) of this section is guilty 4609  
of a minor misdemeanor. 4610

**Sec. 4507.51.** (A)(1) Every application for an identification 4611  
card or duplicate shall be made on a form furnished by the 4612  
registrar of motor vehicles, shall be signed by the applicant, and 4613  
by the applicant's parent or guardian if the applicant is under 4614  
eighteen years of age, and shall contain the following information 4615  
pertaining to the applicant: name, date of birth, sex, general 4616  
description including the applicant's height, weight, hair color, 4617  
and eye color, address, and social security number. The 4618  
application also shall state whether an applicant wishes to 4619  
certify willingness to make an anatomical gift under section 4620  
2108.05 of the Revised Code and shall include information about 4621  
the requirements of sections 2108.01 to 2108.29 of the Revised 4622  
Code that apply to persons who are less than eighteen years of 4623  
age. The statement regarding willingness to make such a donation 4624  
shall be given no consideration in the decision of whether to 4625  
issue an identification card. Each applicant shall be photographed 4626  
in color at the time of making application. 4627

(2)(a) The application also shall state whether the applicant 4628  
has executed a valid durable power of attorney for health care 4629  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 4630  
executed a declaration governing the use or continuation, or the 4631  
withholding or withdrawal, of life-sustaining treatment pursuant 4632  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 4633  
applicant has executed either type of instrument, whether the 4634  
applicant wishes the identification card issued to indicate that 4635

the applicant has executed the instrument. 4636

(b) On and after ~~the date that is fifteen months after the~~ 4637  
~~effective date of this amendment~~ October 7, 2009, the application 4638  
also shall state whether the applicant is ~~an honorably discharged~~ 4639  
a veteran, active duty, or reservist of the armed forces of the 4640  
United States and, if the applicant is such ~~an honorably~~ 4641  
~~discharged veteran~~, whether the applicant wishes the 4642  
identification card issued to indicate that the applicant is ~~an~~ 4643  
~~honorably discharged~~ a veteran, active duty, or reservist of the 4644  
armed forces of the United States by a military designation on the 4645  
identification card. 4646

(3) The registrar or deputy registrar, in accordance with 4647  
section 3503.11 of the Revised Code, shall register as an elector 4648  
any person who applies for an identification card or duplicate if 4649  
the applicant is eligible and wishes to be registered as an 4650  
elector. The decision of an applicant whether to register as an 4651  
elector shall be given no consideration in the decision of whether 4652  
to issue the applicant an identification card or duplicate. 4653

(B) The application for an identification card or duplicate 4654  
shall be filed in the office of the registrar or deputy registrar. 4655  
Each applicant shall present documentary evidence as required by 4656  
the registrar of the applicant's age and identity, and the 4657  
applicant shall swear that all information given is true. An 4658  
identification card issued by the department of rehabilitation and 4659  
correction under section 5120.59 of the Revised Code shall be 4660  
sufficient documentary evidence under this division. Upon issuing 4661  
an identification card under this section for a person who has 4662  
been issued an identification card under section 5120.59 of the 4663  
Revised Code, the registrar or deputy registrar shall destroy the 4664  
identification card issued under section 5120.59 of the Revised 4665  
Code. 4666

All applications for an identification card or duplicate 4667

shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(C) In addition to any other information it contains, on and after the date that is fifteen months after the effective date of this amendment, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

**Sec. 4507.52.** (A) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not licensed to operate a motor vehicle in the state of Ohio."

The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, but shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires

the cardholder's social security number to be displayed on the 4699  
identification card, the social security number shall be displayed 4700  
on the card notwithstanding this section. The identification card 4701  
also shall display the color photograph of the cardholder. If the 4702  
cardholder has executed a durable power of attorney for health 4703  
care or a declaration governing the use or continuation, or the 4704  
withholding or withdrawal, of life-sustaining treatment and has 4705  
specified that the cardholder wishes the identification card to 4706  
indicate that the cardholder has executed either type of 4707  
instrument, the card also shall display any symbol chosen by the 4708  
registrar to indicate that the cardholder has executed either type 4709  
of instrument. On and after ~~the date that is fifteen months after~~ 4710  
~~the effective date of this amendment~~ October 7, 2009, if the 4711  
cardholder has specified that the cardholder wishes the 4712  
identification card to indicate that the cardholder is ~~an~~ 4713  
~~honorably discharged~~ a veteran, active duty, or reservist of the 4714  
armed forces of the United States and has presented a copy of the 4715  
cardholder's DD-214 form or an equivalent document, the card also 4716  
shall display any symbol chosen by the registrar to indicate that 4717  
the cardholder is ~~an honorably discharged~~ a veteran, active duty, 4718  
or reservist of the armed forces of the United States. The card 4719  
shall be sealed in transparent plastic or similar material and 4720  
shall be so designed as to prevent its reproduction or alteration 4721  
without ready detection. 4722

The identification card for persons under twenty-one years of 4723  
age shall have characteristics prescribed by the registrar 4724  
distinguishing it from that issued to a person who is twenty-one 4725  
years of age or older, except that an identification card issued 4726  
to a person who applies no more than thirty days before the 4727  
applicant's twenty-first birthday shall have the characteristics 4728  
of an identification card issued to a person who is twenty-one 4729  
years of age or older. 4730



Every identification card issued to a resident of this state 4731  
shall expire, unless canceled or surrendered earlier, on the 4732  
birthday of the cardholder in the fourth year after the date on 4733  
which it is issued. Every identification card issued to a 4734  
temporary resident shall expire in accordance with rules adopted 4735  
by the registrar and is nonrenewable, but may be replaced with a 4736  
new identification card upon the applicant's compliance with all 4737  
applicable requirements. A cardholder may renew the cardholder's 4738  
identification card within ninety days prior to the day on which 4739  
it expires by filing an application and paying the prescribed fee 4740  
in accordance with section 4507.50 of the Revised Code. 4741

If a cardholder applies for a driver's or commercial driver's 4742  
license in this state or another licensing jurisdiction, the 4743  
cardholder shall surrender the cardholder's identification card to 4744  
the registrar or any deputy registrar before the license is 4745  
issued. 4746

(B) If a card is lost, destroyed, or mutilated, the person to 4747  
whom the card was issued may obtain a duplicate by doing both of 4748  
the following: 4749

(1) Furnishing suitable proof of the loss, destruction, or 4750  
mutilation to the registrar or a deputy registrar; 4751

(2) Filing an application and presenting documentary evidence 4752  
under section 4507.51 of the Revised Code. 4753

Any person who loses a card and, after obtaining a duplicate, 4754  
finds the original, immediately shall surrender the original to 4755  
the registrar or a deputy registrar. 4756

A cardholder may obtain a replacement identification card 4757  
that reflects any change of the cardholder's name by furnishing 4758  
suitable proof of the change to the registrar or a deputy 4759  
registrar and surrendering the cardholder's existing card. 4760

When a cardholder applies for a duplicate or obtains a 4761

replacement identification card, the cardholder shall pay a fee of 4762  
two dollars and fifty cents. A deputy registrar shall be allowed 4763  
an additional fee of two dollars and seventy-five cents commencing 4764  
on July 1, 2001, three dollars and twenty-five cents commencing on 4765  
January 1, 2003, and three dollars and fifty cents commencing on 4766  
January 1, 2004, for issuing a duplicate or replacement 4767  
identification card. A disabled veteran who is a cardholder and 4768  
has a service-connected disability rated at one hundred per cent 4769  
by the veterans' administration may apply to the registrar or a 4770  
deputy registrar for the issuance of a duplicate or replacement 4771  
identification card without payment of any fee prescribed in this 4772  
section, and without payment of any lamination fee if the disabled 4773  
veteran would not be required to pay a lamination fee in 4774  
connection with the issuance of an identification card or 4775  
temporary identification card as provided in division (B) of 4776  
section 4507.50 of the Revised Code. 4777

A duplicate or replacement identification card shall expire 4778  
on the same date as the card it replaces. 4779

(C) The registrar shall cancel any card upon determining that 4780  
the card was obtained unlawfully, issued in error, or was altered. 4781  
The registrar also shall cancel any card that is surrendered to 4782  
the registrar or to a deputy registrar after the holder has 4783  
obtained a duplicate, replacement, or driver's or commercial 4784  
driver's license. 4785

(D)(1) No agent of the state or its political subdivisions 4786  
shall condition the granting of any benefit, service, right, or 4787  
privilege upon the possession by any person of an identification 4788  
card. Nothing in this section shall preclude any publicly operated 4789  
or franchised transit system from using an identification card for 4790  
the purpose of granting benefits or services of the system. 4791

(2) No person shall be required to apply for, carry, or 4792  
possess an identification card. 4793

(E) Except in regard to an identification card issued to a 4794  
person who applies no more than thirty days before the applicant's 4795  
twenty-first birthday, neither the registrar nor any deputy 4796  
registrar shall issue an identification card to a person under 4797  
twenty-one years of age that does not have the characteristics 4798  
prescribed by the registrar distinguishing it from the 4799  
identification card issued to persons who are twenty-one years of 4800  
age or older. 4801

(F) Whoever violates division (E) of this section is guilty 4802  
of a minor misdemeanor. 4803

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 4804  
the Revised Code: 4805

(A) "Vehicle" means every device, including a motorized 4806  
bicycle, in, upon, or by which any person or property may be 4807  
transported or drawn upon a highway, except that "vehicle" does 4808  
not include any motorized wheelchair, any electric personal 4809  
assistive mobility device, any device that is moved by power 4810  
collected from overhead electric trolley wires or that is used 4811  
exclusively upon stationary rails or tracks, or any device, other 4812  
than a bicycle, that is moved by human power. 4813

(B) "Motor vehicle" means every vehicle propelled or drawn by 4814  
power other than muscular power or power collected from overhead 4815  
electric trolley wires, except motorized bicycles, road rollers, 4816  
traction engines, power shovels, power cranes, and other equipment 4817  
used in construction work and not designed for or employed in 4818  
general highway transportation, hole-digging machinery, 4819  
well-drilling machinery, ditch-digging machinery, farm machinery, 4820  
and trailers designed and used exclusively to transport a boat 4821  
between a place of storage and a marina, or in and around a 4822  
marina, when drawn or towed on a street or highway for a distance 4823  
of no more than ten miles and at a speed of twenty-five miles per 4824

hour or less. 4825

(C) "Motorcycle" means every motor vehicle, other than a 4826  
tractor, having a seat or saddle for the use of the operator and 4827  
designed to travel on not more than three wheels in contact with 4828  
the ground, including, but not limited to, motor vehicles known as 4829  
"motor-driven cycle," "motor scooter," or "motorcycle" without 4830  
regard to weight or brake horsepower. 4831

(D) "Emergency vehicle" means emergency vehicles of 4832  
municipal, township, or county departments or public utility 4833  
corporations when identified as such as required by law, the 4834  
director of public safety, or local authorities, and motor 4835  
vehicles when commandeered by a police officer. 4836

(E) "Public safety vehicle" means any of the following: 4837

(1) Ambulances, including private ambulance companies under 4838  
contract to a municipal corporation, township, or county, and 4839  
private ambulances and nontransport vehicles bearing license 4840  
plates issued under section 4503.49 of the Revised Code; 4841

(2) Motor vehicles used by public law enforcement officers or 4842  
other persons sworn to enforce the criminal and traffic laws of 4843  
the state; 4844

(3) Any motor vehicle when properly identified as required by 4845  
the director of public safety, when used in response to fire 4846  
emergency calls or to provide emergency medical service to ill or 4847  
injured persons, and when operated by a duly qualified person who 4848  
is a member of a volunteer rescue service or a volunteer fire 4849  
department, and who is on duty pursuant to the rules or directives 4850  
of that service. The state fire marshal shall be designated by the 4851  
director of public safety as the certifying agency for all public 4852  
safety vehicles described in division (E)(3) of this section. 4853

(4) Vehicles used by fire departments, including motor 4854  
vehicles when used by volunteer fire fighters responding to 4855

emergency calls in the fire department service when identified as 4856  
required by the director of public safety. 4857

Any vehicle used to transport or provide emergency medical 4858  
service to an ill or injured person, when certified as a public 4859  
safety vehicle, shall be considered a public safety vehicle when 4860  
transporting an ill or injured person to a hospital regardless of 4861  
whether such vehicle has already passed a hospital. 4862

(5) Vehicles used by the motor carrier enforcement unit for 4863  
the enforcement of orders and rules of the public utilities 4864  
commission as specified in section 5503.34 of the Revised Code. 4865

(F) "School bus" means every bus designed for carrying more 4866  
than nine passengers that is owned by a public, private, or 4867  
governmental agency or institution of learning and operated for 4868  
the transportation of children to or from a school session or a 4869  
school function, or owned by a private person and operated for 4870  
compensation for the transportation of children to or from a 4871  
school session or a school function, provided "school bus" does 4872  
not include a bus operated by a municipally owned transportation 4873  
system, a mass transit company operating exclusively within the 4874  
territorial limits of a municipal corporation, or within such 4875  
limits and the territorial limits of municipal corporations 4876  
immediately contiguous to such municipal corporation, nor a common 4877  
passenger carrier certified by the public utilities commission 4878  
unless such bus is devoted exclusively to the transportation of 4879  
children to and from a school session or a school function, and 4880  
"school bus" does not include a van or bus used by a licensed 4881  
child day-care center or type A family day-care home to transport 4882  
children from the child day-care center or type A family day-care 4883  
home to a school if the van or bus does not have more than fifteen 4884  
children in the van or bus at any time. 4885

(G) "Bicycle" means every device, other than a tricycle 4886  
designed solely for use as a play vehicle by a child, propelled 4887

solely by human power upon which any person may ride having either 4888  
two tandem wheels, or one wheel in the front and two wheels in the 4889  
rear, or two wheels in the front and one wheel in the rear, any of 4890  
which is more than fourteen inches in diameter. 4891

(H) "Motorized bicycle" means any vehicle having either two 4892  
tandem wheels or one wheel in the front and two wheels in the 4893  
rear, that is capable of being pedaled and is equipped with a 4894  
helper motor of not more than fifty cubic centimeters piston 4895  
displacement that produces no more than one brake horsepower and 4896  
is capable of propelling the vehicle at a speed of no greater than 4897  
twenty miles per hour on a level surface. 4898

(I) "Commercial tractor" means every motor vehicle having 4899  
motive power designed or used for drawing other vehicles and not 4900  
so constructed as to carry any load thereon, or designed or used 4901  
for drawing other vehicles while carrying a portion of such other 4902  
vehicles, or load thereon, or both. 4903

(J) "Agricultural tractor" means every self-propelling 4904  
vehicle designed or used for drawing other vehicles or wheeled 4905  
machinery but having no provision for carrying loads independently 4906  
of such other vehicles, and used principally for agricultural 4907  
purposes. 4908

(K) "Truck" means every motor vehicle, except trailers and 4909  
semitrailers, designed and used to carry property. 4910

(L) "Bus" means every motor vehicle designed for carrying 4911  
more than nine passengers and used for the transportation of 4912  
persons other than in a ridesharing arrangement, and every motor 4913  
vehicle, automobile for hire, or funeral car, other than a taxicab 4914  
or motor vehicle used in a ridesharing arrangement, designed and 4915  
used for the transportation of persons for compensation. 4916

(M) "Trailer" means every vehicle designed or used for 4917  
carrying persons or property wholly on its own structure and for 4918

being drawn by a motor vehicle, including any such vehicle when 4919  
formed by or operated as a combination of a "semitrailer" and a 4920  
vehicle of the dolly type, such as that commonly known as a 4921  
"trailer dolly," a vehicle used to transport agricultural produce 4922  
or agricultural production materials between a local place of 4923  
storage or supply and the farm when drawn or towed on a street or 4924  
highway at a speed greater than twenty-five miles per hour, and a 4925  
vehicle designed and used exclusively to transport a boat between 4926  
a place of storage and a marina, or in and around a marina, when 4927  
drawn or towed on a street or highway for a distance of more than 4928  
ten miles or at a speed of more than twenty-five miles per hour. 4929

(N) "Semitrailer" means every vehicle designed or used for 4930  
carrying persons or property with another and separate motor 4931  
vehicle so that in operation a part of its own weight or that of 4932  
its load, or both, rests upon and is carried by another vehicle. 4933

(O) "Pole trailer" means every trailer or semitrailer 4934  
attached to the towing vehicle by means of a reach, pole, or by 4935  
being boomed or otherwise secured to the towing vehicle, and 4936  
ordinarily used for transporting long or irregular shaped loads 4937  
such as poles, pipes, or structural members capable, generally, of 4938  
sustaining themselves as beams between the supporting connections. 4939

(P) "Railroad" means a carrier of persons or property 4940  
operating upon rails placed principally on a private right-of-way. 4941

(Q) "Railroad train" means a steam engine or an electric or 4942  
other motor, with or without cars coupled thereto, operated by a 4943  
railroad. 4944

(R) "Streetcar" means a car, other than a railroad train, for 4945  
transporting persons or property, operated upon rails principally 4946  
within a street or highway. 4947

(S) "Trackless trolley" means every car that collects its 4948  
power from overhead electric trolley wires and that is not 4949

operated upon rails or tracks. 4950

(T) "Explosives" means any chemical compound or mechanical 4951  
mixture that is intended for the purpose of producing an explosion 4952  
that contains any oxidizing and combustible units or other 4953  
ingredients in such proportions, quantities, or packing that an 4954  
ignition by fire, by friction, by concussion, by percussion, or by 4955  
a detonator of any part of the compound or mixture may cause such 4956  
a sudden generation of highly heated gases that the resultant 4957  
gaseous pressures are capable of producing destructive effects on 4958  
contiguous objects, or of destroying life or limb. Manufactured 4959  
articles shall not be held to be explosives when the individual 4960  
units contain explosives in such limited quantities, of such 4961  
nature, or in such packing, that it is impossible to procure a 4962  
simultaneous or a destructive explosion of such units, to the 4963  
injury of life, limb, or property by fire, by friction, by 4964  
concussion, by percussion, or by a detonator, such as fixed 4965  
ammunition for small arms, firecrackers, or safety fuse matches. 4966

(U) "Flammable liquid" means any liquid that has a flash 4967  
point of seventy degrees fahrenheit, or less, as determined by a 4968  
tagliabue or equivalent closed cup test device. 4969

(V) "Gross weight" means the weight of a vehicle plus the 4970  
weight of any load thereon. 4971

(W) "Person" means every natural person, firm, 4972  
co-partnership, association, or corporation. 4973

(X) "Pedestrian" means any natural person afoot. 4974

(Y) "Driver or operator" means every person who drives or is 4975  
in actual physical control of a vehicle, trackless trolley, or 4976  
streetcar. 4977

(Z) "Police officer" means every officer authorized to direct 4978  
or regulate traffic, or to make arrests for violations of traffic 4979  
regulations. 4980



(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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

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

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

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

(II) "State highway" means a highway under the jurisdiction

of the department of transportation, outside the limits of 5011  
municipal corporations, provided that the authority conferred upon 5012  
the director of transportation in section 5511.01 of the Revised 5013  
Code to erect state highway route markers and signs directing 5014  
traffic shall not be modified by sections 4511.01 to 4511.79 and 5015  
4511.99 of the Revised Code. 5016

(JJ) "State route" means every highway that is designated 5017  
with an official state route number and so marked. 5018

(KK) "Intersection" means: 5019

(1) The area embraced within the prolongation or connection 5020  
of the lateral curb lines, or, if none, then the lateral boundary 5021  
lines of the roadways of two highways which join one another at, 5022  
or approximately at, right angles, or the area within which 5023  
vehicles traveling upon different highways joining at any other 5024  
angle may come in conflict. 5025

(2) Where a highway includes two roadways thirty feet or more 5026  
apart, then every crossing of each roadway of such divided highway 5027  
by an intersecting highway shall be regarded as a separate 5028  
intersection. If an intersecting highway also includes two 5029  
roadways thirty feet or more apart, then every crossing of two 5030  
roadways of such highways shall be regarded as a separate 5031  
intersection. 5032

(3) The junction of an alley with a street or highway, or 5033  
with another alley, shall not constitute an intersection. 5034

(LL) "Crosswalk" means: 5035

(1) That part of a roadway at intersections ordinarily 5036  
included within the real or projected prolongation of property 5037  
lines and curb lines or, in the absence of curbs, the edges of the 5038  
traversable roadway; 5039

(2) Any portion of a roadway at an intersection or elsewhere, 5040

distinctly indicated for pedestrian crossing by lines or other 5041  
markings on the surface; 5042

(3) Notwithstanding divisions (LL)(1) and (2) of this 5043  
section, there shall not be a crosswalk where local authorities 5044  
have placed signs indicating no crossing. 5045

(MM) "Safety zone" means the area or space officially set 5046  
apart within a roadway for the exclusive use of pedestrians and 5047  
protected or marked or indicated by adequate signs as to be 5048  
plainly visible at all times. 5049

(NN) "Business district" means the territory fronting upon a 5050  
street or highway, including the street or highway, between 5051  
successive intersections within municipal corporations where fifty 5052  
per cent or more of the frontage between such successive 5053  
intersections is occupied by buildings in use for business, or 5054  
within or outside municipal corporations where fifty per cent or 5055  
more of the frontage for a distance of three hundred feet or more 5056  
is occupied by buildings in use for business, and the character of 5057  
such territory is indicated by official traffic control devices. 5058

(OO) "Residence district" means the territory, not comprising 5059  
a business district, fronting on a street or highway, including 5060  
the street or highway, where, for a distance of three hundred feet 5061  
or more, the frontage is improved with residences or residences 5062  
and buildings in use for business. 5063

(PP) "Urban district" means the territory contiguous to and 5064  
including any street or highway which is built up with structures 5065  
devoted to business, industry, or dwelling houses situated at 5066  
intervals of less than one hundred feet for a distance of a 5067  
quarter of a mile or more, and the character of such territory is 5068  
indicated by official traffic control devices. 5069

(QQ) "Traffic control devices" means all flaggers, signs, 5070  
signals, markings, and devices placed or erected by authority of a 5071

public body or official having jurisdiction, for the purpose of 5072  
regulating, warning, or guiding traffic, including signs denoting 5073  
names of streets and highways. 5074

(RR) "Traffic control signal" means any device, whether 5075  
manually, electrically, or mechanically operated, by which traffic 5076  
is alternately directed to stop, to proceed, to change direction, 5077  
or not to change direction. 5078

(SS) "Railroad sign or signal" means any sign, signal, or 5079  
device erected by authority of a public body or official or by a 5080  
railroad and intended to give notice of the presence of railroad 5081  
tracks or the approach of a railroad train. 5082

(TT) "Traffic" means pedestrians, ridden or herded animals, 5083  
vehicles, streetcars, trackless trolleys, and other devices, 5084  
either singly or together, while using any highway for purposes of 5085  
travel. 5086

(UU) "Right-of-way" means either of the following, as the 5087  
context requires: 5088

(1) The right of a vehicle, streetcar, trackless trolley, or 5089  
pedestrian to proceed uninterruptedly in a lawful manner in the 5090  
direction in which it or the individual is moving in preference to 5091  
another vehicle, streetcar, trackless trolley, or pedestrian 5092  
approaching from a different direction into its or the 5093  
individual's path; 5094

(2) A general term denoting land, property, or the interest 5095  
therein, usually in the configuration of a strip, acquired for or 5096  
devoted to transportation purposes. When used in this context, 5097  
right-of-way includes the roadway, shoulders or berm, ditch, and 5098  
slopes extending to the right-of-way limits under the control of 5099  
the state or local authority. 5100

(VV) "Rural mail delivery vehicle" means every vehicle used 5101  
to deliver United States mail on a rural mail delivery route. 5102

(WW) "Funeral escort vehicle" means any motor vehicle, 5103  
including a funeral hearse, while used to facilitate the movement 5104  
of a funeral procession. 5105

(XX) "Alley" means a street or highway intended to provide 5106  
access to the rear or side of lots or buildings in urban districts 5107  
and not intended for the purpose of through vehicular traffic, and 5108  
includes any street or highway that has been declared an "alley" 5109  
by the legislative authority of the municipal corporation in which 5110  
such street or highway is located. 5111

(YY) "Freeway" means a divided multi-lane highway for through 5112  
traffic with all crossroads separated in grade and with full 5113  
control of access. 5114

(ZZ) "Expressway" means a divided arterial highway for 5115  
through traffic with full or partial control of access with an 5116  
excess of fifty per cent of all crossroads separated in grade. 5117

(AAA) "Thruway" means a through highway whose entire roadway 5118  
is reserved for through traffic and on which roadway parking is 5119  
prohibited. 5120

(BBB) "Stop intersection" means any intersection at one or 5121  
more entrances of which stop signs are erected. 5122

(CCC) "Arterial street" means any United States or state 5123  
numbered route, controlled access highway, or other major radial 5124  
or circumferential street or highway designated by local 5125  
authorities within their respective jurisdictions as part of a 5126  
major arterial system of streets or highways. 5127

(DDD) "Ridesharing arrangement" means the transportation of 5128  
persons in a motor vehicle where such transportation is incidental 5129  
to another purpose of a volunteer driver and includes ridesharing 5130  
arrangements known as carpools, vanpools, and buspools. 5131

(EEE) "Motorized wheelchair" means any self-propelled vehicle 5132

designed for, and used by, a handicapped person and that is 5133  
incapable of a speed in excess of eight miles per hour. 5134

(FFF) "Child day-care center" and "type A family day-care 5135  
home" have the same meanings as in section 5104.01 of the Revised 5136  
Code. 5137

(GGG) "Multi-wheel agricultural tractor" means a type of 5138  
agricultural tractor that has two or more wheels or tires on each 5139  
side of one axle at the rear of the tractor, is designed or used 5140  
for drawing other vehicles or wheeled machinery, has no provision 5141  
for carrying loads independently of the drawn vehicles or 5142  
machinery, and is used principally for agricultural purposes. 5143

(HHH) "Operate" means to cause or have caused movement of a 5144  
vehicle, streetcar, or trackless trolley. 5145

(III) "Predicate motor vehicle or traffic offense" means any 5146  
of the following: 5147

(1) A violation of section 4511.03, 4511.051, 4511.12, 5148  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 5149  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 5150  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 5151  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 5152  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 5153  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 5154  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 5155  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 5156  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 5157  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 5158

(2) A violation of division (A)(2) of section 4511.17, 5159  
divisions (A) to (D) of section 4511.51, or division (A) of 5160  
section 4511.74 of the Revised Code; 5161

(3) A violation of any provision of sections 4511.01 to 5162  
4511.76 of the Revised Code for which no penalty otherwise is 5163

provided in the section that contains the provision violated; 5164

(4) A violation of a municipal ordinance that is 5165  
substantially similar to any section or provision set forth or 5166  
described in division (III)(1), (2), or (3) of this section. 5167

(JJJ) "Road service vehicle" means wreckers, utility repair 5168  
vehicles, and state, county, and municipal service vehicles 5169  
equipped with visual signals by means of flashing, rotating, or 5170  
oscillating lights. 5171

Sec. 4511.108. The director of transportation shall adopt 5172  
rules under Chapter 119. of the Revised Code to establish a 5173  
traffic generator sign program and shall set forth in the traffic 5174  
engineering manual the specifications for a uniform system of 5175  
traffic generator signs and the criteria for participation in the 5176  
program. The department of transportation shall operate, 5177  
construct, and maintain the program. The director shall establish, 5178  
and, subject to approval by the controlling board, may revise at 5179  
any time, an annual fee to be charged for a qualifying private 5180  
business to participate in the traffic generator sign program. 5181  
Money paid by the qualifying private business shall be remitted to 5182  
the department and shall be deposited into the highway operating 5183  
fund. 5184

Sec. 4511.181. As used in sections 4511.181 to ~~4511.199~~ 5185  
~~4511.198~~ of the Revised Code: 5186

(A) "Equivalent offense" means any of the following: 5187

(1) A violation of division (A) or (B) of section 4511.19 of 5188  
the Revised Code; 5189

(2) A violation of a municipal OVI ordinance; 5190

(3) A violation of section 2903.04 of the Revised Code in a 5191  
case in which the offender was subject to the sanctions described 5192

in division (D) of that section;	5193
(4) A violation of division (A)(1) of section 2903.06 or	5194
2903.08 of the Revised Code or a municipal ordinance that is	5195
substantially equivalent to either of those divisions;	5196
(5) A violation of division (A)(2), (3), or (4) of section	5197
2903.06, division (A)(2) of section 2903.08, or former section	5198
2903.07 of the Revised Code, or a municipal ordinance that is	5199
substantially equivalent to any of those divisions or that former	5200
section, in a case in which a judge or jury as the trier of fact	5201
found that the offender was under the influence of alcohol, a drug	5202
of abuse, or a combination of them;	5203
(6) A violation of division (A) or (B) of section 1547.11 of	5204
the Revised Code;	5205
(7) A violation of a municipal ordinance prohibiting a person	5206
from operating or being in physical control of any vessel underway	5207
or from manipulating any water skis, aquaplane, or similar device	5208
on the waters of this state while under the influence of alcohol,	5209
a drug of abuse, or a combination of them or prohibiting a person	5210
from operating or being in physical control of any vessel underway	5211
or from manipulating any water skis, aquaplane, or similar device	5212
on the waters of this state with a prohibited concentration of	5213
alcohol, a controlled substance, or a metabolite of a controlled	5214
substance in the whole blood, blood serum or plasma, breath, or	5215
urine;	5216
(8) A violation of an existing or former municipal ordinance,	5217
law of another state, or law of the United States that is	5218
substantially equivalent to division (A) or (B) of section 4511.19	5219
or division (A) or (B) of section 1547.11 of the Revised Code;	5220
(9) A violation of a former law of this state that was	5221
substantially equivalent to division (A) or (B) of section 4511.19	5222
or division (A) or (B) of section 1547.11 of the Revised Code.	5223



(B) "Mandatory jail term" means the mandatory term in jail of 5224  
three, six, ten, twenty, thirty, or sixty days that must be 5225  
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 5226  
of the Revised Code upon an offender convicted of a violation of 5227  
division (A) of that section and in relation to which all of the 5228  
following apply: 5229

(1) Except as specifically authorized under section 4511.19 5230  
of the Revised Code, the term must be served in a jail. 5231

(2) Except as specifically authorized under section 4511.19 5232  
of the Revised Code, the term cannot be suspended, reduced, or 5233  
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 5234  
other provision of the Revised Code. 5235

(C) "Municipal OVI ordinance" and "municipal OVI offense" 5236  
mean any municipal ordinance prohibiting a person from operating a 5237  
vehicle while under the influence of alcohol, a drug of abuse, or 5238  
a combination of them or prohibiting a person from operating a 5239  
vehicle with a prohibited concentration of alcohol, a controlled 5240  
substance, or a metabolite of a controlled substance in the whole 5241  
blood, blood serum or plasma, breath, or urine. 5242

(D) "Community residential sanction," "continuous alcohol 5243  
monitoring," "jail," "mandatory prison term," "mandatory term of 5244  
local incarceration," "sanction," and "prison term" have the same 5245  
meanings as in section 2929.01 of the Revised Code. 5246

(E) "Drug of abuse" has the same meaning as in section 5247  
4506.01 of the Revised Code. 5248

(F) "Equivalent offense that is vehicle-related" means an 5249  
equivalent offense that is any of the following: 5250

(1) A violation described in division (A)(1), (2), (3), (4), 5251  
or (5) of this section; 5252

(2) A violation of an existing or former municipal ordinance, 5253

law of another state, or law of the United States that is 5254  
substantially equivalent to division (A) or (B) of section 4511.19 5255  
of the Revised Code; 5256

(3) A violation of a former law of this state that was 5257  
substantially equivalent to division (A) or (B) of section 4511.19 5258  
of the Revised Code. 5259

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 5260  
streetcar, or trackless trolley within this state, if, at the time 5261  
of the operation, any of the following apply: 5262

(a) The person is under the influence of alcohol, a drug of 5263  
abuse, or a combination of them. 5264

(b) The person has a concentration of eight-hundredths of one 5265  
per cent or more but less than seventeen-hundredths of one per 5266  
cent by weight per unit volume of alcohol in the person's whole 5267  
blood. 5268

(c) The person has a concentration of ninety-six-thousandths 5269  
of one per cent or more but less than two hundred four-thousandths 5270  
of one per cent by weight per unit volume of alcohol in the 5271  
person's blood serum or plasma. 5272

(d) The person has a concentration of eight-hundredths of one 5273  
gram or more but less than seventeen-hundredths of one gram by 5274  
weight of alcohol per two hundred ten liters of the person's 5275  
breath. 5276

(e) The person has a concentration of eleven-hundredths of 5277  
one gram or more but less than two hundred 5278  
thirty-eight-thousandths of one gram by weight of alcohol per one 5279  
hundred milliliters of the person's urine. 5280

(f) The person has a concentration of seventeen-hundredths of 5281  
one per cent or more by weight per unit volume of alcohol in the 5282  
person's whole blood. 5283

(g) The person has a concentration of two hundred 5284  
four-thousandths of one per cent or more by weight per unit volume 5285  
of alcohol in the person's blood serum or plasma. 5286

(h) The person has a concentration of seventeen-hundredths of 5287  
one gram or more by weight of alcohol per two hundred ten liters 5288  
of the person's breath. 5289

(i) The person has a concentration of two hundred 5290  
thirty-eight-thousandths of one gram or more by weight of alcohol 5291  
per one hundred milliliters of the person's urine. 5292

(j) Except as provided in division (K) of this section, the 5293  
person has a concentration of any of the following controlled 5294  
substances or metabolites of a controlled substance in the 5295  
person's whole blood, blood serum or plasma, or urine that equals 5296  
or exceeds any of the following: 5297

(i) The person has a concentration of amphetamine in the 5298  
person's urine of at least five hundred nanograms of amphetamine 5299  
per milliliter of the person's urine or has a concentration of 5300  
amphetamine in the person's whole blood or blood serum or plasma 5301  
of at least one hundred nanograms of amphetamine per milliliter of 5302  
the person's whole blood or blood serum or plasma. 5303

(ii) The person has a concentration of cocaine in the 5304  
person's urine of at least one hundred fifty nanograms of cocaine 5305  
per milliliter of the person's urine or has a concentration of 5306  
cocaine in the person's whole blood or blood serum or plasma of at 5307  
least fifty nanograms of cocaine per milliliter of the person's 5308  
whole blood or blood serum or plasma. 5309

(iii) The person has a concentration of cocaine metabolite in 5310  
the person's urine of at least one hundred fifty nanograms of 5311  
cocaine metabolite per milliliter of the person's urine or has a 5312  
concentration of cocaine metabolite in the person's whole blood or 5313  
blood serum or plasma of at least fifty nanograms of cocaine 5314

metabolite per milliliter of the person's whole blood or blood 5315  
serum or plasma. 5316

(iv) The person has a concentration of heroin in the person's 5317  
urine of at least two thousand nanograms of heroin per milliliter 5318  
of the person's urine or has a concentration of heroin in the 5319  
person's whole blood or blood serum or plasma of at least fifty 5320  
nanograms of heroin per milliliter of the person's whole blood or 5321  
blood serum or plasma. 5322

(v) The person has a concentration of heroin metabolite 5323  
(6-monoacetyl morphine) in the person's urine of at least ten 5324  
nanograms of heroin metabolite (6-monoacetyl morphine) per 5325  
milliliter of the person's urine or has a concentration of heroin 5326  
metabolite (6-monoacetyl morphine) in the person's whole blood or 5327  
blood serum or plasma of at least ten nanograms of heroin 5328  
metabolite (6-monoacetyl morphine) per milliliter of the person's 5329  
whole blood or blood serum or plasma. 5330

(vi) The person has a concentration of L.S.D. in the person's 5331  
urine of at least twenty-five nanograms of L.S.D. per milliliter 5332  
of the person's urine or a concentration of L.S.D. in the person's 5333  
whole blood or blood serum or plasma of at least ten nanograms of 5334  
L.S.D. per milliliter of the person's whole blood or blood serum 5335  
or plasma. 5336

(vii) The person has a concentration of marihuana in the 5337  
person's urine of at least ten nanograms of marihuana per 5338  
milliliter of the person's urine or has a concentration of 5339  
marihuana in the person's whole blood or blood serum or plasma of 5340  
at least two nanograms of marihuana per milliliter of the person's 5341  
whole blood or blood serum or plasma. 5342

(viii) Either of the following applies: 5343

(I) The person is under the influence of alcohol, a drug of 5344  
abuse, or a combination of them, and, as measured by gas 5345

chromatography mass spectrometry, the person has a concentration 5346  
of marihuana metabolite in the person's urine of at least fifteen 5347  
nanograms of marihuana metabolite per milliliter of the person's 5348  
urine or has a concentration of marihuana metabolite in the 5349  
person's whole blood or blood serum or plasma of at least five 5350  
nanograms of marihuana metabolite per milliliter of the person's 5351  
whole blood or blood serum or plasma. 5352

(II) As measured by gas chromatography mass spectrometry, the 5353  
person has a concentration of marihuana metabolite in the person's 5354  
urine of at least thirty-five nanograms of marihuana metabolite 5355  
per milliliter of the person's urine or has a concentration of 5356  
marihuana metabolite in the person's whole blood or blood serum or 5357  
plasma of at least fifty nanograms of marihuana metabolite per 5358  
milliliter of the person's whole blood or blood serum or plasma. 5359

(ix) The person has a concentration of methamphetamine in the 5360  
person's urine of at least five hundred nanograms of 5361  
methamphetamine per milliliter of the person's urine or has a 5362  
concentration of methamphetamine in the person's whole blood or 5363  
blood serum or plasma of at least one hundred nanograms of 5364  
methamphetamine per milliliter of the person's whole blood or 5365  
blood serum or plasma. 5366

(x) The person has a concentration of phencyclidine in the 5367  
person's urine of at least twenty-five nanograms of phencyclidine 5368  
per milliliter of the person's urine or has a concentration of 5369  
phencyclidine in the person's whole blood or blood serum or plasma 5370  
of at least ten nanograms of phencyclidine per milliliter of the 5371  
person's whole blood or blood serum or plasma. 5372

(xi) The state board of pharmacy has adopted a rule pursuant 5373  
to section 4729.041 of the Revised Code that specifies the amount 5374  
of salvia divinorum and the amount of salvinorin A that constitute 5375  
concentrations of salvia divinorum and salvinorin A in a person's 5376  
urine, in a person's whole blood, or in a person's blood serum or 5377

plasma at or above which the person is impaired for purposes of 5378  
operating any vehicle, streetcar, or trackless trolley within this 5379  
state, the rule is in effect, and the person has a concentration 5380  
of salvia divinorum or salvinorin A of at least that amount so 5381  
specified by rule in the person's urine, in the person's whole 5382  
blood, or in the person's blood serum or plasma. 5383

(2) No person who, within twenty years of the conduct 5384  
described in division (A)(2)(a) of this section, previously has 5385  
been convicted of or pleaded guilty to a violation of this 5386  
division, a violation of division (A)(1) or (B) of this section, 5387  
or any other equivalent offense shall do both of the following: 5388

(a) Operate any vehicle, streetcar, or trackless trolley 5389  
within this state while under the influence of alcohol, a drug of 5390  
abuse, or a combination of them; 5391

(b) Subsequent to being arrested for operating the vehicle, 5392  
streetcar, or trackless trolley as described in division (A)(2)(a) 5393  
of this section, being asked by a law enforcement officer to 5394  
submit to a chemical test or tests under section 4511.191 of the 5395  
Revised Code, and being advised by the officer in accordance with 5396  
section 4511.192 of the Revised Code of the consequences of the 5397  
person's refusal or submission to the test or tests, refuse to 5398  
submit to the test or tests. 5399

(B) No person under twenty-one years of age shall operate any 5400  
vehicle, streetcar, or trackless trolley within this state, if, at 5401  
the time of the operation, any of the following apply: 5402

(1) The person has a concentration of at least two-hundredths 5403  
of one per cent but less than eight-hundredths of one per cent by 5404  
weight per unit volume of alcohol in the person's whole blood. 5405

(2) The person has a concentration of at least 5406  
three-hundredths of one per cent but less than 5407  
ninety-six-thousandths of one per cent by weight per unit volume 5408

of alcohol in the person's blood serum or plasma. 5409

(3) The person has a concentration of at least two-hundredths 5410  
of one gram but less than eight-hundredths of one gram by weight 5411  
of alcohol per two hundred ten liters of the person's breath. 5412

(4) The person has a concentration of at least twenty-eight 5413  
one-thousandths of one gram but less than eleven-hundredths of one 5414  
gram by weight of alcohol per one hundred milliliters of the 5415  
person's urine. 5416

(C) In any proceeding arising out of one incident, a person 5417  
may be charged with a violation of division (A)(1)(a) or (A)(2) 5418  
and a violation of division (B)(1), (2), or (3) of this section, 5419  
but the person may not be convicted of more than one violation of 5420  
these divisions. 5421

(D)(1)(a) In any criminal prosecution or juvenile court 5422  
proceeding for a violation of division (A)(1)(a) of this section 5423  
or for an equivalent offense that is vehicle-related, the result 5424  
of any test of any blood or urine withdrawn and analyzed at any 5425  
health care provider, as defined in section 2317.02 of the Revised 5426  
Code, may be admitted with expert testimony to be considered with 5427  
any other relevant and competent evidence in determining the guilt 5428  
or innocence of the defendant. 5429

(b) In any criminal prosecution or juvenile court proceeding 5430  
for a violation of division (A) or (B) of this section or for an 5431  
equivalent offense that is vehicle-related, the court may admit 5432  
evidence on the concentration of alcohol, drugs of abuse, 5433  
controlled substances, metabolites of a controlled substance, or a 5434  
combination of them in the defendant's whole blood, blood serum or 5435  
plasma, breath, urine, or other bodily substance at the time of 5436  
the alleged violation as shown by chemical analysis of the 5437  
substance withdrawn within three hours of the time of the alleged 5438  
violation. The three-hour time limit specified in this division 5439

regarding the admission of evidence does not extend or affect the 5440  
two-hour time limit specified in division (A) of section 4511.192 5441  
of the Revised Code as the maximum period of time during which a 5442  
person may consent to a chemical test or tests as described in 5443  
that section. The court may admit evidence on the concentration of 5444  
alcohol, drugs of abuse, or a combination of them as described in 5445  
this division when a person submits to a blood, breath, urine, or 5446  
other bodily substance test at the request of a law enforcement 5447  
officer under section 4511.191 of the Revised Code or a blood or 5448  
urine sample is obtained pursuant to a search warrant. Only a 5449  
physician, a registered nurse, an emergency medical technician, or 5450  
a qualified technician, chemist, or phlebotomist shall withdraw a 5451  
blood sample for the purpose of determining the alcohol, drug, 5452  
controlled substance, metabolite of a controlled substance, or 5453  
combination content of the whole blood, blood serum, or blood 5454  
plasma. This limitation does not apply to the taking of breath or 5455  
urine specimens. A person authorized to withdraw blood under this 5456  
division may refuse to withdraw blood under this division, if in 5457  
that person's opinion, the physical welfare of the person would be 5458  
endangered by the withdrawing of blood. 5459

5460  
The bodily substance withdrawn under division (D)(1)(b) of 5461  
this section shall be analyzed in accordance with methods approved 5462  
by the director of health by an individual possessing a valid 5463  
permit issued by the director pursuant to section 3701.143 of the 5464  
Revised Code. 5465

(2) In a criminal prosecution or juvenile court proceeding 5466  
for a violation of division (A) of this section or for an 5467  
equivalent offense that is vehicle-related, if there was at the 5468  
time the bodily substance was withdrawn a concentration of less 5469  
than the applicable concentration of alcohol specified in 5470  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 5471



than the applicable concentration of a listed controlled substance 5472  
or a listed metabolite of a controlled substance specified for a 5473  
violation of division (A)(1)(j) of this section, that fact may be 5474  
considered with other competent evidence in determining the guilt 5475  
or innocence of the defendant. This division does not limit or 5476  
affect a criminal prosecution or juvenile court proceeding for a 5477  
violation of division (B) of this section or for an equivalent 5478  
offense that is substantially equivalent to that division. 5479

5480

(3) Upon the request of the person who was tested, the 5481  
results of the chemical test shall be made available to the person 5482  
or the person's attorney, immediately upon the completion of the 5483  
chemical test analysis. 5484

If the chemical test was obtained pursuant to division 5485  
(D)(1)(b) of this section, the person tested may have a physician, 5486  
a registered nurse, or a qualified technician, chemist, or 5487  
phlebotomist of the person's own choosing administer a chemical 5488  
test or tests, at the person's expense, in addition to any 5489  
administered at the request of a law enforcement officer. If the 5490  
person was under arrest as described in division (A)(5) of section 5491  
4511.191 of the Revised Code, the arresting officer shall advise 5492  
the person at the time of the arrest that the person may have an 5493  
independent chemical test taken at the person's own expense. If 5494  
the person was under arrest other than described in division 5495  
(A)(5) of section 4511.191 of the Revised Code, the form to be 5496  
read to the person to be tested, as required under section 5497  
4511.192 of the Revised Code, shall state that the person may have 5498  
an independent test performed at the person's expense. The failure 5499  
or inability to obtain an additional chemical test by a person 5500  
shall not preclude the admission of evidence relating to the 5501  
chemical test or tests taken at the request of a law enforcement 5502  
officer. 5503

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to

be appropriate. 5536

(c) Division (D)(4)(b) of this section does not limit or 5537  
preclude a court, in its determination of whether the arrest of a 5538  
person was supported by probable cause or its determination of any 5539  
other matter in a criminal prosecution or juvenile court 5540  
proceeding of a type described in that division, from considering 5541  
evidence or testimony that is not otherwise disallowed by division 5542  
(D)(4)(b) of this section. 5543

(E)(1) Subject to division (E)(3) of this section, in any 5544  
criminal prosecution or juvenile court proceeding for a violation 5545  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 5546  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 5547  
offense that is substantially equivalent to any of those 5548  
divisions, a laboratory report from any laboratory personnel 5549  
issued a permit by the department of health authorizing an 5550  
analysis as described in this division that contains an analysis 5551  
of the whole blood, blood serum or plasma, breath, urine, or other 5552  
bodily substance tested and that contains all of the information 5553  
specified in this division shall be admitted as prima-facie 5554  
evidence of the information and statements that the report 5555  
contains. The laboratory report shall contain all of the 5556  
following: 5557

(a) The signature, under oath, of any person who performed 5558  
the analysis; 5559

(b) Any findings as to the identity and quantity of alcohol, 5560  
a drug of abuse, a controlled substance, a metabolite of a 5561  
controlled substance, or a combination of them that was found; 5562

(c) A copy of a notarized statement by the laboratory 5563  
director or a designee of the director that contains the name of 5564  
each certified analyst or test performer involved with the report, 5565  
the analyst's or test performer's employment relationship with the 5566

laboratory that issued the report, and a notation that performing 5567  
an analysis of the type involved is part of the analyst's or test 5568  
performer's regular duties; 5569

(d) An outline of the analyst's or test performer's 5570  
education, training, and experience in performing the type of 5571  
analysis involved and a certification that the laboratory 5572  
satisfies appropriate quality control standards in general and, in 5573  
this particular analysis, under rules of the department of health. 5574

(2) Notwithstanding any other provision of law regarding the 5575  
admission of evidence, a report of the type described in division 5576  
(E)(1) of this section is not admissible against the defendant to 5577  
whom it pertains in any proceeding, other than a preliminary 5578  
hearing or a grand jury proceeding, unless the prosecutor has 5579  
served a copy of the report on the defendant's attorney or, if the 5580  
defendant has no attorney, on the defendant. 5581

(3) A report of the type described in division (E)(1) of this 5582  
section shall not be prima-facie evidence of the contents, 5583  
identity, or amount of any substance if, within seven days after 5584  
the defendant to whom the report pertains or the defendant's 5585  
attorney receives a copy of the report, the defendant or the 5586  
defendant's attorney demands the testimony of the person who 5587  
signed the report. The judge in the case may extend the seven-day 5588  
time limit in the interest of justice. 5589

(F) Except as otherwise provided in this division, any 5590  
physician, registered nurse, emergency medical technician, or 5591  
qualified technician, chemist, or phlebotomist who withdraws blood 5592  
from a person pursuant to this section or section 4511.191 or 5593  
4511.192 of the Revised Code, and any hospital, first-aid station, 5594  
or clinic at which blood is withdrawn from a person pursuant to 5595  
this section or section 4511.191 or 4511.192 of the Revised Code, 5596  
is immune from criminal liability and civil liability based upon a 5597  
claim of assault and battery or any other claim that is not a 5598

claim of malpractice, for any act performed in withdrawing blood 5599  
from the person. The immunity provided in this division also 5600  
extends to an emergency medical service organization that employs 5601  
an emergency medical technician who withdraws blood pursuant to 5602  
this section. The immunity provided in this division is not 5603  
available to a person who withdraws blood if the person engages in 5604  
willful or wanton misconduct. 5605

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 5606  
to (i) or (A)(2) of this section is guilty of operating a vehicle 5607  
under the influence of alcohol, a drug of abuse, or a combination 5608  
of them. Whoever violates division (A)(1)(j) of this section is 5609  
guilty of operating a vehicle while under the influence of a 5610  
listed controlled substance or a listed metabolite of a controlled 5611  
substance. The court shall sentence the offender for either 5612  
offense under Chapter 2929. of the Revised Code, except as 5613  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 5614  
this section: 5615

(a) Except as otherwise provided in division (G)(1)(b), (c), 5616  
(d), or (e) of this section, the offender is guilty of a 5617  
misdemeanor of the first degree, and the court shall sentence the 5618  
offender to all of the following: 5619

(i) If the sentence is being imposed for a violation of 5620  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5621  
mandatory jail term of three consecutive days. As used in this 5622  
division, three consecutive days means seventy-two consecutive 5623  
hours. The court may sentence an offender to both an intervention 5624  
program and a jail term. The court may impose a jail term in 5625  
addition to the three-day mandatory jail term or intervention 5626  
program. However, in no case shall the cumulative jail term 5627  
imposed for the offense exceed six months. 5628

The court may suspend the execution of the three-day jail 5629  
term under this division if the court, in lieu of that suspended 5630

term, places the offender under a community control sanction 5631  
pursuant to section 2929.25 of the Revised Code and requires the 5632  
offender to attend, for three consecutive days, a drivers' 5633  
intervention program certified under section 3793.10 of the 5634  
Revised Code. The court also may suspend the execution of any part 5635  
of the three-day jail term under this division if it places the 5636  
offender under a community control sanction pursuant to section 5637  
2929.25 of the Revised Code for part of the three days, requires 5638  
the offender to attend for the suspended part of the term a 5639  
drivers' intervention program so certified, and sentences the 5640  
offender to a jail term equal to the remainder of the three 5641  
consecutive days that the offender does not spend attending the 5642  
program. The court may require the offender, as a condition of 5643  
community control and in addition to the required attendance at a 5644  
drivers' intervention program, to attend and satisfactorily 5645  
complete any treatment or education programs that comply with the 5646  
minimum standards adopted pursuant to Chapter 3793. of the Revised 5647  
Code by the director of alcohol and drug addiction services that 5648  
the operators of the drivers' intervention program determine that 5649  
the offender should attend and to report periodically to the court 5650  
on the offender's progress in the programs. The court also may 5651  
impose on the offender any other conditions of community control 5652  
that it considers necessary. 5653

(ii) If the sentence is being imposed for a violation of 5654  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5655  
section, except as otherwise provided in this division, a 5656  
mandatory jail term of at least three consecutive days and a 5657  
requirement that the offender attend, for three consecutive days, 5658  
a drivers' intervention program that is certified pursuant to 5659  
section 3793.10 of the Revised Code. As used in this division, 5660  
three consecutive days means seventy-two consecutive hours. If the 5661  
court determines that the offender is not conducive to treatment 5662  
in a drivers' intervention program, if the offender refuses to 5663

attend a drivers' intervention program, or if the jail at which 5664  
the offender is to serve the jail term imposed can provide a 5665  
driver's intervention program, the court shall sentence the 5666  
offender to a mandatory jail term of at least six consecutive 5667  
days. 5668

The court may require the offender, under a community control 5669  
sanction imposed under section 2929.25 of the Revised Code, to 5670  
attend and satisfactorily complete any treatment or education 5671  
programs that comply with the minimum standards adopted pursuant 5672  
to Chapter 3793. of the Revised Code by the director of alcohol 5673  
and drug addiction services, in addition to the required 5674  
attendance at drivers' intervention program, that the operators of 5675  
the drivers' intervention program determine that the offender 5676  
should attend and to report periodically to the court on the 5677  
offender's progress in the programs. The court also may impose any 5678  
other conditions of community control on the offender that it 5679  
considers necessary. 5680

(iii) In all cases, a fine of not less than three hundred 5681  
seventy-five and not more than one thousand seventy-five dollars; 5682  
5683

(iv) In all cases, a class five license suspension of the 5684  
offender's driver's or commercial driver's license or permit or 5685  
nonresident operating privilege from the range specified in 5686  
division (A)(5) of section 4510.02 of the Revised Code. The court 5687  
may grant limited driving privileges relative to the suspension 5688  
under sections 4510.021 and 4510.13 of the Revised Code. 5689

(b) Except as otherwise provided in division (G)(1)(e) of 5690  
this section, an offender who, within six years of the offense, 5691  
previously has been convicted of or pleaded guilty to one 5692  
violation of division (A) or (B) of this section or one other 5693  
equivalent offense is guilty of a misdemeanor of the first degree. 5694  
The court shall sentence the offender to all of the following: 5695

(i) If the sentence is being imposed for a violation of 5696  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5697  
mandatory jail term of ten consecutive days. The court shall 5698  
impose the ten-day mandatory jail term under this division unless, 5699  
subject to division (G)(3) of this section, it instead imposes a 5700  
sentence under that division consisting of both a jail term and a 5701  
term of house arrest with electronic monitoring, with continuous 5702  
alcohol monitoring, or with both electronic monitoring and 5703  
continuous alcohol monitoring. The court may impose a jail term in 5704  
addition to the ten-day mandatory jail term. The cumulative jail 5705  
term imposed for the offense shall not exceed six months. 5706

In addition to the jail term or the term of house arrest with 5707  
electronic monitoring or continuous alcohol monitoring or both 5708  
types of monitoring and jail term, the court shall require the 5709  
offender to be assessed by an alcohol and drug treatment program 5710  
that is authorized by section 3793.02 of the Revised Code, subject 5711  
to division (I) of this section, and shall order the offender to 5712  
follow the treatment recommendations of the program. The purpose 5713  
of the assessment is to determine the degree of the offender's 5714  
alcohol usage and to determine whether or not treatment is 5715  
warranted. Upon the request of the court, the program shall submit 5716  
the results of the assessment to the court, including all 5717  
treatment recommendations and clinical diagnoses related to 5718  
alcohol use. 5719

(ii) If the sentence is being imposed for a violation of 5720  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5721  
section, except as otherwise provided in this division, a 5722  
mandatory jail term of twenty consecutive days. The court shall 5723  
impose the twenty-day mandatory jail term under this division 5724  
unless, subject to division (G)(3) of this section, it instead 5725  
imposes a sentence under that division consisting of both a jail 5726  
term and a term of house arrest with electronic monitoring, with 5727



continuous alcohol monitoring, or with both electronic monitoring 5728  
and continuous alcohol monitoring. The court may impose a jail 5729  
term in addition to the twenty-day mandatory jail term. The 5730  
cumulative jail term imposed for the offense shall not exceed six 5731  
months. 5732

In addition to the jail term or the term of house arrest with 5733  
electronic monitoring or continuous alcohol monitoring or both 5734  
types of monitoring and jail term, the court shall require the 5735  
offender to be assessed by an alcohol and drug treatment program 5736  
that is authorized by section 3793.02 of the Revised Code, subject 5737  
to division (I) of this section, and shall order the offender to 5738  
follow the treatment recommendations of the program. The purpose 5739  
of the assessment is to determine the degree of the offender's 5740  
alcohol usage and to determine whether or not treatment is 5741  
warranted. Upon the request of the court, the program shall submit 5742  
the results of the assessment to the court, including all 5743  
treatment recommendations and clinical diagnoses related to 5744  
alcohol use. 5745

(iii) In all cases, notwithstanding the fines set forth in 5746  
Chapter 2929. of the Revised Code, a fine of not less than five 5747  
hundred twenty-five and not more than one thousand six hundred 5748  
twenty-five dollars; 5749

(iv) In all cases, a class four license suspension of the 5750  
offender's driver's license, commercial driver's license, 5751  
temporary instruction permit, probationary license, or nonresident 5752  
operating privilege from the range specified in division (A)(4) of 5753  
section 4510.02 of the Revised Code. The court may grant limited 5754  
driving privileges relative to the suspension under sections 5755  
4510.021 and 4510.13 of the Revised Code. 5756

(v) In all cases, if the vehicle is registered in the 5757  
offender's name, immobilization of the vehicle involved in the 5758  
offense for ninety days in accordance with section 4503.233 of the 5759

Revised Code and impoundment of the license plates of that vehicle 5760  
for ninety days. 5761

(c) Except as otherwise provided in division (G)(1)(e) of 5762  
this section, an offender who, within six years of the offense, 5763  
previously has been convicted of or pleaded guilty to two 5764  
violations of division (A) or (B) of this section or other 5765  
equivalent offenses is guilty of a misdemeanor. The court shall 5766  
sentence the offender to all of the following: 5767

(i) If the sentence is being imposed for a violation of 5768  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5769  
mandatory jail term of thirty consecutive days. The court shall 5770  
impose the thirty-day mandatory jail term under this division 5771  
unless, subject to division (G)(3) of this section, it instead 5772  
imposes a sentence under that division consisting of both a jail 5773  
term and a term of house arrest with electronic monitoring, with 5774  
continuous alcohol monitoring, or with both electronic monitoring 5775  
and continuous alcohol monitoring. The court may impose a jail 5776  
term in addition to the thirty-day mandatory jail term. 5777  
Notwithstanding the jail terms set forth in sections 2929.21 to 5778  
2929.28 of the Revised Code, the additional jail term shall not 5779  
exceed one year, and the cumulative jail term imposed for the 5780  
offense shall not exceed one year. 5781

(ii) If the sentence is being imposed for a violation of 5782  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5783  
section, a mandatory jail term of sixty consecutive days. The 5784  
court shall impose the sixty-day mandatory jail term under this 5785  
division unless, subject to division (G)(3) of this section, it 5786  
instead imposes a sentence under that division consisting of both 5787  
a jail term and a term of house arrest with electronic monitoring, 5788  
with continuous alcohol monitoring, or with both electronic 5789  
monitoring and continuous alcohol monitoring. The court may impose 5790  
a jail term in addition to the sixty-day mandatory jail term. 5791

Notwithstanding the jail terms set forth in sections 2929.21 to 5792  
2929.28 of the Revised Code, the additional jail term shall not 5793  
exceed one year, and the cumulative jail term imposed for the 5794  
offense shall not exceed one year. 5795

(iii) In all cases, notwithstanding the fines set forth in 5796  
Chapter 2929. of the Revised Code, a fine of not less than eight 5797  
hundred fifty and not more than two thousand seven hundred fifty 5798  
dollars; 5799

(iv) In all cases, a class three license suspension of the 5800  
offender's driver's license, commercial driver's license, 5801  
temporary instruction permit, probationary license, or nonresident 5802  
operating privilege from the range specified in division (A)(3) of 5803  
section 4510.02 of the Revised Code. The court may grant limited 5804  
driving privileges relative to the suspension under sections 5805  
4510.021 and 4510.13 of the Revised Code. 5806

(v) In all cases, if the vehicle is registered in the 5807  
offender's name, criminal forfeiture of the vehicle involved in 5808  
the offense in accordance with section 4503.234 of the Revised 5809  
Code. Division (G)(6) of this section applies regarding any 5810  
vehicle that is subject to an order of criminal forfeiture under 5811  
this division. 5812

(vi) In all cases, the court shall order the offender to 5813  
participate in an alcohol and drug addiction program authorized by 5814  
section 3793.02 of the Revised Code, subject to division (I) of 5815  
this section, and shall order the offender to follow the treatment 5816  
recommendations of the program. The operator of the program shall 5817  
determine and assess the degree of the offender's alcohol 5818  
dependency and shall make recommendations for treatment. Upon the 5819  
request of the court, the program shall submit the results of the 5820  
assessment to the court, including all treatment recommendations 5821  
and clinical diagnoses related to alcohol use. 5822

(d) Except as otherwise provided in division (G)(1)(e) of 5823  
this section, an offender who, within six years of the offense, 5824  
previously has been convicted of or pleaded guilty to three or 5825  
four violations of division (A) or (B) of this section or other 5826  
equivalent offenses or an offender who, within twenty years of the 5827  
offense, previously has been convicted of or pleaded guilty to 5828  
five or more violations of that nature is guilty of a felony of 5829  
the fourth degree. The court shall sentence the offender to all of 5830  
the following: 5831

(i) If the sentence is being imposed for a violation of 5832  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5833  
mandatory prison term of one, two, three, four, or five years as 5834  
required by and in accordance with division (G)(2) of section 5835  
2929.13 of the Revised Code if the offender also is convicted of 5836  
or also pleads guilty to a specification of the type described in 5837  
section 2941.1413 of the Revised Code or, in the discretion of the 5838  
court, either a mandatory term of local incarceration of sixty 5839  
consecutive days in accordance with division (G)(1) of section 5840  
2929.13 of the Revised Code or a mandatory prison term of sixty 5841  
consecutive days in accordance with division (G)(2) of that 5842  
section if the offender is not convicted of and does not plead 5843  
guilty to a specification of that type. If the court imposes a 5844  
mandatory term of local incarceration, it may impose a jail term 5845  
in addition to the sixty-day mandatory term, the cumulative total 5846  
of the mandatory term and the jail term for the offense shall not 5847  
exceed one year, and, except as provided in division (A)(1) of 5848  
section 2929.13 of the Revised Code, no prison term is authorized 5849  
for the offense. If the court imposes a mandatory prison term, 5850  
notwithstanding division (A)(4) of section 2929.14 of the Revised 5851  
Code, it also may sentence the offender to a definite prison term 5852  
that shall be not less than six months and not more than thirty 5853  
months and the prison terms shall be imposed as described in 5854  
division (G)(2) of section 2929.13 of the Revised Code. If the 5855

court imposes a mandatory prison term or mandatory prison term and 5856  
additional prison term, in addition to the term or terms so 5857  
imposed, the court also may sentence the offender to a community 5858  
control sanction for the offense, but the offender shall serve all 5859  
of the prison terms so imposed prior to serving the community 5860  
control sanction. 5861

(ii) If the sentence is being imposed for a violation of 5862  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5863  
section, a mandatory prison term of one, two, three, four, or five 5864  
years as required by and in accordance with division (G)(2) of 5865  
section 2929.13 of the Revised Code if the offender also is 5866  
convicted of or also pleads guilty to a specification of the type 5867  
described in section 2941.1413 of the Revised Code or, in the 5868  
discretion of the court, either a mandatory term of local 5869  
incarceration of one hundred twenty consecutive days in accordance 5870  
with division (G)(1) of section 2929.13 of the Revised Code or a 5871  
mandatory prison term of one hundred twenty consecutive days in 5872  
accordance with division (G)(2) of that section if the offender is 5873  
not convicted of and does not plead guilty to a specification of 5874  
that type. If the court imposes a mandatory term of local 5875  
incarceration, it may impose a jail term in addition to the one 5876  
hundred twenty-day mandatory term, the cumulative total of the 5877  
mandatory term and the jail term for the offense shall not exceed 5878  
one year, and, except as provided in division (A)(1) of section 5879  
2929.13 of the Revised Code, no prison term is authorized for the 5880  
offense. If the court imposes a mandatory prison term, 5881  
notwithstanding division (A)(4) of section 2929.14 of the Revised 5882  
Code, it also may sentence the offender to a definite prison term 5883  
that shall be not less than six months and not more than thirty 5884  
months and the prison terms shall be imposed as described in 5885  
division (G)(2) of section 2929.13 of the Revised Code. If the 5886  
court imposes a mandatory prison term or mandatory prison term and 5887  
additional prison term, in addition to the term or terms so 5888

imposed, the court also may sentence the offender to a community 5889  
control sanction for the offense, but the offender shall serve all 5890  
of the prison terms so imposed prior to serving the community 5891  
control sanction. 5892

(iii) In all cases, notwithstanding section 2929.18 of the 5893  
Revised Code, a fine of not less than one thousand three hundred 5894  
fifty nor more than ten thousand five hundred dollars; 5895

(iv) In all cases, a class two license suspension of the 5896  
offender's driver's license, commercial driver's license, 5897  
temporary instruction permit, probationary license, or nonresident 5898  
operating privilege from the range specified in division (A)(2) of 5899  
section 4510.02 of the Revised Code. The court may grant limited 5900  
driving privileges relative to the suspension under sections 5901  
4510.021 and 4510.13 of the Revised Code. 5902

(v) In all cases, if the vehicle is registered in the 5903  
offender's name, criminal forfeiture of the vehicle involved in 5904  
the offense in accordance with section 4503.234 of the Revised 5905  
Code. Division (G)(6) of this section applies regarding any 5906  
vehicle that is subject to an order of criminal forfeiture under 5907  
this division. 5908

(vi) In all cases, the court shall order the offender to 5909  
participate in an alcohol and drug addiction program authorized by 5910  
section 3793.02 of the Revised Code, subject to division (I) of 5911  
this section, and shall order the offender to follow the treatment 5912  
recommendations of the program. The operator of the program shall 5913  
determine and assess the degree of the offender's alcohol 5914  
dependency and shall make recommendations for treatment. Upon the 5915  
request of the court, the program shall submit the results of the 5916  
assessment to the court, including all treatment recommendations 5917  
and clinical diagnoses related to alcohol use. 5918

(vii) In all cases, if the court sentences the offender to a 5919

mandatory term of local incarceration, in addition to the 5920  
mandatory term, the court, pursuant to section 2929.17 of the 5921  
Revised Code, may impose a term of house arrest with electronic 5922  
monitoring. The term shall not commence until after the offender 5923  
has served the mandatory term of local incarceration. 5924

(e) An offender who previously has been convicted of or 5925  
pleaded guilty to a violation of division (A) of this section that 5926  
was a felony, regardless of when the violation and the conviction 5927  
or guilty plea occurred, is guilty of a felony of the third 5928  
degree. The court shall sentence the offender to all of the 5929  
following: 5930

(i) If the offender is being sentenced for a violation of 5931  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5932  
mandatory prison term of one, two, three, four, or five years as 5933  
required by and in accordance with division (G)(2) of section 5934  
2929.13 of the Revised Code if the offender also is convicted of 5935  
or also pleads guilty to a specification of the type described in 5936  
section 2941.1413 of the Revised Code or a mandatory prison term 5937  
of sixty consecutive days in accordance with division (G)(2) of 5938  
section 2929.13 of the Revised Code if the offender is not 5939  
convicted of and does not plead guilty to a specification of that 5940  
type. The court may impose a prison term in addition to the 5941  
mandatory prison term. The cumulative total of a sixty-day 5942  
mandatory prison term and the additional prison term for the 5943  
offense shall not exceed five years. In addition to the mandatory 5944  
prison term or mandatory prison term and additional prison term 5945  
the court imposes, the court also may sentence the offender to a 5946  
community control sanction for the offense, but the offender shall 5947  
serve all of the prison terms so imposed prior to serving the 5948  
community control sanction. 5949

(ii) If the sentence is being imposed for a violation of 5950  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5951

section, a mandatory prison term of one, two, three, four, or five 5952  
years as required by and in accordance with division (G)(2) of 5953  
section 2929.13 of the Revised Code if the offender also is 5954  
convicted of or also pleads guilty to a specification of the type 5955  
described in section 2941.1413 of the Revised Code or a mandatory 5956  
prison term of one hundred twenty consecutive days in accordance 5957  
with division (G)(2) of section 2929.13 of the Revised Code if the 5958  
offender is not convicted of and does not plead guilty to a 5959  
specification of that type. The court may impose a prison term in 5960  
addition to the mandatory prison term. The cumulative total of a 5961  
one hundred twenty-day mandatory prison term and the additional 5962  
prison term for the offense shall not exceed five years. In 5963  
addition to the mandatory prison term or mandatory prison term and 5964  
additional prison term the court imposes, the court also may 5965  
sentence the offender to a community control sanction for the 5966  
offense, but the offender shall serve all of the prison terms so 5967  
imposed prior to serving the community control sanction. 5968

(iii) In all cases, notwithstanding section 2929.18 of the 5969  
Revised Code, a fine of not less than one thousand three hundred 5970  
fifty nor more than ten thousand five hundred dollars; 5971

(iv) In all cases, a class two license suspension of the 5972  
offender's driver's license, commercial driver's license, 5973  
temporary instruction permit, probationary license, or nonresident 5974  
operating privilege from the range specified in division (A)(2) of 5975  
section 4510.02 of the Revised Code. The court may grant limited 5976  
driving privileges relative to the suspension under sections 5977  
4510.021 and 4510.13 of the Revised Code. 5978

(v) In all cases, if the vehicle is registered in the 5979  
offender's name, criminal forfeiture of the vehicle involved in 5980  
the offense in accordance with section 4503.234 of the Revised 5981  
Code. Division (G)(6) of this section applies regarding any 5982  
vehicle that is subject to an order of criminal forfeiture under 5983



this division. 5984

(vi) In all cases, the court shall order the offender to 5985  
participate in an alcohol and drug addiction program authorized by 5986  
section 3793.02 of the Revised Code, subject to division (I) of 5987  
this section, and shall order the offender to follow the treatment 5988  
recommendations of the program. The operator of the program shall 5989  
determine and assess the degree of the offender's alcohol 5990  
dependency and shall make recommendations for treatment. Upon the 5991  
request of the court, the program shall submit the results of the 5992  
assessment to the court, including all treatment recommendations 5993  
and clinical diagnoses related to alcohol use. 5994

(2) An offender who is convicted of or pleads guilty to a 5995  
violation of division (A) of this section and who subsequently 5996  
seeks reinstatement of the driver's or occupational driver's 5997  
license or permit or nonresident operating privilege suspended 5998  
under this section as a result of the conviction or guilty plea 5999  
shall pay a reinstatement fee as provided in division (F)(2) of 6000  
section 4511.191 of the Revised Code. 6001

(3) If an offender is sentenced to a jail term under division 6002  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 6003  
if, within sixty days of sentencing of the offender, the court 6004  
issues a written finding on the record that, due to the 6005  
unavailability of space at the jail where the offender is required 6006  
to serve the term, the offender will not be able to begin serving 6007  
that term within the sixty-day period following the date of 6008  
sentencing, the court may impose an alternative sentence under 6009  
this division that includes a term of house arrest with electronic 6010  
monitoring, with continuous alcohol monitoring, or with both 6011  
electronic monitoring and continuous alcohol monitoring. 6012

As an alternative to a mandatory jail term of ten consecutive 6013  
days required by division (G)(1)(b)(i) of this section, the court, 6014  
under this division, may sentence the offender to five consecutive 6015

days in jail and not less than eighteen consecutive days of house 6016  
arrest with electronic monitoring, with continuous alcohol 6017  
monitoring, or with both electronic monitoring and continuous 6018  
alcohol monitoring. The cumulative total of the five consecutive 6019  
days in jail and the period of house arrest with electronic 6020  
monitoring, continuous alcohol monitoring, or both types of 6021  
monitoring shall not exceed six months. The five consecutive days 6022  
in jail do not have to be served prior to or consecutively to the 6023  
period of house arrest. 6024

As an alternative to the mandatory jail term of twenty 6025  
consecutive days required by division (G)(1)(b)(ii) of this 6026  
section, the court, under this division, may sentence the offender 6027  
to ten consecutive days in jail and not less than thirty-six 6028  
consecutive days of house arrest with electronic monitoring, with 6029  
continuous alcohol monitoring, or with both electronic monitoring 6030  
and continuous alcohol monitoring. The cumulative total of the ten 6031  
consecutive days in jail and the period of house arrest with 6032  
electronic monitoring, continuous alcohol monitoring, or both 6033  
types of monitoring shall not exceed six months. The ten 6034  
consecutive days in jail do not have to be served prior to or 6035  
consecutively to the period of house arrest. 6036

As an alternative to a mandatory jail term of thirty 6037  
consecutive days required by division (G)(1)(c)(i) of this 6038  
section, the court, under this division, may sentence the offender 6039  
to fifteen consecutive days in jail and not less than fifty-five 6040  
consecutive days of house arrest with electronic monitoring, with 6041  
continuous alcohol monitoring, or with both electronic monitoring 6042  
and continuous alcohol monitoring. The cumulative total of the 6043  
fifteen consecutive days in jail and the period of house arrest 6044  
with electronic monitoring, continuous alcohol monitoring, or both 6045  
types of monitoring shall not exceed one year. The fifteen 6046  
consecutive days in jail do not have to be served prior to or 6047

consecutively to the period of house arrest. 6048

As an alternative to the mandatory jail term of sixty 6049  
consecutive days required by division (G)(1)(c)(ii) of this 6050  
section, the court, under this division, may sentence the offender 6051  
to thirty consecutive days in jail and not less than one hundred 6052  
ten consecutive days of house arrest with electronic monitoring, 6053  
with continuous alcohol monitoring, or with both electronic 6054  
monitoring and continuous alcohol monitoring. The cumulative total 6055  
of the thirty consecutive days in jail and the period of house 6056  
arrest with electronic monitoring, continuous alcohol monitoring, 6057  
or both types of monitoring shall not exceed one year. The thirty 6058  
consecutive days in jail do not have to be served prior to or 6059  
consecutively to the period of house arrest. 6060

(4) If an offender's driver's or occupational driver's 6061  
license or permit or nonresident operating privilege is suspended 6062  
under division (G) of this section and if section 4510.13 of the 6063  
Revised Code permits the court to grant limited driving 6064  
privileges, the court may grant the limited driving privileges in 6065  
accordance with that section. If division (A)(7) of that section 6066  
requires that the court impose as a condition of the privileges 6067  
that the offender must display on the vehicle that is driven 6068  
subject to the privileges restricted license plates that are 6069  
issued under section 4503.231 of the Revised Code, except as 6070  
provided in division (B) of that section, the court shall impose 6071  
that condition as one of the conditions of the limited driving 6072  
privileges granted to the offender, except as provided in division 6073  
(B) of section 4503.231 of the Revised Code. 6074

(5) Fines imposed under this section for a violation of 6075  
division (A) of this section shall be distributed as follows: 6076

(a) Twenty-five dollars of the fine imposed under division 6077  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 6078  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 6079

fine imposed under division (G)(1)(c)(iii), and two hundred ten 6080  
dollars of the fine imposed under division (G)(1)(d)(iii) or 6081  
(e)(iii) of this section shall be paid to an enforcement and 6082  
education fund established by the legislative authority of the law 6083  
enforcement agency in this state that primarily was responsible 6084  
for the arrest of the offender, as determined by the court that 6085  
imposes the fine. The agency shall use this share to pay only 6086  
those costs it incurs in enforcing this section or a municipal OVI 6087  
ordinance and in informing the public of the laws governing the 6088  
operation of a vehicle while under the influence of alcohol, the 6089  
dangers of the operation of a vehicle under the influence of 6090  
alcohol, and other information relating to the operation of a 6091  
vehicle under the influence of alcohol and the consumption of 6092  
alcoholic beverages. 6093

(b) Fifty dollars of the fine imposed under division 6094  
(G)(1)(a)(iii) of this section shall be paid to the political 6095  
subdivision that pays the cost of housing the offender during the 6096  
offender's term of incarceration. If the offender is being 6097  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 6098  
(e), or (j) of this section and was confined as a result of the 6099  
offense prior to being sentenced for the offense but is not 6100  
sentenced to a term of incarceration, the fifty dollars shall be 6101  
paid to the political subdivision that paid the cost of housing 6102  
the offender during that period of confinement. The political 6103  
subdivision shall use the share under this division to pay or 6104  
reimburse incarceration or treatment costs it incurs in housing or 6105  
providing drug and alcohol treatment to persons who violate this 6106  
section or a municipal OVI ordinance, costs of any immobilizing or 6107  
disabling device used on the offender's vehicle, and costs of 6108  
electronic house arrest equipment needed for persons who violate 6109  
this section. 6110

(c) Twenty-five dollars of the fine imposed under division 6111

(G)(1)(a)(iii) and fifty dollars of the fine imposed under 6112  
division (G)(1)(b)(iii) of this section shall be deposited into 6113  
the county or municipal indigent drivers' alcohol treatment fund 6114  
under the control of that court, as created by the county or 6115  
municipal corporation under division (F) of section 4511.191 of 6116  
the Revised Code. 6117

(d) One hundred fifteen dollars of the fine imposed under 6118  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 6119  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 6120  
dollars of the fine imposed under division (G)(1)(d)(iii) or 6121  
(e)(iii) of this section shall be paid to the political 6122  
subdivision that pays the cost of housing the offender during the 6123  
offender's term of incarceration. The political subdivision shall 6124  
use this share to pay or reimburse incarceration or treatment 6125  
costs it incurs in housing or providing drug and alcohol treatment 6126  
to persons who violate this section or a municipal OVI ordinance, 6127  
costs for any immobilizing or disabling device used on the 6128  
offender's vehicle, and costs of electronic house arrest equipment 6129  
needed for persons who violate this section. 6130

(e) Fifty dollars of the fine imposed under divisions 6131  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 6132  
and (G)(1)(e)(iii) of this section shall be deposited into the 6133  
special projects fund of the court in which the offender was 6134  
convicted and that is established under division (E)(1) of section 6135  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 6136  
of section 1907.24 of the Revised Code, to be used exclusively to 6137  
cover the cost of immobilizing or disabling devices, including 6138  
certified ignition interlock devices, and remote alcohol 6139  
monitoring devices for indigent offenders who are required by a 6140  
judge to use either of these devices. If the court in which the 6141  
offender was convicted does not have a special projects fund that 6142  
is established under division (E)(1) of section 2303.201, division 6143

(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 6144  
of the Revised Code, the fifty dollars shall be deposited into the 6145  
indigent drivers interlock and alcohol monitoring fund under 6146  
division (I) of section 4511.191 of the Revised Code. 6147

6148

(f) Seventy-five dollars of the fine imposed under division 6149  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 6150  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 6151  
of the fine imposed under division (G)(1)(c)(iii), and five 6152  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 6153  
or (e)(iii) of this section shall be transmitted to the treasurer 6154  
of state for deposit into the indigent defense support fund 6155  
established under section 120.08 of the Revised Code. 6156

(g) The balance of the fine imposed under division 6157  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 6158  
section shall be disbursed as otherwise provided by law. 6159

(6) If title to a motor vehicle that is subject to an order 6160  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 6161  
this section is assigned or transferred and division (B)(2) or (3) 6162  
of section 4503.234 of the Revised Code applies, in addition to or 6163  
independent of any other penalty established by law, the court may 6164  
fine the offender the value of the vehicle as determined by 6165  
publications of the national auto dealers association. The 6166  
proceeds of any fine so imposed shall be distributed in accordance 6167  
with division (C)(2) of that section. 6168

(7) As used in division (G) of this section, "electronic 6169  
monitoring," "mandatory prison term," and "mandatory term of local 6170  
incarceration" have the same meanings as in section 2929.01 of the 6171  
Revised Code. 6172

(H) Whoever violates division (B) of this section is guilty 6173  
of operating a vehicle after underage alcohol consumption and 6174

shall be punished as follows: 6175

(1) Except as otherwise provided in division (H)(2) of this 6176  
section, the offender is guilty of a misdemeanor of the fourth 6177  
degree. In addition to any other sanction imposed for the offense, 6178  
the court shall impose a class six suspension of the offender's 6179  
driver's license, commercial driver's license, temporary 6180  
instruction permit, probationary license, or nonresident operating 6181  
privilege from the range specified in division (A)(6) of section 6182  
4510.02 of the Revised Code. 6183

(2) If, within one year of the offense, the offender 6184  
previously has been convicted of or pleaded guilty to one or more 6185  
violations of division (A) or (B) of this section or other 6186  
equivalent offenses, the offender is guilty of a misdemeanor of 6187  
the third degree. In addition to any other sanction imposed for 6188  
the offense, the court shall impose a class four suspension of the 6189  
offender's driver's license, commercial driver's license, 6190  
temporary instruction permit, probationary license, or nonresident 6191  
operating privilege from the range specified in division (A)(4) of 6192  
section 4510.02 of the Revised Code. 6193

(3) If the offender also is convicted of or also pleads 6194  
guilty to a specification of the type described in section 6195  
2941.1416 of the Revised Code and if the court imposes a jail term 6196  
for the violation of division (B) of this section, the court shall 6197  
impose upon the offender an additional definite jail term pursuant 6198  
to division (E) of section 2929.24 of the Revised Code. 6199

(I)(1) No court shall sentence an offender to an alcohol 6200  
treatment program under this section unless the treatment program 6201  
complies with the minimum standards for alcohol treatment programs 6202  
adopted under Chapter 3793. of the Revised Code by the director of 6203  
alcohol and drug addiction services. 6204

(2) An offender who stays in a drivers' intervention program 6205

or in an alcohol treatment program under an order issued under 6206  
this section shall pay the cost of the stay in the program. 6207  
However, if the court determines that an offender who stays in an 6208  
alcohol treatment program under an order issued under this section 6209  
is unable to pay the cost of the stay in the program, the court 6210  
may order that the cost be paid from the court's indigent drivers' 6211  
alcohol treatment fund. 6212

(J) If a person whose driver's or commercial driver's license 6213  
or permit or nonresident operating privilege is suspended under 6214  
this section files an appeal regarding any aspect of the person's 6215  
trial or sentence, the appeal itself does not stay the operation 6216  
of the suspension. 6217

(K) Division (A)(1)(j) of this section does not apply to a 6218  
person who operates a vehicle, streetcar, or trackless trolley 6219  
while the person has a concentration of a listed controlled 6220  
substance or a listed metabolite of a controlled substance in the 6221  
person's whole blood, blood serum or plasma, or urine that equals 6222  
or exceeds the amount specified in that division, if both of the 6223  
following apply: 6224

(1) The person obtained the controlled substance pursuant to 6225  
a prescription issued by a licensed health professional authorized 6226  
to prescribe drugs. 6227

(2) The person injected, ingested, or inhaled the controlled 6228  
substance in accordance with the health professional's directions. 6229

(L) The prohibited concentrations of a controlled substance 6230  
or a metabolite of a controlled substance listed in division 6231  
(A)(1)(j) of this section also apply in a prosecution of a 6232  
violation of division (D) of section 2923.16 of the Revised Code 6233  
in the same manner as if the offender is being prosecuted for a 6234  
prohibited concentration of alcohol. 6235

(M) All terms defined in section 4510.01 of the Revised Code 6236



apply to this section. If the meaning of a term defined in section 6237  
4510.01 of the Revised Code conflicts with the meaning of the same 6238  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 6239  
the term as defined in section 4510.01 of the Revised Code applies 6240  
to this section. 6241

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 6242  
as adopted by the supreme court under authority of section 2937.46 6243  
of the Revised Code, do not apply to felony violations of this 6244  
section. Subject to division (N)(2) of this section, the Rules of 6245  
Criminal Procedure apply to felony violations of this section. 6246

(2) If, on or after January 1, 2004, the supreme court 6247  
modifies the Ohio Traffic Rules to provide procedures to govern 6248  
felony violations of this section, the modified rules shall apply 6249  
to felony violations of this section. 6250

**Sec. 4511.191.** (A)(1) As used in this section: 6251

(a) "Physical control" has the same meaning as in section 6252  
4511.194 of the Revised Code. 6253

(b) "Alcohol monitoring device" means any device that 6254  
provides for continuous alcohol monitoring, any ignition interlock 6255  
device, any immobilizing or disabling device other than an 6256  
ignition interlock device that is constantly available to monitor 6257  
the concentration of alcohol in a person's system, or any other 6258  
device that provides for the automatic testing and periodic 6259  
reporting of alcohol consumption by a person and that a court 6260  
orders a person to use as a sanction imposed as a result of the 6261  
person's conviction of or plea of guilty to an offense. 6262

(2) Any person who operates a vehicle, streetcar, or 6263  
trackless trolley upon a highway or any public or private property 6264  
used by the public for vehicular travel or parking within this 6265  
state or who is in physical control of a vehicle, streetcar, or 6266

trackless trolley shall be deemed to have given consent to a 6267  
chemical test or tests of the person's whole blood, blood serum or 6268  
plasma, breath, or urine to determine the alcohol, drug of abuse, 6269  
controlled substance, metabolite of a controlled substance, or 6270  
combination content of the person's whole blood, blood serum or 6271  
plasma, breath, or urine if arrested for a violation of division 6272  
(A) or (B) of section 4511.19 of the Revised Code, section 6273  
4511.194 of the Revised Code or a substantially equivalent 6274  
municipal ordinance, or a municipal OVI ordinance. 6275

(3) The chemical test or tests under division (A)(2) of this 6276  
section shall be administered at the request of a law enforcement 6277  
officer having reasonable grounds to believe the person was 6278  
operating or in physical control of a vehicle, streetcar, or 6279  
trackless trolley in violation of a division, section, or 6280  
ordinance identified in division (A)(2) of this section. The law 6281  
enforcement agency by which the officer is employed shall 6282  
designate which of the tests shall be administered. 6283

(4) Any person who is dead or unconscious, or who otherwise 6284  
is in a condition rendering the person incapable of refusal, shall 6285  
be deemed to have consented as provided in division (A)(2) of this 6286  
section, and the test or tests may be administered, subject to 6287  
sections 313.12 to 313.16 of the Revised Code. 6288

(5)(a) If a law enforcement officer arrests a person for a 6289  
violation of division (A) or (B) of section 4511.19 of the Revised 6290  
Code, section 4511.194 of the Revised Code or a substantially 6291  
equivalent municipal ordinance, or a municipal OVI ordinance and 6292  
if the person if convicted would be required to be sentenced under 6293  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 6294  
Code, the law enforcement officer shall request the person to 6295  
submit, and the person shall submit, to a chemical test or tests 6296  
of the person's whole blood, blood serum or plasma, breath, or 6297  
urine for the purpose of determining the alcohol, drug of abuse, 6298

controlled substance, metabolite of a controlled substance, or 6299  
combination content of the person's whole blood, blood serum or 6300  
plasma, breath, or urine. A law enforcement officer who makes a 6301  
request pursuant to this division that a person submit to a 6302  
chemical test or tests is not required to advise the person of the 6303  
consequences of submitting to, or refusing to submit to, the test 6304  
or tests and is not required to give the person the form described 6305  
in division (B) of section 4511.192 of the Revised Code, but the 6306  
officer shall advise the person at the time of the arrest that if 6307  
the person refuses to take a chemical test the officer may employ 6308  
whatever reasonable means are necessary to ensure that the person 6309  
submits to a chemical test of the person's wholeblood or blood 6310  
serum or plasma. The officer shall also advise the person at the 6311  
time of the arrest that the person may have an independent 6312  
chemical test taken at the person's own expense. Divisions (A)(3) 6313  
and (4) of this section apply to the administration of a chemical 6314  
test or tests pursuant to this division. 6315

(b) If a person refuses to submit to a chemical test upon a 6317  
request made pursuant to division (A)(5)(a) of this section, the 6318  
law enforcement officer who made the request may employ whatever 6319  
reasonable means are necessary to ensure that the person submits 6320  
to a chemical test of the person's whole blood or blood serum or 6321  
plasma. A law enforcement officer who acts pursuant to this 6322  
division to ensure that a person submits to a chemical test of the 6323  
person's whole blood or blood serum or plasma is immune from 6324  
criminal and civil liability based upon a claim for assault and 6325  
battery or any other claim for the acts, unless the officer so 6326  
acted with malicious purpose, in bad faith, or in a wanton or 6327  
reckless manner. 6328

(B)(1) Upon receipt of the sworn report of a law enforcement 6329  
officer who arrested a person for a violation of division (A) or 6330

(B) of section 4511.19 of the Revised Code, section 4511.194 of 6331  
the Revised Code or a substantially equivalent municipal 6332  
ordinance, or a municipal OVI ordinance that was completed and 6333  
sent to the registrar and a court pursuant to section 4511.192 of 6334  
the Revised Code in regard to a person who refused to take the 6335  
designated chemical test, the registrar shall enter into the 6336  
registrar's records the fact that the person's driver's or 6337  
commercial driver's license or permit or nonresident operating 6338  
privilege was suspended by the arresting officer under this 6339  
division and that section and the period of the suspension, as 6340  
determined under this section. The suspension shall be subject to 6341  
appeal as provided in section 4511.197 of the Revised Code. The 6342  
suspension shall be for whichever of the following periods 6343  
applies: 6344

(a) Except when division (B)(1)(b), (c), or (d) of this 6345  
section applies and specifies a different class or length of 6346  
suspension, the suspension shall be a class C suspension for the 6347  
period of time specified in division (B)(3) of section 4510.02 of 6348  
the Revised Code. 6349

(b) If the arrested person, within six years of the date on 6350  
which the person refused the request to consent to the chemical 6351  
test, had refused one previous request to consent to a chemical 6352  
test or had been convicted of or pleaded guilty to one violation 6353  
of division (A) or (B) of section 4511.19 of the Revised Code or 6354  
one other equivalent offense, the suspension shall be a class B 6355  
suspension imposed for the period of time specified in division 6356  
(B)(2) of section 4510.02 of the Revised Code. 6357

(c) If the arrested person, within six years of the date on 6358  
which the person refused the request to consent to the chemical 6359  
test, had refused two previous requests to consent to a chemical 6360  
test, had been convicted of or pleaded guilty to two violations of 6361  
division (A) or (B) of section 4511.19 of the Revised Code or 6362

other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

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

The registrar shall credit against any judicial suspension of

a person's driver's or commercial driver's license or permit or 6395  
nonresident operating privilege imposed pursuant to section 6396  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 6397  
Revised Code for a violation of a municipal OVI ordinance, any 6398  
time during which the person serves a related suspension imposed 6399  
pursuant to division (B)(1) of this section. 6400

(C)(1) Upon receipt of the sworn report of the law 6401  
enforcement officer who arrested a person for a violation of 6402  
division (A) or (B) of section 4511.19 of the Revised Code or a 6403  
municipal OVI ordinance that was completed and sent to the 6404  
registrar and a court pursuant to section 4511.192 of the Revised 6405  
Code in regard to a person whose test results indicate that the 6406  
person's whole blood, blood serum or plasma, breath, or urine 6407  
contained at least the concentration of alcohol specified in 6408  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 6409  
Revised Code or at least the concentration of a listed controlled 6410  
substance or a listed metabolite of a controlled substance 6411  
specified in division (A)(1)(j) of section 4511.19 of the Revised 6412  
Code, the registrar shall enter into the registrar's records the 6413  
fact that the person's driver's or commercial driver's license or 6414  
permit or nonresident operating privilege was suspended by the 6415  
arresting officer under this division and section 4511.192 of the 6416  
Revised Code and the period of the suspension, as determined under 6417  
divisions (C)(1)(a) to (d) of this section. The suspension shall 6418  
be subject to appeal as provided in section 4511.197 of the 6419  
Revised Code. The suspension described in this division does not 6420  
apply to, and shall not be imposed upon, a person arrested for a 6421  
violation of section 4511.194 of the Revised Code or a 6422  
substantially equivalent municipal ordinance who submits to a 6423  
designated chemical test. The suspension shall be for whichever of 6424  
the following periods applies: 6425

(a) Except when division (C)(1)(b), (c), or (d) of this 6426

section applies and specifies a different period, the suspension 6427  
shall be a class E suspension imposed for the period of time 6428  
specified in division (B)(5) of section 4510.02 of the Revised 6429  
Code. 6430

(b) The suspension shall be a class C suspension for the 6431  
period of time specified in division (B)(3) of section 4510.02 of 6432  
the Revised Code if the person has been convicted of or pleaded 6433  
guilty to, within six years of the date the test was conducted, 6434  
one violation of division (A) or (B) of section 4511.19 of the 6435  
Revised Code or one other equivalent offense. 6436

(c) If, within six years of the date the test was conducted, 6437  
the person has been convicted of or pleaded guilty to two 6438  
violations of a statute or ordinance described in division 6439  
(C)(1)(b) of this section, the suspension shall be a class B 6440  
suspension imposed for the period of time specified in division 6441  
(B)(2) of section 4510.02 of the Revised Code. 6442

(d) If, within six years of the date the test was conducted, 6443  
the person has been convicted of or pleaded guilty to more than 6444  
two violations of a statute or ordinance described in division 6445  
(C)(1)(b) of this section, the suspension shall be a class A 6446  
suspension imposed for the period of time specified in division 6447  
(B)(1) of section 4510.02 of the Revised Code. 6448

(2) The registrar shall terminate a suspension of the 6449  
driver's or commercial driver's license or permit of a resident or 6450  
of the operating privilege of a nonresident, or a denial of a 6451  
driver's or commercial driver's license or permit, imposed 6452  
pursuant to division (C)(1) of this section upon receipt of notice 6453  
that the person has entered a plea of guilty to, or that the 6454  
person has been convicted after entering a plea of no contest to, 6455  
operating a vehicle in violation of section 4511.19 of the Revised 6456  
Code or in violation of a municipal OVI ordinance, if the offense 6457  
for which the conviction is had or the plea is entered arose from 6458

the same incident that led to the suspension or denial. 6459

The registrar shall credit against any judicial suspension of 6460  
a person's driver's or commercial driver's license or permit or 6461  
nonresident operating privilege imposed pursuant to section 6462  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 6463  
Revised Code for a violation of a municipal OVI ordinance, any 6464  
time during which the person serves a related suspension imposed 6465  
pursuant to division (C)(1) of this section. 6466

(D)(1) A suspension of a person's driver's or commercial 6467  
driver's license or permit or nonresident operating privilege 6468  
under this section for the time described in division (B) or (C) 6469  
of this section is effective immediately from the time at which 6470  
the arresting officer serves the notice of suspension upon the 6471  
arrested person. Any subsequent finding that the person is not 6472  
guilty of the charge that resulted in the person being requested 6473  
to take the chemical test or tests under division (A) of this 6474  
section does not affect the suspension. 6475

(2) If a person is arrested for operating a vehicle, 6476  
streetcar, or trackless trolley in violation of division (A) or 6477  
(B) of section 4511.19 of the Revised Code or a municipal OVI 6478  
ordinance, or for being in physical control of a vehicle, 6479  
streetcar, or trackless trolley in violation of section 4511.194 6480  
of the Revised Code or a substantially equivalent municipal 6481  
ordinance, regardless of whether the person's driver's or 6482  
commercial driver's license or permit or nonresident operating 6483  
privilege is or is not suspended under division (B) or (C) of this 6484  
section or Chapter 4510. of the Revised Code, the person's initial 6485  
appearance on the charge resulting from the arrest shall be held 6486  
within five days of the person's arrest or the issuance of the 6487  
citation to the person, subject to any continuance granted by the 6488  
court pursuant to section 4511.197 of the Revised Code regarding 6489  
the issues specified in that division. 6490



(E) When it finally has been determined under the procedures 6491  
of this section and sections 4511.192 to 4511.197 of the Revised 6492  
Code that a nonresident's privilege to operate a vehicle within 6493  
this state has been suspended, the registrar shall give 6494  
information in writing of the action taken to the motor vehicle 6495  
administrator of the state of the person's residence and of any 6496  
state in which the person has a license. 6497

(F) At the end of a suspension period under this section, 6498  
under section 4511.194, section 4511.196, or division (G) of 6499  
section 4511.19 of the Revised Code, or under section 4510.07 of 6500  
the Revised Code for a violation of a municipal OVI ordinance and 6501  
upon the request of the person whose driver's or commercial 6502  
driver's license or permit was suspended and who is not otherwise 6503  
subject to suspension, cancellation, or disqualification, the 6504  
registrar shall return the driver's or commercial driver's license 6505  
or permit to the person upon the occurrence of all of the 6506  
conditions specified in divisions (F)(1) and (2) of this section: 6507

(1) A showing that the person has proof of financial 6508  
responsibility, a policy of liability insurance in effect that 6509  
meets the minimum standards set forth in section 4509.51 of the 6510  
Revised Code, or proof, to the satisfaction of the registrar, that 6511  
the person is able to respond in damages in an amount at least 6512  
equal to the minimum amounts specified in section 4509.51 of the 6513  
Revised Code. 6514

(2) Subject to the limitation contained in division (F)(3) of 6515  
this section, payment by the person to the bureau of motor 6516  
vehicles of a license reinstatement fee of four hundred 6517  
seventy-five dollars, which fee shall be deposited in the state 6518  
treasury and credited as follows: 6519

(a) One hundred twelve dollars and fifty cents shall be 6520  
credited to the statewide treatment and prevention fund created by 6521  
section 4301.30 of the Revised Code. The fund shall be used to pay 6522

the costs of driver treatment and intervention programs operated 6523  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 6524  
director of alcohol and drug addiction services shall determine 6525  
the share of the fund that is to be allocated to alcohol and drug 6526  
addiction programs authorized by section 3793.02 of the Revised 6527  
Code, and the share of the fund that is to be allocated to 6528  
drivers' intervention programs authorized by section 3793.10 of 6529  
the Revised Code. 6530

(b) Seventy-five dollars shall be credited to the reparations 6531  
fund created by section 2743.191 of the Revised Code. 6532

(c) Thirty-seven dollars and fifty cents shall be credited to 6533  
the indigent drivers alcohol treatment fund, which is hereby 6534  
established. Except as otherwise provided in division (F)(2)(c) of 6535  
this section, moneys in the fund shall be distributed by the 6536  
department of alcohol and drug addiction services to the county 6537  
indigent drivers alcohol treatment funds, the county juvenile 6538  
indigent drivers alcohol treatment funds, and the municipal 6539  
indigent drivers alcohol treatment funds that are required to be 6540  
established by counties and municipal corporations pursuant to 6541  
this section, and shall be used only to pay the cost of an alcohol 6542  
and drug addiction treatment program attended by an offender or 6543  
juvenile traffic offender who is ordered to attend an alcohol and 6544  
drug addiction treatment program by a county, juvenile, or 6545  
municipal court judge and who is determined by the county, 6546  
juvenile, or municipal court judge not to have the means to pay 6547  
for the person's attendance at the program or to pay the costs 6548  
specified in division (H)(4) of this section in accordance with 6549  
that division. In addition, a county, juvenile, or municipal court 6550  
judge may use moneys in the county indigent drivers alcohol 6551  
treatment fund, county juvenile indigent drivers alcohol treatment 6552  
fund, or municipal indigent drivers alcohol treatment fund to pay 6553  
for the cost of the continued use of an alcohol monitoring device 6554

as described in divisions (H)(3) and (4) of this section. Moneys 6555  
in the fund that are not distributed to a county indigent drivers 6556  
alcohol treatment fund, a county juvenile indigent drivers alcohol 6557  
treatment fund, or a municipal indigent drivers alcohol treatment 6558  
fund under division (H) of this section because the director of 6559  
alcohol and drug addiction services does not have the information 6560  
necessary to identify the county or municipal corporation where 6561  
the offender or juvenile offender was arrested may be transferred 6562  
by the director of budget and management to the statewide 6563  
treatment and prevention fund created by section 4301.30 of the 6564  
Revised Code, upon certification of the amount by the director of 6565  
alcohol and drug addiction services. 6566

(d) Seventy-five dollars shall be credited to the Ohio 6567  
rehabilitation services commission established by section 3304.12 6568  
of the Revised Code, to the services for rehabilitation fund, 6569  
which is hereby established. The fund shall be used to match 6570  
available federal matching funds where appropriate, and for any 6571  
other purpose or program of the commission to rehabilitate people 6572  
with disabilities to help them become employed and independent. 6573

(e) Seventy-five dollars shall be deposited into the state 6574  
treasury and credited to the drug abuse resistance education 6575  
programs fund, which is hereby established, to be used by the 6576  
attorney general for the purposes specified in division (F)(4) of 6577  
this section. 6578

(f) Thirty dollars shall be credited to the state bureau of 6579  
motor vehicles fund created by section 4501.25 of the Revised 6580  
Code. 6581

(g) Twenty dollars shall be credited to the trauma and 6582  
emergency medical services grants fund created by section 4513.263 6583  
of the Revised Code. 6584

(h) Fifty dollars shall be credited to the indigent drivers 6585

interlock and alcohol monitoring fund, which is hereby established 6586  
in the state treasury. Monies in the fund shall be distributed by 6587  
the department of public safety to the county indigent drivers 6588  
interlock and alcohol monitoring funds, the county juvenile 6589  
indigent drivers interlock and alcohol monitoring funds, and the 6590  
municipal indigent drivers interlock and alcohol monitoring funds 6591  
that are required to be established by counties and municipal 6592  
corporations pursuant to this section, and shall be used only to 6593  
pay the cost of an immobilizing or disabling device, including a 6594  
certified ignition interlock device, or an alcohol monitoring 6595  
device used by an offender or juvenile offender who is ordered to 6596  
use the device by a county, juvenile, or municipal court judge and 6597  
who is determined by the county, juvenile, or municipal court 6598  
judge not to have the means to pay for the person's use of the 6599  
device. 6600

(3) If a person's driver's or commercial driver's license or 6601  
permit is suspended under this section, under section 4511.196 or 6602  
division (G) of section 4511.19 of the Revised Code, under section 6603  
4510.07 of the Revised Code for a violation of a municipal OVI 6604  
ordinance or under any combination of the suspensions described in 6605  
division (F)(3) of this section, and if the suspensions arise from 6606  
a single incident or a single set of facts and circumstances, the 6607  
person is liable for payment of, and shall be required to pay to 6608  
the bureau, only one reinstatement fee of four hundred ~~twenty-five~~ 6609  
seventy-five dollars. The reinstatement fee shall be distributed 6610  
by the bureau in accordance with division (F)(2) of this section. 6611

(4) The attorney general shall use amounts in the drug abuse 6612  
resistance education programs fund to award grants to law 6613  
enforcement agencies to establish and implement drug abuse 6614  
resistance education programs in public schools. Grants awarded to 6615  
a law enforcement agency under this section shall be used by the 6616  
agency to pay for not more than fifty per cent of the amount of 6617

the salaries of law enforcement officers who conduct drug abuse 6618  
resistance education programs in public schools. The attorney 6619  
general shall not use more than six per cent of the amounts the 6620  
attorney general's office receives under division (F)(2)(e) of 6621  
this section to pay the costs it incurs in administering the grant 6622  
program established by division (F)(2)(e) of this section and in 6623  
providing training and materials relating to drug abuse resistance 6624  
education programs. 6625

The attorney general shall report to the governor and the 6626  
general assembly each fiscal year on the progress made in 6627  
establishing and implementing drug abuse resistance education 6628  
programs. These reports shall include an evaluation of the 6629  
effectiveness of these programs. 6630

(G) Suspension of a commercial driver's license under 6631  
division (B) or (C) of this section shall be concurrent with any 6632  
period of disqualification under section 3123.611 or 4506.16 of 6633  
the Revised Code or any period of suspension under section 3123.58 6634  
of the Revised Code. No person who is disqualified for life from 6635  
holding a commercial driver's license under section 4506.16 of the 6636  
Revised Code shall be issued a driver's license under Chapter 6637  
4507. of the Revised Code during the period for which the 6638  
commercial driver's license was suspended under division (B) or 6639  
(C) of this section. No person whose commercial driver's license 6640  
is suspended under division (B) or (C) of this section shall be 6641  
issued a driver's license under Chapter 4507. of the Revised Code 6642  
during the period of the suspension. 6643

(H)(1) Each county shall establish an indigent drivers 6644  
alcohol treatment fund, each county shall establish a juvenile 6645  
indigent drivers alcohol treatment fund, and each municipal 6646  
corporation in which there is a municipal court shall establish an 6647  
indigent drivers alcohol treatment fund. All revenue that the 6648  
general assembly appropriates to the indigent drivers alcohol 6649

treatment fund for transfer to a county indigent drivers alcohol 6650  
treatment fund, a county juvenile indigent drivers alcohol 6651  
treatment fund, or a municipal indigent drivers alcohol treatment 6652  
fund, all portions of fees that are paid under division (F) of 6653  
this section and that are credited under that division to the 6654  
indigent drivers alcohol treatment fund in the state treasury for 6655  
a county indigent drivers alcohol treatment fund, a county 6656  
juvenile indigent drivers alcohol treatment fund, or a municipal 6657  
indigent drivers alcohol treatment fund, all portions of 6658  
additional costs imposed under section 2949.094 of the Revised 6659  
Code that are specified for deposit into a county, county 6660  
juvenile, or municipal indigent drivers alcohol treatment fund by 6661  
that section, and all portions of fines that are specified for 6662  
deposit into a county or municipal indigent drivers alcohol 6663  
treatment fund by section 4511.193 of the Revised Code shall be 6664  
deposited into that county indigent drivers alcohol treatment 6665  
fund, county juvenile indigent drivers alcohol treatment fund, or 6666  
municipal indigent drivers alcohol treatment fund. The portions of 6667  
the fees paid under division (F) of this section that are to be so 6668  
deposited shall be determined in accordance with division (H)(2) 6669  
of this section. Additionally, all portions of fines that are paid 6670  
for a violation of section 4511.19 of the Revised Code or of any 6671  
prohibition contained in Chapter 4510. of the Revised Code, and 6672  
that are required under section 4511.19 or any provision of 6673  
Chapter 4510. of the Revised Code to be deposited into a county 6674  
indigent drivers alcohol treatment fund or municipal indigent 6675  
drivers alcohol treatment fund shall be deposited into the 6676  
appropriate fund in accordance with the applicable division of the 6677  
section or provision. 6678

(2) That portion of the license reinstatement fee that is 6679  
paid under division (F) of this section and that is credited under 6680  
that division to the indigent drivers alcohol treatment fund shall 6681  
be deposited into a county indigent drivers alcohol treatment 6682

fund, a county juvenile indigent drivers alcohol treatment fund, 6683  
or a municipal indigent drivers alcohol treatment fund as follows: 6684

6685

(a) Regarding a suspension imposed under this section, that 6686  
portion of the fee shall be deposited as follows: 6687

(i) If the fee is paid by a person who was charged in a 6688  
county court with the violation that resulted in the suspension or 6689  
in the imposition of the court costs, the portion shall be 6690  
deposited into the county indigent drivers alcohol treatment fund 6691  
under the control of that court; 6692

(ii) If the fee is paid by a person who was charged in a 6693  
juvenile court with the violation that resulted in the suspension 6694  
or in the imposition of the court costs, the portion shall be 6695  
deposited into the county juvenile indigent drivers alcohol 6696  
treatment fund established in the county served by the court; 6697

(iii) If the fee is paid by a person who was charged in a 6698  
municipal court with the violation that resulted in the suspension 6699  
or in the imposition of the court costs, the portion shall be 6700  
deposited into the municipal indigent drivers alcohol treatment 6701  
fund under the control of that court. 6702

(b) Regarding a suspension imposed under section 4511.19 of 6703  
the Revised Code or under section 4510.07 of the Revised Code for 6704  
a violation of a municipal OVI ordinance, that portion of the fee 6705  
shall be deposited as follows: 6706

(i) If the fee is paid by a person whose license or permit 6707  
was suspended by a county court, the portion shall be deposited 6708  
into the county indigent drivers alcohol treatment fund under the 6709  
control of that court; 6710

(ii) If the fee is paid by a person whose license or permit 6711  
was suspended by a municipal court, the portion shall be deposited 6712  
into the municipal indigent drivers alcohol treatment fund under 6713

the control of that court. 6714

(3) Expenditures from a county indigent drivers alcohol 6715  
treatment fund, a county juvenile indigent drivers alcohol 6716  
treatment fund, or a municipal indigent drivers alcohol treatment 6717  
fund shall be made only upon the order of a county, juvenile, or 6718  
municipal court judge and only for payment of the cost of an 6719  
assessment or the cost of the attendance at an alcohol and drug 6720  
addiction treatment program of a person who is convicted of, or 6721  
found to be a juvenile traffic offender by reason of, a violation 6722  
of division (A) of section 4511.19 of the Revised Code or a 6723  
substantially similar municipal ordinance, who is ordered by the 6724  
court to attend the alcohol and drug addiction treatment program, 6725  
and who is determined by the court to be unable to pay the cost of 6726  
the assessment or the cost of attendance at the treatment program 6727  
or for payment of the costs specified in division (H)(4) of this 6728  
section in accordance with that division. The alcohol and drug 6729  
addiction services board or the board of alcohol, drug addiction, 6730  
and mental health services established pursuant to section 340.02 6731  
or 340.021 of the Revised Code and serving the alcohol, drug 6732  
addiction, and mental health service district in which the court 6733  
is located shall administer the indigent drivers alcohol treatment 6734  
program of the court. When a court orders an offender or juvenile 6735  
traffic offender to obtain an assessment or attend an alcohol and 6736  
drug addiction treatment program, the board shall determine which 6737  
program is suitable to meet the needs of the offender or juvenile 6738  
traffic offender, and when a suitable program is located and space 6739  
is available at the program, the offender or juvenile traffic 6740  
offender shall attend the program designated by the board. A 6741  
reasonable amount not to exceed five per cent of the amounts 6742  
credited to and deposited into the county indigent drivers alcohol 6743  
treatment fund, the county juvenile indigent drivers alcohol 6744  
treatment fund, or the municipal indigent drivers alcohol 6745  
treatment fund serving every court whose program is administered 6746



by that board shall be paid to the board to cover the costs it 6747  
incurs in administering those indigent drivers alcohol treatment 6748  
programs. 6749

In addition, upon exhaustion of moneys in the indigent 6750  
drivers interlock and alcohol monitoring fund for the use of an 6751  
alcohol monitoring device, a county, juvenile, or municipal court 6752  
judge may use moneys in the county indigent drivers alcohol 6753  
treatment fund, county juvenile indigent drivers alcohol treatment 6754  
fund, or municipal indigent drivers alcohol treatment fund in the 6755  
following manners: 6756

(a) If the source of the moneys was an appropriation of the 6757  
general assembly, a portion of a fee that was paid under division 6758  
(F) of this section, a portion of a fine that was specified for 6759  
deposit into the fund by section 4511.193 of the Revised Code, or 6760  
a portion of a fine that was paid for a violation of section 6761  
4511.19 of the Revised Code or of a provision contained in Chapter 6762  
4510. of the Revised Code that was required to be deposited into 6763  
the fund, to pay for the continued use of an alcohol monitoring 6764  
device by an offender or juvenile traffic offender, in conjunction 6765  
with a treatment program approved by the department of alcohol and 6766  
drug addiction services, when such use is determined clinically 6767  
necessary by the treatment program and when the court determines 6768  
that the offender or juvenile traffic offender is unable to pay 6769  
all or part of the daily monitoring or cost of the device; 6770

(b) If the source of the moneys was a portion of an 6772  
additional court cost imposed under section 2949.094 of the 6773  
Revised Code, to pay for the continued use of an alcohol 6774  
monitoring device by an offender or juvenile traffic offender when 6775  
the court determines that the offender or juvenile traffic 6776  
offender is unable to pay all or part of the daily monitoring or 6777  
cost of the device. The moneys may be used for a device as 6778

described in this division if the use of the device is in 6779  
conjunction with a treatment program approved by the department of 6780  
alcohol and drug addiction services, when the use of the device is 6781  
determined clinically necessary by the treatment program, but the 6782  
use of a device is not required to be in conjunction with a 6783  
treatment program approved by the department in order for the 6784  
moneys to be used for the device as described in this division. 6785

(4) If a county, juvenile, or municipal court determines, in 6786  
consultation with the alcohol and drug addiction services board or 6787  
the board of alcohol, drug addiction, and mental health services 6788  
established pursuant to section 340.02 or 340.021 of the Revised 6789  
Code and serving the alcohol, drug addiction, and mental health 6790  
district in which the court is located, that the funds in the 6791  
county indigent drivers alcohol treatment fund, the county 6792  
juvenile indigent drivers alcohol treatment fund, or the municipal 6793  
indigent drivers alcohol treatment fund under the control of the 6794  
court are more than sufficient to satisfy the purpose for which 6795  
the fund was established, as specified in divisions (H)(1) to (3) 6796  
of this section, the court may declare a surplus in the fund. If 6797  
the court declares a surplus in the fund, the court may expend the 6798  
amount of the surplus in the fund for: 6799

(a) Alcohol and drug abuse assessment and treatment of 6800  
persons who are charged in the court with committing a criminal 6801  
offense or with being a delinquent child or juvenile traffic 6802  
offender and in relation to whom both of the following apply: 6803

(i) The court determines that substance abuse was a 6804  
contributing factor leading to the criminal or delinquent activity 6805  
or the juvenile traffic offense with which the person is charged. 6806

(ii) The court determines that the person is unable to pay 6807  
the cost of the alcohol and drug abuse assessment and treatment 6808  
for which the surplus money will be used. 6809

(b) All or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any alcohol and drug addiction program that is not certified under section 3793.06 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of alcohol and drug addiction services in order for the program to become a certified alcohol and drug addiction program. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a program interested in becoming certified makes an application to become certified pursuant to section 3793.06 of the Revised Code, the program is eligible to receive surplus funds as long as the application is pending with the department. The department of alcohol and drug addiction services must offer technical assistance to the applicant. If the interested program withdraws the certification application, the department must notify the court, and the court shall not provide the interested program with any further surplus funds.

(I)(1) Each county shall establish an indigent drivers

interlock and alcohol monitoring fund and a juvenile indigent 6842  
drivers interlock and alcohol treatment fund, and each municipal 6843  
corporation in which there is a municipal court shall establish an 6844  
indigent drivers interlock and alcohol monitoring fund. All 6845  
revenue that the general assembly appropriates to the indigent 6846  
drivers interlock and alcohol monitoring fund for transfer to a 6847  
county indigent drivers interlock and alcohol monitoring fund, a 6848  
county juvenile indigent drivers interlock and alcohol monitoring 6849  
fund, or a municipal indigent drivers interlock and alcohol 6850  
monitoring fund, all portions of license reinstatement fees that 6851  
are paid under division (F)(2) of this section and that are 6852  
credited under that division to the indigent drivers interlock and 6853  
alcohol monitoring fund in the state treasury, and all portions of 6854  
fines that are paid under division (G) of section 4511.19 of the 6855  
Revised Code and that are credited by division (G)(5)(e) of that 6856  
section to the indigent drivers interlock and alcohol monitoring 6857  
fund in the state treasury shall be deposited in the appropriate 6858  
fund in accordance with division (I)(2) of this section. 6859

(2) That portion of the license reinstatement fee that is 6860  
paid under division (F) of this section and that portion of the 6861  
fine paid under division (G) of section 4511.19 of the Revised 6862  
Code and that is credited under either division to the indigent 6863  
drivers interlock and alcohol monitoring fund shall be deposited 6864  
into a county indigent drivers interlock and alcohol monitoring 6865  
fund, a county juvenile indigent drivers interlock and alcohol 6866  
monitoring fund, or a municipal indigent drivers interlock and 6867  
alcohol monitoring fund as follows: 6868

(a) If the fee or fine is paid by a person who was charged in 6869  
a county court with the violation that resulted in the suspension 6870  
or fine, the portion shall be deposited into the county indigent 6871  
drivers interlock and alcohol monitoring fund under the control of 6872  
that court. 6873

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

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

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

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

pedestrian opening, the speed shall be governed by divisions 6905  
(B)(9) and (10) of this section. The end of every school zone may 6906  
be marked by a sign indicating the end of the zone. Nothing in 6907  
this section or in the manual and specifications for a uniform 6908  
system of traffic control devices shall be construed to require 6909  
school zones to be indicated by signs equipped with flashing or 6910  
other lights, or giving other special notice of the hours in which 6911  
the school zone speed limit is in effect. 6912

(b) As used in this section and in section 4511.212 of the 6913  
Revised Code, "school" means any school chartered under section 6914  
3301.16 of the Revised Code and any nonchartered school that 6915  
during the preceding year filed with the department of education 6916  
in compliance with rule 3301-35-08 of the Ohio Administrative 6917  
Code, a copy of the school's report for the parents of the 6918  
school's pupils certifying that the school meets Ohio minimum 6919  
standards for nonchartered, nontax-supported schools and presents 6920  
evidence of this filing to the jurisdiction from which it is 6921  
requesting the establishment of a school zone. "School" also 6922  
includes a special elementary school that in writing requests the 6923  
county engineer of the county in which the special elementary 6924  
school is located to create a school zone at the location of that 6925  
school. Upon receipt of such a written request, the county 6926  
engineer shall create a school zone at that location by erecting 6927  
the appropriate signs. 6928

(c) As used in this section, "school zone" means that portion 6929  
of a street or highway passing a school fronting upon the street 6930  
or highway that is encompassed by projecting the school property 6931  
lines to the fronting street or highway, and also includes that 6932  
portion of a state highway. Upon request from local authorities 6933  
for streets and highways under their jurisdiction and that portion 6934  
of a state highway under the jurisdiction of the director of 6935  
transportation or a request from a county engineer in the case of 6936

a school zone for a special elementary school, the director may 6937  
extend the traditional school zone boundaries. The distances in 6938  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 6939  
exceed three hundred feet per approach per direction and are 6940  
bounded by whichever of the following distances or combinations 6941  
thereof the director approves as most appropriate: 6942

(i) The distance encompassed by projecting the school 6943  
building lines normal to the fronting highway and extending a 6944  
distance of three hundred feet on each approach direction; 6945

(ii) The distance encompassed by projecting the school 6946  
property lines intersecting the fronting highway and extending a 6947  
distance of three hundred feet on each approach direction; 6948

(iii) The distance encompassed by the special marking of the 6949  
pavement for a principal school pupil crosswalk plus a distance of 6950  
three hundred feet on each approach direction of the highway. 6951

Nothing in this section shall be construed to invalidate the 6952  
director's initial action on August 9, 1976, establishing all 6953  
school zones at the traditional school zone boundaries defined by 6954  
projecting school property lines, except when those boundaries are 6955  
extended as provided in divisions (B)(1)(a) and (c) of this 6956  
section. 6957

(d) As used in this division, "crosswalk" has the meaning 6958  
given that term in division (LL)(2) of section 4511.01 of the 6959  
Revised Code. 6960

The director may, upon request by resolution of the 6961  
legislative authority of a municipal corporation, the board of 6962  
trustees of a township, or a county board of mental retardation 6963  
and developmental disabilities created pursuant to Chapter 5126. 6964  
of the Revised Code, and upon submission by the municipal 6965  
corporation, township, or county board of such engineering, 6966  
traffic, and other information as the director considers 6967

necessary, designate a school zone on any portion of a state route 6968  
lying within the municipal corporation, lying within the 6969  
unincorporated territory of the township, or lying adjacent to the 6970  
property of a school that is operated by such county board, that 6971  
includes a crosswalk customarily used by children going to or 6972  
leaving a school during recess and opening and closing hours, 6973  
whenever the distance, as measured in a straight line, from the 6974  
school property line nearest the crosswalk to the nearest point of 6975  
the crosswalk is no more than one thousand three hundred twenty 6976  
feet. Such a school zone shall include the distance encompassed by 6977  
the crosswalk and extending three hundred feet on each approach 6978  
direction of the state route. 6979

(e) As used in this section, "special elementary school" 6980  
means a school that meets all of the following criteria: 6981

(i) It is not chartered and does not receive tax revenue from 6982  
any source. 6983

(ii) It does not educate children beyond the eighth grade. 6984

(iii) It is located outside the limits of a municipal 6985  
corporation. 6986

(iv) A majority of the total number of students enrolled at 6987  
the school are not related by blood. 6988

(v) The principal or other person in charge of the special 6989  
elementary school annually sends a report to the superintendent of 6990  
the school district in which the special elementary school is 6991  
located indicating the total number of students enrolled at the 6992  
school, but otherwise the principal or other person in charge does 6993  
not report any other information or data to the superintendent. 6994

(2) Twenty-five miles per hour in all other portions of a 6995  
municipal corporation, except on state routes outside business 6996  
districts, through highways outside business districts, and 6997  
alleys; 6998



(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;	6999 7000 7001
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	7002 7003
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in division (B) <del>(13)</del> <u>(12)</u> of this section;	7004 7005 7006 7007
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	7008 7009 7010
(7) Fifteen miles per hour on all alleys within the municipal corporation;	7011 7012
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	7013 7014
(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B) <del>(13)</del> <u>(12)</u> of this section;	7015 7016 7017
(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B) <del>(13)</del> <u>(12)</u> of this section;	7018 7019 7020
<del>(11) Fifty five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus;</del>	7021 7022 7023 7024 7025 7026 7027
<del>(12) Fifty-five miles per hour for operators of any motor</del>	7028

~~vehicle weighing eight thousand pounds or less empty weight and~~ 7029  
~~any commercial bus~~ at all times on all portions of freeways that 7030  
are part of the interstate system and that had such a speed limit 7031  
established prior to October 1, 1995, and freeways that are not 7032  
part of the interstate system, but are built to the standards and 7033  
specifications that are applicable to freeways that are part of 7034  
the interstate system and that had such a speed limit established 7035  
prior to October 1, 1995, unless a higher speed limit is 7036  
established under division (L) of this section; 7037

~~(13)(12) Sixty-five miles per hour for operators of any motor~~ 7038  
~~vehicle weighing eight thousand pounds or less empty weight and~~ 7039  
~~any commercial bus~~ at all times on all portions of the following: 7040

(a) Freeways that are part of the interstate system and that 7041  
had such a speed limit established prior to October 1, 1995, and 7042  
freeways that are not part of the interstate system, but are built 7043  
to the standards and specifications that are applicable to 7044  
freeways that are part of the interstate system and that had such 7045  
a speed limit established prior to October 1, 1995; 7046

(b) Freeways that are part of the interstate system and 7047  
freeways that are not part of the interstate system but are built 7048  
to the standards and specifications that are applicable to 7049  
freeways that are part of the interstate system, and that had such 7050  
a speed limit established under division (L) of this section; 7051

(c) Rural, divided, multi-lane highways that are designated 7052  
as part of the national highway system under the "National Highway 7053  
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 7054  
and that had such a speed limit established under division (M) of 7055  
this section. 7056

(C) It is prima-facie unlawful for any person to exceed any 7057  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 7058  
(6), (7), and (8) of this section, or any declared or established 7059

pursuant to this section by the director or local authorities and 7060  
it is unlawful for any person to exceed any of the speed 7061  
limitations in division (D) of this section. No person shall be 7062  
convicted of more than one violation of this section for the same 7063  
conduct, although violations of more than one provision of this 7064  
section may be charged in the alternative in a single affidavit. 7065

(D) No person shall operate a motor vehicle, trackless 7066  
trolley, or streetcar upon a street or highway as follows: 7067

(1) At a speed exceeding fifty-five miles per hour, except 7068  
upon a freeway as provided in division (B)~~(13)~~(12) of this 7069  
section; 7070

(2) At a speed exceeding sixty-five miles per hour upon a 7071  
freeway as provided in division (B)~~(13)~~(12) of this section ~~except~~ 7072  
~~as otherwise provided in division (D)(3) of this section;~~ 7073

~~(3) If a motor vehicle weighing in excess of eight thousand 7074  
pounds empty weight or a noncommercial bus as prescribed in 7075  
division (B)(11) of this section, at a speed exceeding fifty five 7076  
miles per hour upon a freeway as provided in that division;~~ 7077

~~(4)~~ At a speed exceeding the posted speed limit upon a 7078  
freeway for which the director has determined and declared a speed 7079  
limit of not more than sixty-five miles per hour pursuant to 7080  
division (L)(2) or (M) of this section; 7081

~~(5)~~(4) At a speed exceeding sixty-five miles per hour upon a 7082  
freeway for which such a speed limit has been established through 7083  
the operation of division (L)(3) of this section; 7084

~~(6)~~(5) At a speed exceeding the posted speed limit upon a 7085  
freeway for which the director has determined and declared a speed 7086  
limit pursuant to division (I)(2) of this section. 7087

(E) In every charge of violation of this section the 7088  
affidavit and warrant shall specify the time, place, and speed at 7089

which the defendant is alleged to have driven, and in charges made 7090  
in reliance upon division (C) of this section also the speed which 7091  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 7092  
declared or established pursuant to, this section declares is 7093  
prima-facie lawful at the time and place of such alleged 7094  
violation, except that in affidavits where a person is alleged to 7095  
have driven at a greater speed than will permit the person to 7096  
bring the vehicle to a stop within the assured clear distance 7097  
ahead the affidavit and warrant need not specify the speed at 7098  
which the defendant is alleged to have driven. 7099

(F) When a speed in excess of both a prima-facie limitation 7100  
and a limitation in division (D)(1), (2), (3), (4), or (5), ~~or (6)~~ 7101  
of this section is alleged, the defendant shall be charged in a 7102  
single affidavit, alleging a single act, with a violation 7103  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 7104  
(8) of this section, or of a limit declared or established 7105  
pursuant to this section by the director or local authorities, and 7106  
of the limitation in division (D)(1), (2), (3), (4), or (5), ~~or~~ 7107  
~~(6)~~ of this section. If the court finds a violation of division 7108  
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 7109  
or established pursuant to, this section has occurred, it shall 7110  
enter a judgment of conviction under such division and dismiss the 7111  
charge under division (D)(1), (2), (3), (4), or (5), ~~or (6)~~ of 7112  
this section. If it finds no violation of division (B)(1)(a), (2), 7113  
(3), (4), (6), (7), or (8) of, or a limit declared or established 7114  
pursuant to, this section, it shall then consider whether the 7115  
evidence supports a conviction under division (D)(1), (2), (3), 7116  
(4), or (5), ~~or (6)~~ of this section. 7117

(G) Points shall be assessed for violation of a limitation 7118  
under division (D) of this section in accordance with section 7119  
4510.036 of the Revised Code. 7120

(H) Whenever the director determines upon the basis of a 7121

geometric and traffic characteristic study that any speed limit 7122  
set forth in divisions (B)(1)(a) to (D) of this section is greater 7123  
or less than is reasonable or safe under the conditions found to 7124  
exist at any portion of a street or highway under the jurisdiction 7125  
of the director, the director shall determine and declare a 7126  
reasonable and safe prima-facie speed limit, which shall be 7127  
effective when appropriate signs giving notice of it are erected 7128  
at the location. 7129

(I)(1) Except as provided in divisions (I)(2) and (K) of this 7130  
section, whenever local authorities determine upon the basis of an 7131  
engineering and traffic investigation that the speed permitted by 7132  
divisions (B)(1)(a) to (D) of this section, on any part of a 7133  
highway under their jurisdiction, is greater than is reasonable 7134  
and safe under the conditions found to exist at such location, the 7135  
local authorities may by resolution request the director to 7136  
determine and declare a reasonable and safe prima-facie speed 7137  
limit. Upon receipt of such request the director may determine and 7138  
declare a reasonable and safe prima-facie speed limit at such 7139  
location, and if the director does so, then such declared speed 7140  
limit shall become effective only when appropriate signs giving 7141  
notice thereof are erected at such location by the local 7142  
authorities. The director may withdraw the declaration of a 7143  
prima-facie speed limit whenever in the director's opinion the 7144  
altered prima-facie speed becomes unreasonable. Upon such 7145  
withdrawal, the declared prima-facie speed shall become 7146  
ineffective and the signs relating thereto shall be immediately 7147  
removed by the local authorities. 7148

(2) A local authority may determine on the basis of a 7149  
geometric and traffic characteristic study that the speed limit of 7150  
sixty-five miles per hour on a portion of a freeway under its 7151  
jurisdiction that was established through the operation of 7152  
division (L)(3) of this section is greater than is reasonable or 7153

safe under the conditions found to exist at that portion of the 7154  
freeway. If the local authority makes such a determination, the 7155  
local authority by resolution may request the director to 7156  
determine and declare a reasonable and safe speed limit of not 7157  
less than fifty-five miles per hour for that portion of the 7158  
freeway. If the director takes such action, the declared speed 7159  
limit becomes effective only when appropriate signs giving notice 7160  
of it are erected at such location by the local authority. 7161

(J) Local authorities in their respective jurisdictions may 7162  
authorize by ordinance higher prima-facie speeds than those stated 7163  
in this section upon through highways, or upon highways or 7164  
portions thereof where there are no intersections, or between 7165  
widely spaced intersections, provided signs are erected giving 7166  
notice of the authorized speed, but local authorities shall not 7167  
modify or alter the basic rule set forth in division (A) of this 7168  
section or in any event authorize by ordinance a speed in excess 7169  
of fifty miles per hour. 7170

Alteration of prima-facie limits on state routes by local 7171  
authorities shall not be effective until the alteration has been 7172  
approved by the director. The director may withdraw approval of 7173  
any altered prima-facie speed limits whenever in the director's 7174  
opinion any altered prima-facie speed becomes unreasonable, and 7175  
upon such withdrawal, the altered prima-facie speed shall become 7176  
ineffective and the signs relating thereto shall be immediately 7177  
removed by the local authorities. 7178

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 7179  
section, "unimproved highway" means a highway consisting of any of 7180  
the following: 7181

(a) Unimproved earth; 7182

(b) Unimproved graded and drained earth; 7183

(c) Gravel. 7184

(2) Except as otherwise provided in divisions (K)(4) and (5) 7185  
of this section, whenever a board of township trustees determines 7186  
upon the basis of an engineering and traffic investigation that 7187  
the speed permitted by division (B)(5) of this section on any part 7188  
of an unimproved highway under its jurisdiction and in the 7189  
unincorporated territory of the township is greater than is 7190  
reasonable or safe under the conditions found to exist at the 7191  
location, the board may by resolution declare a reasonable and 7192  
safe prima-facie speed limit of fifty-five but not less than 7193  
twenty-five miles per hour. An altered speed limit adopted by a 7194  
board of township trustees under this division becomes effective 7195  
when appropriate traffic control devices, as prescribed in section 7196  
4511.11 of the Revised Code, giving notice thereof are erected at 7197  
the location, which shall be no sooner than sixty days after 7198  
adoption of the resolution. 7199

(3)(a) Whenever, in the opinion of a board of township 7200  
trustees, any altered prima-facie speed limit established by the 7201  
board under this division becomes unreasonable, the board may 7202  
adopt a resolution withdrawing the altered prima-facie speed 7203  
limit. Upon the adoption of such a resolution, the altered 7204  
prima-facie speed limit becomes ineffective and the traffic 7205  
control devices relating thereto shall be immediately removed. 7206

(b) Whenever a highway ceases to be an unimproved highway and 7207  
the board has adopted an altered prima-facie speed limit pursuant 7208  
to division (K)(2) of this section, the board shall, by 7209  
resolution, withdraw the altered prima-facie speed limit as soon 7210  
as the highway ceases to be unimproved. Upon the adoption of such 7211  
a resolution, the altered prima-facie speed limit becomes 7212  
ineffective and the traffic control devices relating thereto shall 7213  
be immediately removed. 7214

(4)(a) If the boundary of two townships rests on the 7215  
centerline of an unimproved highway in unincorporated territory 7216

and both townships have jurisdiction over the highway, neither of 7217  
the boards of township trustees of such townships may declare an 7218  
altered prima-facie speed limit pursuant to division (K)(2) of 7219  
this section on the part of the highway under their joint 7220  
jurisdiction unless the boards of township trustees of both of the 7221  
townships determine, upon the basis of an engineering and traffic 7222  
investigation, that the speed permitted by division (B)(5) of this 7223  
section is greater than is reasonable or safe under the conditions 7224  
found to exist at the location and both boards agree upon a 7225  
reasonable and safe prima-facie speed limit of less than 7226  
fifty-five but not less than twenty-five miles per hour for that 7227  
location. If both boards so agree, each shall follow the procedure 7228  
specified in division (K)(2) of this section for altering the 7229  
prima-facie speed limit on the highway. Except as otherwise 7230  
provided in division (K)(4)(b) of this section, no speed limit 7231  
altered pursuant to division (K)(4)(a) of this section may be 7232  
withdrawn unless the boards of township trustees of both townships 7233  
determine that the altered prima-facie speed limit previously 7234  
adopted becomes unreasonable and each board adopts a resolution 7235  
withdrawing the altered prima-facie speed limit pursuant to the 7236  
procedure specified in division (K)(3)(a) of this section. 7237

(b) Whenever a highway described in division (K)(4)(a) of 7238  
this section ceases to be an unimproved highway and two boards of 7239  
township trustees have adopted an altered prima-facie speed limit 7240  
pursuant to division (K)(4)(a) of this section, both boards shall, 7241  
by resolution, withdraw the altered prima-facie speed limit as 7242  
soon as the highway ceases to be unimproved. Upon the adoption of 7243  
the resolution, the altered prima-facie speed limit becomes 7244  
ineffective and the traffic control devices relating thereto shall 7245  
be immediately removed. 7246

(5) As used in division (K)(5) of this section: 7247

(a) "Commercial subdivision" means any platted territory 7248



outside the limits of a municipal corporation and fronting a 7249  
highway where, for a distance of three hundred feet or more, the 7250  
frontage is improved with buildings in use for commercial 7251  
purposes, or where the entire length of the highway is less than 7252  
three hundred feet long and the frontage is improved with 7253  
buildings in use for commercial purposes. 7254

(b) "Residential subdivision" means any platted territory 7255  
outside the limits of a municipal corporation and fronting a 7256  
highway, where, for a distance of three hundred feet or more, the 7257  
frontage is improved with residences or residences and buildings 7258  
in use for business, or where the entire length of the highway is 7259  
less than three hundred feet long and the frontage is improved 7260  
with residences or residences and buildings in use for business. 7261

Whenever a board of township trustees finds upon the basis of 7262  
an engineering and traffic investigation that the prima-facie 7263  
speed permitted by division (B)(5) of this section on any part of 7264  
a highway under its jurisdiction that is located in a commercial 7265  
or residential subdivision, except on highways or portions thereof 7266  
at the entrances to which vehicular traffic from the majority of 7267  
intersecting highways is required to yield the right-of-way to 7268  
vehicles on such highways in obedience to stop or yield signs or 7269  
traffic control signals, is greater than is reasonable and safe 7270  
under the conditions found to exist at the location, the board may 7271  
by resolution declare a reasonable and safe prima-facie speed 7272  
limit of less than fifty-five but not less than twenty-five miles 7273  
per hour at the location. An altered speed limit adopted by a 7274  
board of township trustees under this division shall become 7275  
effective when appropriate signs giving notice thereof are erected 7276  
at the location by the township. Whenever, in the opinion of a 7277  
board of township trustees, any altered prima-facie speed limit 7278  
established by it under this division becomes unreasonable, it may 7279  
adopt a resolution withdrawing the altered prima-facie speed, and 7280

upon such withdrawal, the altered prima-facie speed shall become 7281  
ineffective, and the signs relating thereto shall be immediately 7282  
removed by the township. 7283

(L)(1) Within one hundred twenty days of February 29, 1996, 7284  
the director of transportation, based upon a geometric and traffic 7285  
characteristic study of a freeway that is part of the interstate 7286  
system or that is not part of the interstate system, but is built 7287  
to the standards and specifications that are applicable to 7288  
freeways that are part of the interstate system, in consultation 7289  
with the director of public safety and, if applicable, the local 7290  
authority having jurisdiction over a portion of such freeway, may 7291  
determine and declare that the speed limit of less than sixty-five 7292  
miles per hour established on such freeway or portion of freeway 7293  
either is reasonable and safe or is less than that which is 7294  
reasonable and safe. 7295

(2) If the established speed limit for such a freeway or 7296  
portion of freeway is determined to be less than that which is 7297  
reasonable and safe, the director of transportation, in 7298  
consultation with the director of public safety and, if 7299  
applicable, the local authority having jurisdiction over the 7300  
portion of freeway, shall determine and declare a reasonable and 7301  
safe speed limit of not more than sixty-five miles per hour for 7302  
that freeway or portion of freeway. 7303

The director of transportation or local authority having 7304  
jurisdiction over the freeway or portion of freeway shall erect 7305  
appropriate signs giving notice of the speed limit at such 7306  
location within one hundred fifty days of February 29, 1996. Such 7307  
speed limit becomes effective only when such signs are erected at 7308  
the location. 7309

(3) If, within one hundred twenty days of February 29, 1996, 7310  
the director of transportation does not make a determination and 7311  
declaration of a reasonable and safe speed limit for a freeway or 7312

portion of freeway that is part of the interstate system or that 7313  
is not part of the interstate system, but is built to the 7314  
standards and specifications that are applicable to freeways that 7315  
are part of the interstate system and that has a speed limit of 7316  
less than sixty-five miles per hour, the speed limit on that 7317  
freeway or portion of a freeway shall be sixty-five miles per 7318  
hour. The director of transportation or local authority having 7319  
jurisdiction over the freeway or portion of the freeway shall 7320  
erect appropriate signs giving notice of the speed limit of 7321  
sixty-five miles per hour at such location within one hundred 7322  
fifty days of February 29, 1996. Such speed limit becomes 7323  
effective only when such signs are erected at the location. A 7324  
speed limit established through the operation of division (L)(3) 7325  
of this section is subject to reduction under division (I)(2) of 7326  
this section. 7327

(M) Within three hundred sixty days after February 29, 1996, 7328  
the director of transportation, based upon a geometric and traffic 7329  
characteristic study of a rural, divided, multi-lane highway that 7330  
has been designated as part of the national highway system under 7331  
the "National Highway System Designation Act of 1995," 109 Stat. 7332  
568, 23 U.S.C.A. 103, in consultation with the director of public 7333  
safety and, if applicable, the local authority having jurisdiction 7334  
over a portion of the highway, may determine and declare that the 7335  
speed limit of less than sixty-five miles per hour established on 7336  
the highway or portion of highway either is reasonable and safe or 7337  
is less than that which is reasonable and safe. 7338

If the established speed limit for the highway or portion of 7339  
highway is determined to be less than that which is reasonable and 7340  
safe, the director of transportation, in consultation with the 7341  
director of public safety and, if applicable, the local authority 7342  
having jurisdiction over the portion of highway, shall determine 7343  
and declare a reasonable and safe speed limit of not more than 7344

sixty-five miles per hour for that highway or portion of highway. 7345  
The director of transportation or local authority having 7346  
jurisdiction over the highway or portion of highway shall erect 7347  
appropriate signs giving notice of the speed limit at such 7348  
location within three hundred ninety days after February 29, 1996. 7349  
The speed limit becomes effective only when such signs are erected 7350  
at the location. 7351

(N)(1)(a) If the boundary of two local authorities rests on 7352  
the centerline of a highway and both authorities have jurisdiction 7353  
over the highway, the speed limit for the part of the highway 7354  
within their joint jurisdiction shall be either one of the 7355  
following as agreed to by both authorities: 7356

(i) Either prima-facie speed limit permitted by division (B) 7357  
of this section; 7358

(ii) An altered speed limit determined and posted in 7359  
accordance with this section. 7360

(b) If the local authorities are unable to reach an 7361  
agreement, the speed limit shall remain as established and posted 7362  
under this section. 7363

(2) Neither local authority may declare an altered 7364  
prima-facie speed limit pursuant to this section on the part of 7365  
the highway under their joint jurisdiction unless both of the 7366  
local authorities determine, upon the basis of an engineering and 7367  
traffic investigation, that the speed permitted by this section is 7368  
greater than is reasonable or safe under the conditions found to 7369  
exist at the location and both authorities agree upon a uniform 7370  
reasonable and safe prima-facie speed limit of less than 7371  
fifty-five but not less than twenty-five miles per hour for that 7372  
location. If both authorities so agree, each shall follow the 7373  
procedure specified in this section for altering the prima-facie 7374  
speed limit on the highway, and the speed limit for the part of 7375

the highway within their joint jurisdiction shall be uniformly 7376  
altered. No altered speed limit may be withdrawn unless both local 7377  
authorities determine that the altered prima-facie speed limit 7378  
previously adopted becomes unreasonable and each adopts a 7379  
resolution withdrawing the altered prima-facie speed limit 7380  
pursuant to the procedure specified in this section. 7381

(O) At any location on a state highway where the posted speed 7382  
limit decreases by twenty or more miles per hour, the director of 7383  
transportation shall establish a speed transition zone consisting, 7384  
at a minimum, of the preceding one thousand feet. The speed limit 7385  
for the speed transition zone shall be ten miles per hour more 7386  
than the speed limit to which the posted speed limit decreases by 7387  
twenty or more miles per hour. A reduced speed limit established 7388  
by the director pursuant to this division becomes effective when 7389  
the department of transportation erects appropriate signs giving 7390  
notice thereof on the state highway. 7391

(P) As used in this section: 7392

~~(1)~~ ~~"Interstate, "interstate system" has the same meaning as~~ 7393  
in 23 U.S.C.A. 101. 7394

~~(2)~~ ~~"Commercial bus" means a motor vehicle designed for~~ 7395  
~~carrying more than nine passengers and used for the transportation~~ 7396  
~~of persons for compensation.~~ 7397

~~(3)~~ ~~"Noncommercial bus" includes but is not limited to a~~ 7398  
~~school bus or a motor vehicle operated solely for the~~ 7399  
~~transportation of persons associated with a charitable or~~ 7400  
~~nonprofit organization.~~ 7401

~~(P)~~(Q)(1) A violation of any provision of this section is one 7402  
of the following: 7403

(a) Except as otherwise provided in divisions ~~(P)~~(Q)(1)(b), 7404  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 7405

(b) If, within one year of the offense, the offender 7406  
previously has been convicted of or pleaded guilty to two 7407  
violations of any provision of this section or of any provision of 7408  
a municipal ordinance that is substantially similar to any 7409  
provision of this section, a misdemeanor of the fourth degree; 7410

(c) If, within one year of the offense, the offender 7411  
previously has been convicted of or pleaded guilty to three or 7412  
more violations of any provision of this section or of any 7413  
provision of a municipal ordinance that is substantially similar 7414  
to any provision of this section, a misdemeanor of the third 7415  
degree. 7416

(2) If the offender has not previously been convicted of or 7417  
pleaded guilty to a violation of any provision of this section or 7418  
of any provision of a municipal ordinance that is substantially 7419  
similar to this section and operated a motor vehicle faster than 7420  
thirty-five miles an hour in a business district of a municipal 7421  
corporation, faster than fifty miles an hour in other portions of 7422  
a municipal corporation, or faster than thirty-five miles an hour 7423  
in a school zone during recess or while children are going to or 7424  
leaving school during the school's opening or closing hours, a 7425  
misdemeanor of the fourth degree. 7426

(3) Notwithstanding division ~~(P)~~(Q)(1) of this section, if 7427  
the offender operated a motor vehicle in a construction zone where 7428  
a sign was then posted in accordance with section 4511.98 of the 7429  
Revised Code, the court, in addition to all other penalties 7430  
provided by law, shall impose upon the offender a fine of two 7431  
times the usual amount imposed for the violation. No court shall 7432  
impose a fine of two times the usual amount imposed for the 7433  
violation upon an offender if the offender alleges, in an 7434  
affidavit filed with the court prior to the offender's sentencing, 7435  
that the offender is indigent and is unable to pay the fine 7436  
imposed pursuant to this division and if the court determines that 7437

the offender is an indigent person and unable to pay the fine. 7438

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 7439  
approaching a stationary public safety vehicle, an emergency 7440  
vehicle, or a road service vehicle that is displaying a ~~flashing~~ 7441  
~~red light, flashing combination red and white light, oscillating~~ 7442  
~~or rotating red light, oscillating or rotating combination red and~~ 7443  
~~white light, flashing blue light, the appropriate visual signals~~ 7444  
by means of flashing combination blue and white light, oscillating 7445  
or rotating blue light, or, oscillating, or rotating combination 7446  
blue and white light lights, as prescribed in section 4513.17 of 7447  
the Revised Code, shall do either of the following: 7448

(1) If the driver of the motor vehicle is traveling on a 7449  
highway that consists of at least two lanes that carry traffic in 7450  
the same direction of travel as that of the driver's motor 7451  
vehicle, the driver shall proceed with due caution and, if 7452  
possible and with due regard to the road, weather, and traffic 7453  
conditions, shall change lanes into a lane that is not adjacent to 7454  
that of the stationary public safety vehicle, an emergency 7455  
vehicle, or a road service vehicle. 7456

(2) If the driver is not traveling on a highway of a type 7457  
described in division (A)(1) of this section, or if the driver is 7458  
traveling on a highway of that type but it is not possible to 7459  
change lanes or if to do so would be unsafe, the driver shall 7460  
proceed with due caution, reduce the speed of the motor vehicle, 7461  
and maintain a safe speed for the road, weather, and traffic 7462  
conditions. 7463

(B) This section does not relieve the driver of a public 7464  
safety vehicle, an emergency vehicle, or a road service vehicle 7465  
from the duty to drive with due regard for the safety of all 7466  
persons and property upon the highway. 7467

(C) No person shall fail to drive a motor vehicle in 7468

compliance with division (A)(1) or (2) of this section when so 7469  
required by division (A) of this section. 7470

(D)(1) Except as otherwise provided in this division, whoever 7471  
violates this section is guilty of a minor misdemeanor. If, within 7472  
one year of the offense, the offender previously has been 7473  
convicted of or pleaded guilty to one predicate motor vehicle or 7474  
traffic offense, whoever violates this section is guilty of a 7475  
misdemeanor of the fourth degree. If, within one year of the 7476  
offense, the offender previously has been convicted of two or more 7477  
predicate motor vehicle or traffic offenses, whoever violates this 7478  
section is guilty of a misdemeanor of the third degree. 7479

(2) Notwithstanding section 2929.28 of the Revised Code, upon 7480  
a finding that a person operated a motor vehicle in violation of 7481  
division (C) of this section, the court, in addition to all other 7482  
penalties provided by law, shall impose a fine of two times the 7483  
usual amount imposed for the violation. 7484

~~(E) As used in this section, "public safety vehicle" has the 7485  
same meaning as in section 4511.01 of the Revised Code. 7486~~

**Sec. 4513.263.** (A) As used in this section and in section 7487  
4513.99 of the Revised Code: 7488

(1) "Automobile" means any commercial tractor, passenger car, 7489  
commercial car, or truck that is required to be factory-equipped 7490  
with an occupant restraining device for the operator or any 7491  
passenger by regulations adopted by the United States secretary of 7492  
transportation pursuant to the "National Traffic and Motor Vehicle 7493  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 7494

(2) "Occupant restraining device" means a seat safety belt, 7495  
shoulder belt, harness, or other safety device for restraining a 7496  
person who is an operator of or passenger in an automobile and 7497  
that satisfies the minimum federal vehicle safety standards 7498



established by the United States department of transportation. 7499

(3) "Passenger" means any person in an automobile, other than 7500  
its operator, who is occupying a seating position for which an 7501  
occupant restraining device is provided. 7502

(4) "Commercial tractor," "passenger car," and "commercial 7503  
car" have the same meanings as in section 4501.01 of the Revised 7504  
Code. 7505

(5) "Vehicle" and "motor vehicle," as used in the definitions 7506  
of the terms set forth in division (A)(4) of this section, have 7507  
the same meanings as in section 4511.01 of the Revised Code. 7508

(6) "Tort action" means a civil action for damages for 7509  
injury, death, or loss to person or property. "Tort action" 7510  
includes a product liability claim, as defined in section 2307.71 7511  
of the Revised Code, and an asbestos claim, as defined in section 7512  
2307.91 of the Revised Code, but does not include a civil action 7513  
for damages for breach of contract or another agreement between 7514  
persons. 7515

(B) No person shall do any of the following: 7516

(1) Operate an automobile on any street or highway unless 7517  
that person is wearing all of the available elements of a properly 7518  
adjusted occupant restraining device, or operate a school bus that 7519  
has an occupant restraining device installed for use in its 7520  
operator's seat unless that person is wearing all of the available 7521  
elements of the device, as properly adjusted; 7522

(2) Operate an automobile on any street or highway unless 7523  
each passenger in the automobile who is subject to the requirement 7524  
set forth in division (B)(3) of this section is wearing all of the 7525  
available elements of a properly adjusted occupant restraining 7526  
device; 7527

(3) Occupy, as a passenger, a seating position on the front 7528

seat of an automobile being operated on any street or highway 7529  
unless that person is wearing all of the available elements of a 7530  
properly adjusted occupant restraining device; 7531

(4) Operate a taxicab on any street or highway unless all 7532  
factory-equipped occupant restraining devices in the taxicab are 7533  
maintained in usable form. 7534

(C) Division (B)(3) of this section does not apply to a 7535  
person who is required by section 4511.81 of the Revised Code to 7536  
be secured in a child restraint device or booster seat. Division 7537  
(B)(1) of this section does not apply to a person who is an 7538  
employee of the United States postal service or of a newspaper 7539  
home delivery service, during any period in which the person is 7540  
engaged in the operation of an automobile to deliver mail or 7541  
newspapers to addressees. Divisions (B)(1) and (3) of this section 7542  
do not apply to a person who has an affidavit signed by a 7543  
physician licensed to practice in this state under Chapter 4731. 7544  
of the Revised Code or a chiropractor licensed to practice in this 7545  
state under Chapter 4734. of the Revised Code that states that the 7546  
person has a physical impairment that makes use of an occupant 7547  
restraining device impossible or impractical. 7548

(D) Notwithstanding any provision of law to the contrary, no 7549  
law enforcement officer shall cause an operator of an automobile 7550  
being operated on any street or highway to stop the automobile for 7551  
the sole purpose of determining whether a violation of division 7552  
(B) of this section has been or is being committed or for the sole 7553  
purpose of issuing a ticket, citation, or summons for a violation 7554  
of that nature or causing the arrest of or commencing a 7555  
prosecution of a person for a violation of that nature, and no law 7556  
enforcement officer shall view the interior or visually inspect 7557  
any automobile being operated on any street or highway for the 7558  
sole purpose of determining whether a violation of that nature has 7559  
been or is being committed. 7560

(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 shall be deposited into the trauma and emergency medical services fund, which is hereby created in the state treasury, and shall be used by the department of public safety for the administration of the division of emergency medical services and the state board of emergency medical services.

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

(F)(1) Subject to division (F)(2) of this section, the failure of a person to wear all of the available elements of a

properly adjusted occupant restraining device in violation of 7592  
division (B)(1) or (3) of this section or the failure of a person 7593  
to ensure that each minor who is a passenger of an automobile 7594  
being operated by that person is wearing all of the available 7595  
elements of a properly adjusted occupant restraining device in 7596  
violation of division (B)(2) of this section shall not be 7597  
considered or used by the trier of fact in a tort action as 7598  
evidence of negligence or contributory negligence. But, the trier 7599  
of fact may determine based on evidence admitted consistent with 7600  
the Ohio Rules of Evidence that the failure contributed to the 7601  
harm alleged in the tort action and may diminish a recovery of 7602  
compensatory damages that represents noneconomic loss, as defined 7603  
in section 2307.011 of the Revised Code, in a tort action that 7604  
could have been recovered but for the plaintiff's failure to wear 7605  
all of the available elements of a properly adjusted occupant 7606  
restraining device. Evidence of that failure shall not be used as 7607  
a basis for a criminal prosecution of the person other than a 7608  
prosecution for a violation of this section; and shall not be 7609  
admissible as evidence in a criminal action involving the person 7610  
other than a prosecution for a violation of this section. 7611

(2) If, at the time of an accident involving a passenger car 7612  
equipped with occupant restraining devices, any occupant of the 7613  
passenger car who sustained injury or death was not wearing an 7614  
available occupant restraining device, was not wearing all of the 7615  
available elements of such a device, or was not wearing such a 7616  
device as properly adjusted, then, consistent with the Rules of 7617  
Evidence, the fact that the occupant was not wearing the available 7618  
occupant restraining device, was not wearing all of the available 7619  
elements of such a device, or was not wearing such a device as 7620  
properly adjusted is admissible in evidence in relation to any 7621  
claim for relief in a tort action to the extent that the claim for 7622  
relief satisfies all of the following: 7623

(a) It seeks to recover damages for injury or death to the occupant. 7624  
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(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 7626  
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(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy. 7628  
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(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars. 7632  
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(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars. 7634  
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(3) Whoever violates division (B)(4) of this section shall be fined twenty dollars. 7636  
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(4) Except as otherwise provided in ~~this~~ division (G)(4) of this section, 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. 7638  
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**Sec. 4513.34.** (A) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the 7644  
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authority granting the permit. 7654

For purposes of this section, the director may designate 7655  
certain state highways or portions of state highways as special 7656  
economic development highways. If an application submitted to the 7657  
director under this section involves travel of a nonconforming 7658  
vehicle or combination of vehicles upon a special economic 7659  
development highway, the director, in determining whether good 7660  
cause has been shown that issuance of a permit is justified, shall 7661  
consider the effect the travel of the vehicle or combination of 7662  
vehicles will have on the economic development in the area in 7663  
which the designated highway or portion of highway is located. 7664

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 7665  
Code, the holder of a special permit issued by the director under 7666  
this section may move the vehicle or combination of vehicles 7667  
described in the special permit on any highway that is a part of 7668  
the state highway system when the movement is partly within and 7669  
partly without the corporate limits of a municipal corporation. No 7670  
local authority shall require any other permit or license or 7671  
charge any license fee or other charge against the holder of a 7672  
permit for the movement of a vehicle or combination of vehicles on 7673  
any highway that is a part of the state highway system. The 7674  
director shall not require the holder of a permit issued by a 7675  
local authority to obtain a special permit for the movement of 7676  
vehicles or combination of vehicles on highways within the 7677  
jurisdiction of the local authority. Permits may be issued for any 7678  
period of time not to exceed one year, as the director in the 7679  
director's discretion or a local authority in its discretion 7680  
determines advisable, or for the duration of any public 7681  
construction project. 7682

(C) The application for a permit shall be in the form that 7683  
the director or local authority prescribes. The director or local 7684

authority may prescribe a permit fee to be imposed and collected 7685  
when any permit described in this section is issued. The permit 7686  
fee may be in an amount sufficient to reimburse the director or 7687  
local authority for the administrative costs incurred in issuing 7688  
the permit, and also to cover the cost of the normal and expected 7689  
damage caused to the roadway or a street or highway structure as 7690  
the result of the operation of the nonconforming vehicle or 7691  
combination of vehicles. The director, in accordance with Chapter 7692  
119. of the Revised Code, shall establish a schedule of fees for 7693  
permits issued by the director under this section; provided, that 7694  
the rules of the director shall include issuance of a continuing 7695  
annual permit over routes reported to the director. 7696

For the purposes of this section and of rules adopted by the 7697  
director under this section, milk transported in bulk by vehicle 7698  
is deemed a nondivisible load. 7699

(D) The director or local authority may issue or withhold a 7700  
permit. If a permit is to be issued, the director or local 7701  
authority may limit or prescribe conditions of operation for the 7702  
vehicle and may require the posting of a bond or other security 7703  
conditioned upon the sufficiency of the permit fee to compensate 7704  
for damage caused to the roadway or a street or highway structure. 7705  
In addition, a local authority, as a condition of issuance of an 7706  
overweight permit, may require the applicant to develop and enter 7707  
into a mutual agreement with the local authority to compensate for 7708  
or to repair excess damage caused to the roadway by travel under 7709  
the permit. 7710

For a permit that will allow travel of a nonconforming 7711  
vehicle or combination of vehicles on a special economic 7712  
development highway, the director, as a condition of issuance, may 7713  
require the applicant to agree to make periodic payments to the 7714  
department to compensate for damage caused to the roadway by 7715  
travel under the permit. 7716

(E) Every permit shall be carried in the vehicle or 7717  
combination of vehicles to which it refers and shall be open to 7718  
inspection by any police officer or authorized agent of any 7719  
authority granting the permit. No person shall violate any of the 7720  
terms of a permit. 7721

(F) The director may debar an applicant from applying for a 7722  
special permit under this section upon a finding based on a 7723  
reasonable belief that the applicant has done any of the 7724  
following: 7725

(1) Abused the process by repeatedly submitting false 7726  
information or false travel plans or by using another company or 7727  
individual's name, insurance, or escrow account without proper 7728  
authorization; 7729

(2) Failed to comply with or substantially perform under a 7730  
previously issued special permit according to its terms, 7731  
conditions, and specifications within specified time limits; 7732

(3) Failed to cooperate in the application process for the 7733  
special permit or in any other procedures that are related to the 7734  
issuance of the special permit by refusing to provide information 7735  
or documents required in a permit or by failing to respond to and 7736  
correct matters related to the special permit; 7737

(4) Accumulated repeated justified complaints regarding 7738  
performance under a special permit that was previously issued to 7739  
the applicant or previously failed to obtain a special permit when 7740  
such a permit was required; 7741

(5) Attempted to influence a public employee to breach 7742  
ethical conduct standards; 7743

(6) Been convicted of a criminal offense related to the 7744  
application for, or performance under, a special permit, 7745  
including, but not limited to, bribery, falsification, fraud or 7746  
destruction of records, receiving stolen property, and any other 7747



offense that directly reflects on the applicant's integrity or 7748  
commercial driver's license; 7749

(7) Accumulated repeated convictions under a state or federal 7750  
safety law governing commercial motor vehicles or a rule or 7751  
regulation adopted under such a law; 7752

(8) Accumulated repeated convictions under a law, rule, or 7753  
regulation governing the movement of traffic over the public 7754  
streets and highways; 7755

(9) Failed to pay any fees associated with any permitted 7756  
operation or move; 7757

(10) Deliberately or willfully submitted false or misleading 7758  
information in connection with the application for, or performance 7759  
under, a special permit issued under this section. 7760

If the applicant is a partnership, association, or 7761  
corporation, the director also may debar from consideration for 7762  
special permits any partner of the partnership, or the officers, 7763  
directors, or employees of the association or corporation being 7764  
debarred. 7765

The director may adopt rules in accordance with Chapter 119. 7766  
of the Revised Code governing the debarment of an applicant. 7767

(G) When the director reasonably believes that grounds for 7768  
debarment exist, the director shall send the person that is 7769  
subject to debarment a notice of the proposed debarment. A notice 7770  
of proposed debarment shall indicate the grounds for the debarment 7771  
of the person and the procedure for requesting a hearing. The 7772  
notice and hearing shall be in accordance with Chapter 119. of the 7773  
Revised Code. If the person does not respond with a request for a 7774  
hearing in the manner specified in that chapter, the director 7775  
shall issue the debarment decision without a hearing and shall 7776  
notify the person of the decision by certified mail, return 7777  
receipt requested. The debarment period may be of any length 7778

determined by the director, and the director may modify or rescind 7779  
the debarment at any time. During the period of debarment, the 7780  
director shall not issue, or consider issuing, a special permit to 7781  
any partnership, association, or corporation that is affiliated 7782  
with a debarred person. After the debarment period expires, the 7783  
person, and any partnership, association, or corporation 7784  
affiliated with the person, may reapply for a special permit. 7785

(H) Whoever violates this section shall be punished as 7786  
provided in section 4513.99 of the Revised Code. 7787

**Sec. 4517.021.** (A) Sections 4517.01, 4517.02, and 4517.03 to 7788  
4517.45 of the Revised Code do not apply to a person auctioning 7789  
classic motor vehicles, provided all of the following apply: 7790

(1) The person is responsible for not more than two auctions 7791  
of classic motor vehicles per year, with no auction lasting more 7792  
than ~~one day~~ two days; 7793

(2) The person requests and receives permission for the 7794  
auction from the registrar of motor vehicles by filing an 7795  
application for each proposed auction of classic motor vehicles, 7796  
at least thirty days before the auction, in a form prescribed by 7797  
the registrar, signed and sworn to by the person, that contains 7798  
all of the following: 7799

(a) The person's name and business address; 7800

(b) The location of the auction; 7801

(c) Evidence, sufficient to satisfy the registrar, that the 7802  
person does not exclusively sell motor vehicles; 7803

(d) Any necessary, reasonable, and relevant information that 7804  
the registrar may require to verify compliance with this section. 7805

(3) The person will be auctioning the classic motor vehicle 7806  
to the general public for the legal owner of the vehicle, which 7807  
ownership must be evidenced at the time of the auction by a valid 7808

certificate of title issued pursuant to Chapter 4505. of the 7809  
Revised Code; 7810

(4) The person keeps a record of the following information 7811  
for each classic motor vehicle offered for sale at auction, in a 7812  
manner prescribed by the registrar: 7813

(a) The certificate of title number, county, and state of 7814  
registration; 7815

(b) The year, make, model, and vehicle identification number; 7816

(c) The name and address of the person offering the vehicle 7817  
for sale; 7818

(d) The name and address of any vehicle purchaser; 7819

(e) The date the vehicle is offered for sale; 7820

(f) Any purchase price; 7821

(g) The odometer reading at the time of the auction and an 7822  
odometer statement from the person offering the vehicle for sale 7823  
at auction that complies with 49 U.S.C. 32705. 7824

(5) The person allows reasonable inspection by the registrar 7825  
of the person's records relating to each classic motor vehicle 7826  
auction. 7827

(B) Any person that auctions classic motor vehicles under 7828  
this section shall use the auction services of an auction firm to 7829  
conduct the auction. 7830

(C) The registrar may refuse permission to hold an auction if 7831  
the registrar finds that the person has not complied with division 7832  
(A) of this section or has made a false statement of a material 7833  
fact in the application filed under division (A)(2) of this 7834  
section. 7835

(D) The registrar shall not authorize a person licensed under 7836  
section 4707.072 of the Revised Code to offer auction services or 7837

act as an auctioneer in regard to an auction of classic motor vehicles pursuant to this section.

(E) As used in this section:

(1) "Auction firm" and "auction services" have the same meanings as in section 4707.01 of the Revised Code.

(2) "Classic motor vehicle" means a motor vehicle that is over twenty-six years old.

**Sec. 4519.02.** (A) Except as provided in divisions (B), (C), and (D) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this state unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with sections 4519.03 and 4519.04 of the Revised Code.

(B)(1) No registration is required for a snowmobile, ~~or off-highway motorcycle, or all-purpose vehicle~~ that is operated exclusively upon lands owned by the owner of the snowmobile, ~~or off-highway motorcycle, or all-purpose vehicle,~~ or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily on a farm as a farm implement.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised

Code. 7868

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon. 7869  
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(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft. 7874  
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(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not ~~more~~ less than ~~twenty five~~ fifty dollars but not more than one hundred dollars. ~~If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, whoever violates division (A) of this section shall be fined not less than twenty five nor more than fifty dollars.~~ 7878  
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**Sec. 4519.03.** (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 with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information: 7885  
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(1) A brief description of the snowmobile, off-highway motorcycle, or all-purpose vehicle, including the year, make, model, and the vehicle identification number; 7891  
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(2) The name, residence, and business address of the owner; 7894

(3) A statement that the snowmobile, off-highway motorcycle, or all-purpose vehicle is equipped as required by section 4519.20 of the Revised Code and any rule adopted under that section. The 7895  
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statement shall include a check list of the required equipment 7898  
items in the form the registrar shall prescribe. 7899

The application shall be signed by the owner of the 7900  
snowmobile, off-highway motorcycle, or all-purpose vehicle and 7901  
shall be accompanied by a fee as provided in division (C) of 7902  
section 4519.04 of the Revised Code. 7903

If the application is not in proper form, or if the vehicle 7904  
for which registration is sought does not appear to be equipped as 7905  
required by section 4519.20 of the Revised Code or any rule 7906  
adopted under that section, the registration shall be refused, and 7907  
no registration sticker, license plate, or validation sticker 7908  
shall be issued. 7909

(B) On and after July 1, 1999, no certificate of registration 7910  
or renewal of a certificate of registration shall be issued for an 7911  
off-highway motorcycle or all-purpose vehicle required to be 7912  
registered under section 4519.02 of the Revised Code, and no 7913  
certificate of registration issued under this chapter for an 7914  
off-highway motorcycle or all-purpose vehicle that is sold or 7915  
otherwise transferred shall be transferred to the new owner of the 7916  
off-highway motorcycle or all-purpose vehicle as permitted by 7917  
division (B) of section 4519.05 of the Revised Code, unless a 7918  
certificate of title has been issued under this chapter for the 7919  
motorcycle or vehicle, and the owner or new owner, as the case may 7920  
be, presents a physical certificate of title or memorandum 7921  
certificate of title for inspection at the time the owner or new 7922  
owner first submits a registration application, registration 7923  
renewal application, or registration transfer application for the 7924  
motorcycle or vehicle on or after July 1, 1999, if a physical 7925  
certificate of title or memorandum certificate has been issued by 7926  
a clerk of a court of common pleas. If, under sections 4519.512 7927  
and 4519.58 of the Revised Code, a clerk instead has issued an 7928  
electronic certificate of title for the applicant's off-highway 7929

motorcycle or all-purpose vehicle, that certificate may be 7930  
presented for inspection at the time of first registration in a 7931  
manner prescribed by rules adopted by the registrar. 7932

(C) When the owner of an off-highway motorcycle or 7933  
all-purpose vehicle first registers it in the owner's name, and a 7934  
certificate of title has been issued for the motorcycle or 7935  
vehicle, the owner shall present for inspection a physical 7936  
certificate of title or memorandum certificate of title showing 7937  
title to the off-highway motorcycle or all-purpose vehicle in the 7938  
name of the owner if a physical certificate of title or memorandum 7939  
certificate has been issued by a clerk of a court of common pleas. 7940  
If, under sections 4519.512 and 4519.58 of the Revised Code, a 7941  
clerk instead has issued an electronic certificate of title for 7942  
the applicant's off-highway motorcycle or all-purpose vehicle, 7943  
that certificate may be presented for inspection at the time of 7944  
first registration in a manner prescribed by rules adopted by the 7945  
registrar. If, when the owner of such an off-highway motorcycle or 7946  
all-purpose vehicle first makes application to register it in the 7947  
owner's name, the application is not in proper form or the 7948  
certificate of title or memorandum certificate of title does not 7949  
accompany the registration or, in the case of an electronic 7950  
certificate of title, is not presented in a manner prescribed by 7951  
the registrar, the registration shall be refused, and neither a 7952  
certificate of registration nor a registration sticker, license 7953  
plate, or validation sticker shall be issued. When a certificate 7954  
of registration and registration sticker, license plate, or 7955  
validation sticker are issued upon the first registration of an 7956  
off-highway motorcycle or all-purpose vehicle by or on behalf of 7957  
the owner, the official issuing them shall indicate the issuance 7958  
with a stamp on the certificate of title or memorandum certificate 7959  
of title or, in the case of an electronic certificate of title, an 7960  
electronic stamp or other notation as specified in rules adopted 7961  
by the registrar. 7962

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 7963  
~~dollars and seventy five cents commencing on July 1, 2001, three~~ 7964  
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 7965  
three dollars and fifty cents ~~commencing on January 1, 2004,~~ for 7966  
each application or renewal application received by the deputy 7967  
registrar, which shall be for the purpose of compensating the 7968  
deputy registrar for services, and office and rental expense, as 7969  
may be necessary for the proper discharge of the deputy 7970  
registrar's duties in the receiving of applications and the 7971  
issuing of certificates of registration. 7972

Each deputy registrar, upon receipt of any application for 7973  
registration, together with the registration fee, shall transmit 7974  
the fee, together with the original and duplicate copy of the 7975  
application, to the registrar in the manner and at the times the 7976  
registrar, subject to the approval of the director of public 7977  
safety and the treasurer of state, shall prescribe by rule. 7978

**Sec. 4519.04.** (A) Upon the filing of an application for 7979  
registration of a snowmobile, off-highway motorcycle, or 7980  
all-purpose vehicle and the payment of the tax therefor, the 7981  
registrar of motor vehicles or a deputy registrar shall assign to 7982  
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 7983  
distinctive number and issue and deliver to the owner in such 7984  
manner as the registrar may select, a certificate of registration, 7985  
in such form as the registrar shall prescribe. Any number so 7986  
assigned to a snowmobile, off-highway motorcycle, or all-purpose 7987  
vehicle shall be a permanent number, and shall not be issued to 7988  
any other snowmobile, off-highway motorcycle, or all-purpose 7989  
vehicle. 7990

(B)(1) In addition to the certificate of registration, the 7991  
registrar or deputy registrar also shall issue to the owner of ~~the~~ 7992  
a snowmobile, or off-highway motorcycle, ~~or all purpose vehicle a~~ 7993



registration sticker. The registrar shall prescribe the color and 7994  
size of the sticker, the combination of numerals and letters 7995  
displayed on it, and placement of the sticker on the snowmobile, 7996  
or off-highway motorcycle, or all-purpose vehicle. 7997

~~(B)~~ Upon receipt of a certificate of registration for a 7998  
snowmobile, the owner shall paint or otherwise attach upon each 7999  
side of the forward cowling of the snowmobile the identifying 8000  
registration number, in block characters of not less than two 8001  
inches in height and of such color as to be distinctly visible and 8002  
legible. 8003

(2) The registrar or deputy registrar also shall issue to the 8004  
owner of an all-purpose vehicle, in addition to the certificate of 8005  
registration, one license plate and a validation sticker, or a 8006  
validation sticker alone when applicable upon a registration 8007  
renewal. The license plate and validation sticker shall be 8008  
displayed on the all-purpose vehicle so that they are distinctly 8009  
visible, in accordance with such rules as the registrar adopts. 8010  
The validation sticker shall indicate the expiration date of the 8011  
registration period of the all-purpose vehicle. During each 8012  
succeeding registration period following the issuance of the 8013  
license plate and validation sticker, upon the filing of an 8014  
application for registration and payment of the fee specified in 8015  
division (C) of this section, a validation sticker alone shall be 8016  
issued. 8017

(C) Unless previously canceled, each certificate of 8018  
registration issued for a snowmobile, off-highway motorcycle, or 8019  
all-purpose vehicle expires upon the thirty-first day of December 8020  
in the third year after the date it is issued. Application for 8021  
renewal of a certificate may be made not earlier than ninety days 8022  
preceding the expiration date, and shall be accompanied by a fee 8023  
of five thirty-one dollars and twenty-five cents. 8024

Notwithstanding section 4519.11 of the Revised Code, of each 8025

thirty-one dollar and twenty-five-cent fee collected for the 8026  
registration of an all-purpose vehicle, the registrar shall retain 8027  
not more than five dollars to pay for the licensing and 8028  
registration costs the bureau of motor vehicles incurs in 8029  
registering the all-purpose vehicle. The remainder of the fee 8030  
shall be deposited into the state treasury to the credit of the 8031  
state recreational vehicle fund created by section 4519.11 of the 8032  
Revised Code. 8033

**Sec. 4519.08.** Any snowmobile, off-highway motorcycle, or 8034  
all-purpose vehicle owned or leased by the state, by any of its 8035  
political subdivisions, or by any volunteer organization that uses 8036  
such vehicles exclusively for emergency purposes shall be 8037  
registered free of charge. The registration number and 8038  
registration sticker assigned to each such snowmobile, or 8039  
off-highway motorcycle, ~~or~~ and the license plate and validation 8040  
sticker assigned to such an all-purpose vehicle, shall be 8041  
displayed as required by section 4519.04 of the Revised Code. 8042

**Sec. 4519.09.** Every owner or operator of a snowmobile, 8043  
off-highway motorcycle, or all-purpose vehicle who is a resident 8044  
of a state not having a registration law similar to this chapter, 8045  
and who expects to use the snowmobile, off-highway motorcycle, or 8046  
all-purpose vehicle in Ohio, shall apply to the registrar of motor 8047  
vehicles or a deputy registrar for a temporary operating permit. 8048  
The temporary operating permit shall be issued for a period not to 8049  
exceed ~~fifteen days~~ one year from the date of issuance, shall be 8050  
in such form as the registrar determines, shall include the name 8051  
and address of the owner and operator of the snowmobile, 8052  
off-highway motorcycle, or all-purpose vehicle, and any other 8053  
information as the registrar considers necessary, and shall be 8054  
issued upon payment of a fee of ~~five~~ eleven dollars and 8055  
twenty-five cents. Every owner or operator receiving a temporary 8056

operating permit shall display it upon the reasonable request of 8057  
any law enforcement officer or other person as authorized by 8058  
sections 4519.42 and 4519.43 of the Revised Code. 8059

**Sec. 4519.10.** (A) The purchaser of an off-highway motorcycle 8060  
or all-purpose vehicle, upon application and proof of purchase, 8061  
may obtain a temporary license placard for it. The application for 8062  
such a placard shall be signed by the purchaser of the off-highway 8063  
motorcycle or all-purpose vehicle. The temporary license placard 8064  
shall be issued only for the applicant's use of the off-highway 8065  
motorcycle or all-purpose vehicle to enable the applicant to 8066  
operate it legally while proper title and a registration sticker 8067  
or license plate and validation sticker are being obtained and 8068  
shall be displayed on no other off-highway motorcycle or 8069  
all-purpose vehicle. A temporary license placard issued under this 8070  
section shall be in a form prescribed by the registrar of motor 8071  
vehicles, shall differ in some distinctive manner from a placard 8072  
issued under section 4503.182 of the Revised Code, shall be valid 8073  
for a period of thirty days from the date of issuance, and shall 8074  
not be transferable or renewable. The placard either shall consist 8075  
of or be coated with such material as will enable it to remain 8076  
legible and relatively intact despite the environmental conditions 8077  
to which the placard is likely to be exposed during the thirty-day 8078  
period for which it is valid. The purchaser of an off-highway 8079  
motorcycle or all-purpose vehicle shall attach the temporary 8080  
license placard to it, in a manner prescribed by rules the 8081  
registrar shall adopt, so that the placard numerals or letters are 8082  
clearly visible. 8083

The fee for a temporary license placard issued under this 8084  
section shall be two dollars. If the placard is issued by a deputy 8085  
registrar, the deputy registrar shall charge an additional fee of 8086  
~~two dollars and seventy five cents commencing on July 1, 2001,~~ 8087  
~~three dollars and twenty five cents commencing on January 1, 2003,~~ 8088

~~and three dollars and fifty cents commencing on January 1, 2004,~~ 8089  
which the deputy registrar shall retain. The deputy registrar 8090  
shall transmit each two-dollar fee received by the deputy 8091  
registrar under this section to the registrar, who shall pay the 8092  
two dollars to the treasurer of state for deposit into the state 8093  
bureau of motor vehicles fund established by section 4501.25 of 8094  
the Revised Code. 8095

(B) The registrar may issue temporary license placards to a 8096  
dealer to be issued to purchasers for use on vehicles sold by the 8097  
dealer, in accordance with rules prescribed by the registrar. The 8098  
dealer shall notify the registrar within forty-eight hours of 8099  
proof of issuance on a form prescribed by the registrar. 8100

The fee for each such placard issued by the registrar to a 8101  
dealer shall be two dollars plus a fee of ~~two dollars and~~ 8102  
~~seventy five cents commencing on July 1, 2001, three dollars and~~ 8103  
~~twenty five cents commencing on January 1, 2003, and three dollars~~ 8104  
and fifty cents ~~commencing on January 1, 2004.~~ 8105

**Sec. 4519.44.** (A) No person who does not hold a valid, 8106  
current motor vehicle driver's or commercial driver's license, 8107  
motorcycle operator's endorsement, or probationary license, issued 8108  
under Chapter 4506. or 4507. of the Revised Code or a valid, 8109  
current driver's license issued by another jurisdiction, shall 8110  
operate a snowmobile, off-highway motorcycle, or all-purpose 8111  
vehicle on any street or highway in this state, on any portion of 8112  
the right-of-way thereof, or on any public land or waters. 8113

(B) No person who is less than sixteen years of age shall 8114  
operate a snowmobile, off-highway motorcycle, or all-purpose 8115  
vehicle on any land or waters other than private property or 8116  
waters owned by or leased to the person's parent or guardian, 8117  
unless accompanied by another person who is eighteen years of age, 8118  
or older, and who holds a license as provided in division (A) of 8119

this section, except that the department of natural resources may 8120  
permit such operation on state controlled land under its 8121  
jurisdiction when such person is less than sixteen years of age, 8122  
but is twelve years of age or older and is accompanied by a parent 8123  
or guardian who is a licensed driver eighteen years of age or 8124  
older. 8125

(C) Whoever violates this section shall be fined not less 8126  
than fifty nor more than five hundred dollars, imprisoned not less 8127  
than three nor more than thirty days, or both. 8128

**Sec. 4519.47.** (A) Whenever a person is found guilty of 8129  
operating a snowmobile, off-highway motorcycle, or all-purpose 8130  
vehicle in violation of any rule authorized to be adopted under 8131  
section 4519.21 or 4519.42 of the Revised Code, the trial judge of 8132  
any court of record, in addition to or independent of any other 8133  
penalties provided by law, may impound for not less than sixty 8134  
days the certificate of registration and license plate, if 8135  
applicable, of that snowmobile, off-highway motorcycle, or 8136  
all-purpose vehicle. The court shall send the impounded 8137  
certificate of registration and license plate, if applicable, to 8138  
the registrar of motor vehicles, who shall retain the certificate 8139  
of registration and license plate, if applicable, until the 8140  
expiration of the period of impoundment. 8141

(B) If a court impounds the certificate of registration and 8142  
license plate of an all-purpose vehicle pursuant to section 8143  
2911.21 of the Revised Code, the court shall send the impounded 8144  
certificate of registration and license plate to the registrar, 8145  
who shall retain them until the expiration of the period of 8146  
impoundment. 8147

**Sec. 4519.59.** (A)(1) The clerk of a court of common pleas 8148  
shall charge a fee of five and retain fees as follows: 8149

(a) Fifteen dollars for each certificate of title, or 8150  
duplicate certificate of title, including the issuance of a 8151  
memorandum certificate of title, authorization to print a 8152  
non-negotiable evidence of ownership described in division (D) of 8153  
section 4519.58 of the Revised Code, non-negotiable evidence of 8154  
ownership printed by the clerk under division (E) of that section, 8155  
and notation of any lien on a certificate of title that is applied 8156  
for at the same time as the certificate of title. The clerk shall 8157  
retain ~~two~~ eleven dollars and ~~twenty-five~~ fifty cents of the that 8158  
~~fee charged for each certificate of title, four dollars and~~ 8159  
~~seventy-five cents of the fee charged for each duplicate~~ 8160  
~~certificate of title, all of the fees charged for each memorandum~~ 8161  
~~certificate, authorization to print a non negotiable evidence of~~ 8162  
~~ownership, or non negotiable evidence of ownership printed by the~~ 8163  
~~clerk, and four dollars and twenty five cents of the fee charged~~ 8164  
~~for each notation of a lien.~~ 8165

(b) Five dollars for each certificate of title with no 8166  
security interest noted that is issued to a licensed motor vehicle 8167  
dealer for resale purposes. The clerk shall retain two dollars and 8168  
twenty-five cents of that fee. 8169

(c) Five dollars for each memorandum certificate of title or 8170  
non-negotiable evidence of ownership that is applied for 8171  
separately. The clerk shall retain that entire fee. 8172

(2) The remaining two dollars and seventy five cents charged 8173  
for the certificate of title, the remaining twenty five cents 8174  
charged for the duplicate certificate of title, and the remaining 8175  
seventy five cents charged for the notation of any lien on a 8176  
certificate of title fees that are not retained by the clerk shall 8177  
be paid to the registrar of motor vehicles by monthly returns, 8178  
which shall be forwarded to the registrar not later than the fifth 8179  
day of the month next succeeding that in which the certificate is 8180  
forwarded or that in which the registrar is notified of a lien or 8181

cancellation of a lien. 8182

(B)(1) The registrar shall pay twenty-five cents of the 8183  
amount received for each certificate of title ~~and all of the~~ 8184  
~~amounts received for each notation of any lien and each duplicate~~ 8185  
~~certificate~~ that is issued to a motor vehicle dealer for resale 8186  
and one dollar for all other certificates of title issued into the 8187  
state bureau of motor vehicles fund established in section 4501.25 8188  
of the Revised Code. 8189

(2) Fifty cents of the amount received for each certificate 8190  
of title shall be paid by the registrar as follows: 8191

(a) Four cents shall be paid into the state treasury to the 8192  
credit of the motor vehicle dealers board fund created in section 8193  
4505.09 of the Revised Code, for use as described in division 8194  
(B)(2)(a) of that section. 8195

(b) Twenty-one cents shall be paid into the highway operating 8196  
fund. 8197

(c) Twenty-five cents shall be paid into the state treasury 8198  
to the credit of the motor vehicle sales audit fund created in 8199  
section 4505.09 of the Revised Code, for use as described in 8200  
division (B)(2)(c) of that section. 8201

(3) Two dollars of the amount received by the registrar for 8202  
each certificate of title shall be paid into the state treasury to 8203  
the credit of the automated title processing fund created in 8204  
section 4505.09 of the Revised Code, for use as described in 8205  
divisions (B)(3)(a) and (c) of that section. 8206

**Sec. 4561.17.** (A) To provide revenue for administering 8207  
sections 4561.17 to 4561.22 of the Revised Code relative to the 8208  
registration of aircraft, for the surveying of and the 8209  
establishment, checking, maintenance, and repair of aviation air 8210  
marking and of air navigation facilities, for the acquiring, 8211

maintaining, and repairing of equipment necessary for those 8212  
purposes, and for the cost of creating and distributing Ohio 8213  
aeronautical charts and Ohio airport and landing field 8214  
directories, an annual license tax is hereby levied upon all 8215  
aircraft based in this state for which an aircraft worthiness 8216  
certificate issued by the federal aviation administration is in 8217  
effect except the following: 8218

(1) Aircraft owned by the United States or any territory of 8219  
the United States; 8220

(2) Aircraft owned by any foreign government; 8221

(3) Aircraft owned by any state or any political subdivision 8222  
of a state; 8223

~~(4) Aircraft operated under a certificate of convenience and 8224  
necessity issued by the civil aeronautics board or any successor 8225  
to that board; 8226~~

~~(5) Aircraft owned by aircraft manufacturers or aircraft 8227  
engine manufacturers and operated only for purposes of testing, 8228  
delivery, or demonstration; 8229~~

~~(6)~~(5) Aircraft operated for hire over regularly scheduled 8230  
routes within the state. 8231

(B) The license tax this section requires shall be at the 8232  
rates specified in section 4561.18 of the Revised Code, and shall 8233  
be paid to and collected by the director of transportation at the 8234  
time of making application as provided in that section. 8235

**Sec. 4561.18.** (A) The owner of any aircraft that is based in 8236  
this state and that is not of a type specified in divisions (A)(1) 8237  
to ~~(6)~~(5) of section 4561.17 of the Revised Code, shall register 8238  
that aircraft with the department of transportation pursuant to 8239  
this section. 8240

(B) Applications for the licensing and registration of 8241



aircraft shall be made and signed by the owner on forms the 8242  
department of transportation prepares. The forms shall contain a 8243  
description of the aircraft, including its federal registration 8244  
number, the airport or other place at which the aircraft is based, 8245  
and any other information the department requires. 8246

(C)(1) Registration forms shall be filed with the director of 8247  
transportation annually at the time the director specifies and 8248  
shall be renewed according to the standard renewal procedure of 8249  
sections 4745.01 to 4745.03 of the Revised Code. If the airport or 8250  
other place at which the aircraft usually is based changes, the 8251  
owner shall update the registration by filing a new form with the 8252  
office of aviation. 8253

(2) An application for the registration of any aircraft not 8254  
previously registered in this state that is acquired or becomes 8255  
subject to the license tax subsequent to the last day of January 8256  
in any year, shall be made for the balance of the year in which 8257  
the aircraft is acquired, within thirty days after the acquisition 8258  
or after becoming subject to the license tax. 8259

(D)(1) Each registration form shall be accompanied by the 8260  
proper license tax, which, for all aircraft other than those 8261  
described in ~~divisions~~ division (D)(2) ~~and (3)~~ of this section, 8262  
shall be at the annual rate of fifteen dollars per seat, based on 8263  
the manufacturer's maximum listed seating capacity. 8264

(2) The license tax for gliders and balloons shall be fifteen 8265  
dollars annually. 8266

~~(3) The annual license tax for commercial cargo aircraft 8267  
shall be seven hundred fifty dollars per aircraft. 8268~~

(E) The department of transportation shall maintain all 8269  
registrations filed with it under this section and shall develop a 8270  
program to track and enforce the registration of aircraft based in 8271  
this state. 8272

(F) The taxes this section requires are in lieu of all other 8273  
taxes on or with respect to ownership of an aircraft. 8274

(G) The director of transportation shall impose a fine 8275  
pursuant to section 4561.22 of the Revised Code for each aircraft 8276  
that an owner fails to register as this section requires and shall 8277  
require the owner to register the aircraft within the time the 8278  
director specifies. The director may impose a separate fine for 8279  
each registration period during which the owner fails to register 8280  
the aircraft. 8281

~~(H) As used in this section, "commercial cargo aircraft"~~ 8282  
~~means any aircraft used in connection with an all cargo operation,~~ 8283  
~~as defined in 14 C.F.R. 119.3.~~ 8284

**Sec. 4561.21.** (A) The director of transportation shall 8285  
deposit all aircraft transfer fees in the state treasury to the 8286  
credit of the general fund. 8287

(B) The director shall deposit all aircraft license taxes and 8288  
fees in the state treasury to the credit of the airport 8289  
assistance fund, which is hereby created. Money in the fund shall 8290  
be used for maintenance and capital improvements to publicly owned 8291  
airports, and the director shall distribute the money to eligible 8292  
recipients in accordance with such procedures, guidelines, and 8293  
criteria as the director shall establish. 8294

**Sec. 4740.14.** (A) There is hereby created within the 8295  
department of commerce the residential construction advisory 8296  
committee consisting of nine persons the director of commerce 8297  
appoints. ~~Of the advisory committee's members, three~~ The advisory 8298  
committee shall consist of the following members: 8299

(1) Three shall be general contractors who have recognized 8300  
ability and experience in the construction of residential 8301  
buildings, ~~two;~~ 8302

(2) Two shall be building officials who have experience 8303  
administering and enforcing a residential building code, ~~one,~~ 8304  
~~chosen from a list of three names the Ohio fire chief's~~ 8305  
~~association submits,~~ i 8306

(3) One shall be from the fire service certified as a fire 8307  
safety inspector who has at least ten years of experience 8308  
enforcing fire or building codes, ~~one;~~ 8309

(4) One shall be a residential contractor who has recognized 8310  
ability and experience in the remodeling and construction of 8311  
residential buildings, ~~one;~~ 8312

(5) One shall be an architect registered pursuant to Chapter 8313  
4703. of the Revised Code, with recognized ability and experience 8314  
in the architecture of residential buildings, ~~and one, chosen from~~ 8315  
~~a list of three names the Ohio municipal league submits to the~~ 8316  
~~director,~~ i 8317

(6) One shall be a mayor of a municipal corporation in which 8318  
the Ohio residential building code is being enforced in the 8319  
municipal corporation by a certified building department. 8320

~~(B) The director shall make appointments to the advisory~~ 8321  
~~committee within ninety days after May 27, 2005. The members~~ 8322  
described in divisions (A)(1) and (4) of this section shall be 8323  
chosen from a list of seven names the Ohio home builders 8324  
association submits to the director. The members described in 8325  
division (A)(2) of this section shall be chosen from a list of 8326  
five names the Ohio building officials association submits to the 8327  
director. The member described in division (A)(3) of this section 8328  
shall be chosen from a list of three names the Ohio fire chief's 8329  
association submits to the director. The member described in 8330  
division (A)(6) of this section shall be chosen from a list of 8331  
three names the Ohio municipal league submits to the director. 8332

(C) Terms of office shall be for three years, with each term 8333

ending on the date three years after the date of appointment. Each 8334  
member shall hold office from the date of appointment until the 8335  
end of the term for which the member was appointed. The director 8336  
shall fill a vacancy in the manner provided for initial 8337  
appointments. Any member appointed to fill a vacancy in an 8338  
unexpired term shall hold office for the remainder of that term. 8339

~~(C)~~(D) The advisory committee shall do all of the following: 8340

(1) Recommend to the board of building standards a building 8341  
code for residential buildings. The committee shall recommend a 8342  
code that it ~~models~~ may model on a residential building code a 8343  
national model code organization issues, with adaptations 8344  
necessary to implement the code in this state. If the board of 8345  
building standards decides not to adopt a code the committee 8346  
recommends, the committee shall revise the code and resubmit it 8347  
until the board adopts a code the committee recommends as the 8348  
state residential building code; 8349

(2) Provide the board with any rule the committee recommends 8350  
to update or amend the state residential building code or to 8351  
update or amend rules that the board adopts pursuant to division 8352  
(E) of section 3781.10 of the Revised Code that relate to the 8353  
certification of entities that enforce the state residential 8354  
building code; 8355

(3) Advise the board regarding the establishment of standards 8356  
for certification of building officials who enforce the state 8357  
residential building code; 8358

~~(3)~~(4) Assist the board in providing information and guidance 8359  
to residential contractors and building officials who enforce the 8360  
state residential building code; 8361

~~(4)~~(5) Advise the board regarding the interpretation of the 8362  
state residential building code; 8363

~~(5)~~(6) Provide other assistance the committee considers 8364

necessary-; 8365

~~(D) In making (7) Provide the board with a written report of~~ 8366  
~~the committee's findings for each consideration required by~~ 8367  
~~division (E) of this section;~~ 8368

(8) Provide the board with any rule the committee recommends 8369  
regarding the state residential building code or relating to the 8370  
certification of entities that enforce the state residential 8371  
building code after receiving a petition as described in division 8372  
(A)(2) of section 3781.12 of the Revised Code. 8373

(E) The committee shall not make its recommendation to the 8374  
board pursuant to ~~division (C)(1)~~ divisions (D)(1), (2), (3), (5), 8375  
and (8) of this section, until the advisory committee ~~shall~~ 8376  
~~consider~~ has considered all of the following: 8377

(1) The impact that the state residential building code may 8378  
have upon the health, safety, and welfare of the public; 8379

(2) The economic reasonableness of the residential building 8380  
code; 8381

(3) The technical feasibility of the residential building 8382  
code; 8383

(4) The financial impact that the residential building code 8384  
may have on the public's ability to purchase affordable housing. 8385

~~(E)(F)~~ (F) Members of the advisory committee shall receive no 8386  
salary for the performance of their duties as members, but shall 8387  
receive reimbursement for their actual and necessary expenses 8388  
incurred in the performance of their duties as members of the 8389  
advisory committee ~~and shall receive a per diem for each day in~~ 8390  
~~attendance at an official meeting of the committee, to be paid~~ 8391  
~~from the industrial compliance operating fund in the state~~ 8392  
~~treasury, using fees collected in connection with residential~~ 8393  
~~buildings pursuant to division (F)(2) of section 3781.102 of the~~ 8394

~~Revised Code and deposited in that fund, including travel~~ 8395  
~~expenses.~~ 8396

~~(F)~~(G) The advisory committee is not subject to divisions (A) 8397  
and (B) of section 101.84 of the Revised Code. 8398

**Sec. 4765.37.** (A) An emergency medical technician-basic shall 8399  
perform the emergency medical services described in this section 8400  
in accordance with this chapter and any rules adopted under it by 8401  
the state board of emergency medical services. 8402

(B) An emergency medical technician-basic may operate, or be 8403  
responsible for operation of, an ambulance and may provide 8404  
emergency medical services to patients. In an emergency, an 8405  
EMT-basic may determine the nature and extent of illness or injury 8406  
and establish priority for required emergency medical services. An 8407  
EMT-basic may render emergency medical services such as opening 8408  
and maintaining an airway, giving positive pressure ventilation, 8409  
cardiac resuscitation, electrical interventions with automated 8410  
defibrillators to support or correct the cardiac function and 8411  
other methods determined by the board, controlling of hemorrhage, 8412  
treatment of shock, immobilization of fractures, bandaging, 8413  
assisting in childbirth, management of mentally disturbed 8414  
patients, initial care of poison and burn patients, and 8415  
determining triage of adult and pediatric trauma victims. Where 8416  
patients must in an emergency be extricated from entrapment, an 8417  
EMT-basic may assess the extent of injury and render all possible 8418  
emergency medical services and protection to the entrapped 8419  
patient; provide light rescue services if an ambulance has not 8420  
been accompanied by a specialized unit; and after extrication, 8421  
provide additional care in sorting of the injured in accordance 8422  
with standard emergency procedures. 8423

(C) An EMT-basic may perform any other emergency medical 8424  
services approved pursuant to rules adopted under section 4765.11 8425

of the Revised Code. The board shall determine whether the nature 8426  
of any such service requires that an EMT-basic receive 8427  
authorization prior to performing the service. 8428

(D)(1) Except as provided in division (D)(2) of this section, 8429  
if the board determines under division (C) of this section that a 8430  
service requires prior authorization, the service shall be 8431  
performed only pursuant to the written or verbal authorization of 8432  
a physician or of the cooperating physician advisory board, or 8433  
pursuant to an authorization transmitted through a direct 8434  
communication device by a physician or registered nurse designated 8435  
by a physician. 8436

(2) If communications fail during an emergency situation or 8437  
the required response time prohibits communication, an EMT-basic 8438  
may perform services subject to this division, if, in the judgment 8439  
of the EMT-basic, the life of the patient is in immediate danger. 8440  
Services performed under these circumstances shall be performed in 8441  
accordance with the protocols for triage of adult and pediatric 8442  
trauma victims established in rules adopted under sections 4765.11 8443  
and 4765.40 of the Revised Code and any applicable protocols 8444  
adopted by the emergency medical service organization with which 8445  
the EMT-basic is affiliated. 8446

(E) In addition to providing emergency medical services, an 8447  
EMT-basic may withdraw blood as provided under sections 1547.11, 8448  
4506.17, and 4511.19 of the Revised Code. An EMT-basic shall 8449  
withdraw blood in accordance with this chapter and any rules 8450  
adopted under it by the state board of emergency medical services. 8451

**Sec. 4765.38.** (A) An emergency medical 8453  
technician-intermediate shall perform the emergency medical 8454  
services described in this section in accordance with this chapter 8455  
and any rules adopted under it. 8456

(B) An EMT-I may do any of the following:	8457
(1) Establish and maintain an intravenous lifeline that has been approved by a cooperating physician or physician advisory board;	8458 8459 8460
(2) Perform cardiac monitoring;	8461
(3) Perform electrical interventions to support or correct the cardiac function;	8462 8463
(4) Administer epinephrine;	8464
(5) Determine triage of adult and pediatric trauma victims;	8465
(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code.	8466 8467 8468
(C)(1) Except as provided in division (C)(2) of this section, the services described in division (B) of this section shall be performed by an EMT-I only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician or registered nurse designated by a physician.	8469 8470 8471 8472 8473 8474 8475
(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-I may perform any of the services described in division (B) of this section, if, in the judgment of the EMT-I, the life of the patient is in immediate danger. Services performed under these circumstances shall be performed in accordance with the protocols for triage of adult and pediatric trauma victims established in rules adopted under sections 4765.11 and 4765.40 of the Revised Code and any applicable protocols adopted by the emergency medical service organization with which the EMT-I is affiliated.	8476 8477 8478 8479 8480 8481 8482 8483 8484 8485
<u>(D) In addition to providing emergency medical services, an</u>	8486



EMT-I may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. An EMT-I shall withdraw blood in accordance with this chapter and any rules adopted under it by the state board of emergency medical services.

**Sec. 4765.39.** (A) An emergency medical technician-paramedic shall perform the emergency medical services described in this section in accordance with this chapter and any rules adopted under it.

(B) A paramedic may do any of the following:

(1) Perform cardiac monitoring;

(2) Perform electrical interventions to support or correct the cardiac function;

(3) Perform airway procedures;

(4) Perform relief of pneumothorax;

(5) Administer appropriate drugs and intravenous fluids;

(6) Determine triage of adult and pediatric trauma victims;

(7) Perform any other emergency medical services, including life support or intensive care techniques, approved pursuant to rules adopted under section 4765.11 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, the services described in division (B) of this section shall be performed by a paramedic only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician or registered nurse designated by a physician.

(2) If communications fail during an emergency situation or the required response time prohibits communication, a paramedic may perform any of the services described in division (B) of this

section, if, in the paramedic's judgment, the life of the patient 8516  
is in immediate danger. Services performed under these 8517  
circumstances shall be performed in accordance with the protocols 8518  
for triage of adult and pediatric trauma victims established in 8519  
rules adopted under sections 4765.11 and 4765.40 of the Revised 8520  
Code and any applicable protocols adopted by the emergency medical 8521  
service organization with which the paramedic is affiliated. 8522

(D) In addition to providing emergency medical services, a 8523  
paramedic may withdraw blood as provided under sections 1547.11, 8524  
4506.17, and 4511.19 of the Revised Code. An paramedic shall 8525  
withdraw blood in accordance with this chapter and any rules 8526  
adopted under it by the state board of emergency medical services. 8527  
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**Sec. 4928.64.** (A)(1) As used in sections 4928.64 and 4928.65 8529  
of the Revised Code, "alternative energy resource" means an 8530  
advanced energy resource or renewable energy resource, as defined 8531  
in section 4928.01 of the Revised Code that has a 8532  
placed-in-service date of January 1, 1998, or after; a renewable 8533  
energy resource created on or after January 1, 1998, by the 8534  
modification or retrofit of any facility placed in service prior 8535  
to January 1, 1998; or a mercantile customer-sited ~~advance~~ 8536  
advanced energy resource or renewable energy resource, whether new 8537  
or existing, that the mercantile customer commits for integration 8538  
into the electric distribution utility's demand-response, energy 8539  
efficiency, or peak demand reduction programs as provided under 8540  
division ~~(B)~~(A)(2)~~(B)~~(C) of section 4928.66 of the Revised Code, 8541  
including, but not limited to, any of the following: 8542

(a) A resource that has the effect of improving the 8544  
relationship between real and reactive power; 8545

(b) A resource that makes efficient use of waste heat or 8546

other thermal capabilities owned or controlled by a mercantile customer; 8547  
8548

(c) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics; 8549  
8550  
8551

(d) Electric generation equipment owned or controlled by a mercantile customer that uses an advanced energy resource or renewable energy resource; 8552  
8553  
8554

(e) Any advanced energy resource or renewable energy resource of the mercantile customer that can be utilized effectively as part of any advanced energy resource plan of an electric distribution utility and would otherwise qualify as an alternative energy resource if it were utilized directly by an electric distribution utility. 8555  
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(2) For the purpose of this section and as it considers appropriate, the public utilities commission may classify any new technology as such an advanced energy resource or a renewable energy resource. 8561  
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(B) By 2025 and thereafter, an electric distribution utility shall provide from alternative energy resources, including, at its discretion, alternative energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall provide a portion of its electricity supply for retail consumers in this state from alternative energy resources, including, at its discretion, alternative energy resources obtained pursuant to an electricity supply contract. That portion shall equal twenty-five per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility 8565  
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and are located within the utility's certified territory or, in 8578  
the case of an electric services company, are served by the 8579  
company and are located within this state. However, nothing in 8580  
this section precludes a utility or company from providing a 8581  
greater percentage. The baseline for a utility's or company's 8582  
compliance with the alternative energy resource requirements of 8583  
this section shall be the average of such total kilowatt hours it 8584  
sold in the preceding three calendar years, except that the 8585  
commission may reduce a utility's or company's baseline to adjust 8586  
for new economic growth in the utility's certified territory or, 8587  
in the case of an electric services company, in the company's 8588  
service area in this state. 8589

Of the alternative energy resources implemented by the 8591  
subject utility or company by 2025 and thereafter: 8592

(1) Half may be generated from advanced energy resources; 8593

(2) At least half shall be generated from renewable energy 8594  
resources, including one-half per cent from solar energy 8595  
resources, in accordance with the following benchmarks: 8596

By end of year	Renewable energy resources	Solar energy resources	
2009	0.25%	0.004%	8598
2010	0.50%	0.010%	8599
2011	1%	0.030%	8600
2012	1.5%	0.060%	8601
2013	2%	0.090%	8602
2014	2.5%	0.12%	8603
2015	3.5%	0.15%	8604
2016	4.5%	0.18%	8605
2017	5.5%	0.22%	8606
2018	6.5%	0.26%	8607
2019	7.5%	0.3%	8608

2020	8.5%	0.34%	8609
2021	9.5%	0.38%	8610
2022	10.5%	0.42%	8611
2023	11.5%	0.46%	8612
2024 and each calendar year thereafter	12.5%	0.5%	8613

(3) At least one-half of the renewable energy resources 8614  
implemented by the utility or company shall be met through 8615  
facilities located in this state; the remainder shall be met with 8616  
resources that can be shown to be deliverable into this state. 8617

(C)(1) The commission annually shall review an electric 8618  
distribution utility's or electric services company's compliance 8619  
with the most recent applicable benchmark under division (B)(2) of 8620  
this section and, in the course of that review, shall identify any 8621  
undercompliance or noncompliance of the utility or company that it 8622  
determines is weather-related, related to equipment or resource 8623  
shortages for advanced energy or renewable energy resources as 8624  
applicable, or is otherwise outside the utility's or company's 8625  
control. 8626

(2) Subject to the cost cap provisions of division (C)(3) of 8627  
this section, if the commission determines, after notice and 8628  
opportunity for hearing, and based upon its findings in that 8629  
review regarding avoidable undercompliance or noncompliance, but 8630  
subject to division (C)(4) of this section, that the utility or 8631  
company has failed to comply with any such benchmark, the 8632  
commission shall impose a renewable energy compliance payment on 8633  
the utility or company. 8634

(a) The compliance payment pertaining to the solar energy 8635  
resource benchmarks under division (B)(2) of this section shall be 8636  
an amount per megawatt hour of undercompliance or noncompliance in 8637  
the period under review, starting at four hundred fifty dollars 8638  
for 2009, four hundred dollars for 2010 and 2011, and similarly 8639

reduced every two years thereafter through 2024 by fifty dollars, 8640  
to a minimum of fifty dollars. 8641

(b) The compliance payment pertaining to the renewable energy 8642  
resource benchmarks under division (B)(2) of this section shall 8643  
equal the number of additional renewable energy credits that the 8644  
electric distribution utility or electric services company would 8645  
have needed to comply with the applicable benchmark in the period 8646  
under review times an amount that shall begin at forty-five 8647  
dollars and shall be adjusted annually by the commission to 8648  
reflect any change in the consumer price index as defined in 8649  
section 101.27 of the Revised Code, but shall not be less than 8650  
forty-five dollars. 8651

(c) The compliance payment shall not be passed through by the 8652  
electric distribution utility or electric services company to 8653  
consumers. The compliance payment shall be remitted to the 8654  
commission, for deposit to the credit of the advanced energy fund 8655  
created under section 4928.61 of the Revised Code. Payment of the 8656  
compliance payment shall be subject to such collection and 8657  
enforcement procedures as apply to the collection of a forfeiture 8658  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 8659  
8660

(3) An electric distribution utility or an electric services 8661  
company need not comply with a benchmark under division (B)(1) or 8662  
(2) of this section to the extent that its reasonably expected 8663  
cost of that compliance exceeds its reasonably expected cost of 8664  
otherwise producing or acquiring the requisite electricity by 8665  
three per cent or more. 8666

(4)(a) An electric distribution utility or electric services 8667  
company may request the commission to make a force majeure 8668  
determination pursuant to this division regarding all or part of 8669  
the utility's or company's compliance with any minimum benchmark 8670  
under division (B)(2) of this section during the period of review 8671

occurring pursuant to division (C)(2) of this section. The 8672  
commission may require the electric distribution utility or 8673  
electric services company to make solicitations for renewable 8674  
energy resource credits as part of its default service before the 8675  
utility's or company's request of force majeure under this 8676  
division can be made. 8677

(b) Within ninety days after the filing of a request by an 8678  
electric distribution utility or electric services company under 8679  
division (C)(4)(a) of this section, the commission shall determine 8680  
if renewable energy resources are reasonably available in the 8681  
marketplace in sufficient quantities for the utility or company to 8682  
comply with the subject minimum benchmark during the review 8683  
period. In making this determination, the commission shall 8684  
consider whether the electric distribution utility or electric 8685  
services company has made a good faith effort to acquire 8686  
sufficient renewable energy or, as applicable, solar energy 8687  
resources to so comply, including, but not limited to, by banking 8688  
or seeking renewable energy resource credits or by seeking the 8689  
resources through long-term contracts. Additionally, the 8690  
commission shall consider the availability of renewable energy or 8691  
solar energy resources in this state and other jurisdictions in 8692  
the PJM interconnection regional transmission organization or its 8693  
successor and the midwest system operator or its successor. 8694

(c) If, pursuant to division (C)(4)(b) of this section, the 8695  
commission determines that renewable energy or solar energy 8696  
resources are not reasonably available to permit the electric 8697  
distribution utility or electric services company to comply, 8698  
during the period of review, with the subject minimum benchmark 8699  
prescribed under division (B)(2) of this section, the commission 8700  
shall modify that compliance obligation of the utility or company 8701  
as it determines appropriate to accommodate the finding. 8702  
Commission modification shall not automatically reduce the 8703

obligation for the electric distribution utility's or electric 8704  
services company's compliance in subsequent years. If it modifies 8705  
the electric distribution utility or electric services company 8706  
obligation under division (C)(4)(c) of this section, the 8707  
commission may require the utility or company, if sufficient 8708  
renewable energy resource credits exist in the marketplace, to 8709  
acquire additional renewable energy resource credits in subsequent 8710  
years equivalent to the utility's or company's modified obligation 8711  
under division (C)(4)(c) of this section. 8712

(5) The commission shall establish a process to provide for 8713  
at least an annual review of the alternative energy resource 8714  
market in this state and in the service territories of the 8715  
regional transmission organizations that manage transmission 8716  
systems located in this state. The commission shall use the 8717  
results of this study to identify any needed changes to the amount 8718  
of the renewable energy compliance payment specified under 8719  
divisions (C)(2)(a) and (b) of this section. Specifically, the 8720  
commission may increase the amount to ensure that payment of 8721  
compliance payments is not used to achieve compliance with this 8722  
section in lieu of actually acquiring or realizing energy derived 8723  
from renewable energy resources. However, if the commission finds 8724  
that the amount of the compliance payment should be otherwise 8725  
changed, the commission shall present this finding to the general 8726  
assembly for legislative enactment. 8727

(D)(1) The commission annually shall submit to the general 8729  
assembly in accordance with section 101.68 of the Revised Code a 8730  
report describing the compliance of electric distribution 8731  
utilities and electric services companies with division (B) of 8732  
this section and any strategy for utility and company compliance 8733  
or for encouraging the use of alternative energy resources in 8734  
supplying this state's electricity needs in a manner that 8735



considers available technology, costs, job creation, and economic 8736  
impacts. The commission shall allow and consider public comments 8737  
on the report prior to its submission to the general assembly. 8738  
Nothing in the report shall be binding on any person, including 8739  
any utility or company for the purpose of its compliance with any 8740  
benchmark under division (B) of this section, or the enforcement 8741  
of that provision under division (C) of this section. 8742

(2) The governor, in consultation with the commission 8743  
chairperson, shall appoint an alternative energy advisory 8744  
committee. The committee shall examine available technology for 8745  
and related timetables, goals, and costs of the alternative energy 8746  
resource requirements under division (B) of this section and shall 8747  
submit to the commission a semiannual report of its 8748  
recommendations. 8749  
8750

(E) All costs incurred by an electric distribution utility in 8751  
complying with the requirements of this section shall be 8752  
bypassable by any consumer that has exercised choice of supplier 8753  
under section 4928.03 of the Revised Code. 8754

**Sec. 4928.65.** An electric distribution utility or electric 8755  
services company may use renewable energy credits any time in the 8756  
five calendar years following the date of their purchase or 8757  
acquisition from any entity, including, but not limited to, a 8758  
mercantile customer or an owner or operator of a hydroelectric 8759  
generating facility that is located at a dam on a river, or on any 8760  
water discharged to a river, that is within or bordering this 8761  
state or within or bordering an adjoining state, for the purpose 8762  
of complying with the renewable energy and solar energy resource 8763  
requirements of division (B)(2) of section 4928.64 of the Revised 8764  
Code. The public utilities commission shall adopt rules specifying 8765  
that one unit of credit shall equal one megawatt hour of 8766

electricity derived from renewable energy resources, except that, 8767  
for a generating facility of seventy-five megawatts or greater 8768  
that is situated within this state and has committed by December 8769  
31, 2009, to modify or retrofit its generating unit or units to 8770  
enable the facility to generate principally from biomass energy by 8771  
June 30, 2013, each megawatt hour of electricity generated 8772  
principally from that biomass energy shall equal, in units of 8773  
credit, the product obtained by multiplying the actual percentage 8774  
of biomass feedstock heat input used to generate such megawatt 8775  
hour by the quotient obtained by dividing the then existing unit 8776  
dollar amount used to determine a renewable energy compliance 8777  
payment as provided under division (C)(2)(b) of section 4928.64 of 8778  
the Revised Code by the then existing market value of one 8779  
renewable energy credit, but such megawatt hour shall not equal 8780  
less than one unit of credit. The rules also shall provide for 8781  
this state a system of registering renewable energy credits by 8782  
specifying which of any generally available registries shall be 8783  
used for that purpose and not by creating a registry. That 8784  
selected system of registering renewable energy credits shall 8785  
allow a hydroelectric generating facility to be eligible for 8786  
obtaining renewable energy credits and shall allow customer-sited 8787  
projects or actions the broadest opportunities to be eligible for 8788  
obtaining renewable energy credits. 8789

8790

**Sec. 5501.03.** (A) The department of transportation shall: 8791

(1) Exercise and perform such other duties, powers, and 8792  
functions as are conferred by law on the director, the department, 8793  
the assistant directors, the deputy directors, or on the divisions 8794  
of the department; 8795

(2) Coordinate and develop, in cooperation with local, 8796  
regional, state, and federal planning agencies and authorities, 8797

comprehensive and balanced state policy and planning to meet 8798  
present and future needs for adequate transportation facilities in 8799  
this state, including recommendations for adequate funding of the 8800  
implementation of such planning; 8801

(3) Coordinate its activities with those of other appropriate 8802  
state departments, public agencies, and authorities, and enter 8803  
into any contracts with such departments, agencies, and 8804  
authorities as may be necessary to carry out its duties, powers, 8805  
and functions; 8806

(4) Cooperate with and assist the public utilities commission 8807  
in the commission's administration of sections 4907.47 to 4907.476 8808  
of the Revised Code, particularly with respect to the federal 8809  
highway administration; 8810

(5) Give particular consideration to the development of 8811  
policy and planning for public transportation facilities, and to 8812  
the coordination of associated activities relating thereto, as 8813  
prescribed under divisions (A)(2) and (3) of this section; 8814

(6) Conduct, in cooperation with the Ohio legislative service 8815  
commission, any studies or comparisons of state traffic laws and 8816  
local traffic ordinances with model laws and ordinances that may 8817  
be required to meet program standards adopted by the United States 8818  
department of transportation pursuant to the "Highway Safety Act 8819  
of 1966," 80 Stat. 731, U.S.C.A. 401; 8820

(7) Prepare, print, distribute, and advertise books, maps, 8821  
pamphlets, and other information that, in the judgment of the 8822  
director, will inform the public and other governmental 8823  
departments, agencies, and authorities as to the duties, powers, 8824  
and functions of the department; 8825

(8) In its research and development program, consider 8826  
technologies for improving roadways, including construction 8827  
techniques and materials to prolong project life, being used or 8828

developed by other states that have geographic, geologic, or 8829  
climatic features similar to this state's, and collaborate with 8830  
those states in that development. 8831

(B) Nothing contained in division (A)(1) of this section 8832  
shall be held to in any manner affect, limit, restrict, or 8833  
otherwise interfere with the exercise of powers relating to 8834  
transportation facilities by appropriate agencies of the federal 8835  
government, or by counties, municipal corporations, or other 8836  
political subdivisions or special districts in this state 8837  
authorized by law to exercise such powers. 8838

~~(B)~~(C) The department may use all appropriate sources of 8839  
revenue to assist in the development and implementation of rail 8840  
service as defined by division (C) of section 4981.01 of the 8841  
Revised Code. 8842

~~(C)~~(D) The director of transportation may enter into 8843  
contracts with public agencies including political subdivisions, 8844  
other state agencies, boards, commissions, regional transit 8845  
authorities, county transit boards, and port authorities, to 8846  
administer the design, qualification of bidders, competitive bid 8847  
letting, construction inspection, and acceptance of any projects 8848  
administered by the department, provided the administration of 8849  
such projects is performed in accordance with all applicable state 8850  
and federal laws and regulations with oversight by the department. 8851  
8852

**Sec. 5501.311.** (A) Notwithstanding sections 123.01 and 127.16 8853  
of the Revised Code the director of transportation may lease or 8854  
lease-purchase all or any part of a transportation facility to or 8855  
from one or more persons, one or more governmental agencies, a 8856  
transportation improvement district, or any combination thereof, 8857  
and, ~~in conjunction therewith,~~ may grant leases, easements, or 8858  
licenses for lands under the control of the department of 8859

transportation. The director may adopt rules necessary to give 8860  
effect to this section. 8861

(B) Plans and specifications for the construction of a 8862  
transportation facility under a lease or lease-purchase agreement 8863  
are subject to approval of the director and must meet or exceed 8864  
all applicable standards of the department. 8865

(C) Any lease or lease-purchase agreement under which the 8866  
department is the lessee shall be for a period not exceeding the 8867  
then current two-year period for which appropriations have been 8868  
made by the general assembly to the department, and such agreement 8869  
may contain such other terms as the department and the other 8870  
parties thereto agree, notwithstanding any other provision of law, 8871  
including provisions that rental payments in amounts sufficient to 8872  
pay bond service charges payable during the current two-year lease 8873  
term shall be an absolute and unconditional obligation of the 8874  
department independent of all other duties under the agreement 8875  
without set-off or deduction or any other similar rights or 8876  
defenses. Any such agreement may provide for renewal of the 8877  
agreement at the end of each term for another term, not exceeding 8878  
two years, provided that no renewal shall be effective until the 8879  
effective date of an appropriation enacted by the general assembly 8880  
from which the department may lawfully pay rentals under such 8881  
agreement. Any such agreement may include, without limitation, any 8882  
agreement by the department with respect to any costs of 8883  
transportation facilities to be included prior to acquisition and 8884  
construction of such transportation facilities. Any such agreement 8885  
shall not constitute a debt or pledge of the faith and credit of 8886  
the state, or of any political subdivision of the state, and the 8887  
lessor shall have no right to have taxes or excises levied by the 8888  
general assembly, or the taxing authority of any political 8889  
subdivision of the state, for the payment of rentals thereunder. 8890  
Any such agreement shall contain a statement to that effect. 8891

(D) A municipal corporation, township, or county may use 8892  
service payments in lieu of taxes credited to special funds or 8893  
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 8894  
Revised Code to provide its contribution to the cost of a 8895  
transportation facility, provided such facility was among the 8896  
purposes for which such service payments were authorized. The 8897  
contribution may be in the form of a lump sum or periodic 8898  
payments. 8899

(E) Pursuant to ~~47 U.S.C. 332,~~ " the "Telecommunications Act 8900  
of ~~1966~~ 1996," 110 Stat. 152, 47 U.S.C. 332 note, the director may 8901  
grant a lease, easement, or license in a transportation facility 8902  
to a telecommunications service provider for construction, 8903  
placement, or operation of a telecommunications facility. An 8904  
interest granted under this ~~section~~ division is subject to all of 8905  
the following conditions: 8906

(1) The transportation facility is owned in fee simple or 8907  
easement by this state at the time the lease, easement, or license 8908  
is granted to the telecommunications provider. 8909

(2) The lease, easement, or license shall be granted on a 8910  
competitive basis in accordance with policies and procedures to be 8911  
determined by the director. The policies and procedures may 8912  
include provisions for master leases for multiple sites. 8913

(3) The telecommunications facility shall be designed to 8914  
accommodate the state's multi-agency radio communication system, 8915  
the intelligent transportation system, and the department's 8916  
communication system as the director may determine is necessary 8917  
for highway or other departmental purposes. 8918

(4) The telecommunications facility shall be designed to 8919  
accommodate such additional telecommunications equipment as may 8920  
feasibly be co-located thereon as determined in the discretion of 8921  
the director. 8922

(5) The telecommunications service providers awarded the 8923  
lease, easement, or license, agree to permit other 8924  
telecommunications service providers to co-locate on the 8925  
telecommunications facility, and agree to the terms and conditions 8926  
of the co-location as determined in the discretion of the 8927  
director. 8928

(6) The director shall require indemnity agreements in favor 8929  
of the department as a condition of any lease, easement, or 8930  
license granted under this division. Each indemnity agreement 8931  
shall secure this state and its agents from liability for damages 8932  
arising out of safety hazards, zoning, and any other matter of 8933  
public interest the director considers necessary. 8934

(7) The telecommunications service provider fully complies 8935  
with any permit issued under section 5515.01 of the Revised Code 8936  
pertaining to land that is the subject of the lease, easement, or 8937  
license. 8938

(8) All plans and specifications shall meet with the 8939  
director's approval. 8940

(9) Any other conditions the director determines necessary. 8941

(F) Money received by the department under division (E) of 8942  
this section shall be deposited to the credit of the highway 8943  
operating fund. 8944

(G) A lease, easement, or license granted under division (E) 8945  
of this section, and any telecommunications facility relating to 8946  
such interest in a transportation facility, is hereby deemed to 8947  
further the essential highway purpose of building and maintaining 8948  
a safe, efficient, and accessible transportation system. 8949  
8950

**Sec. 5501.51.** (A) The state shall reimburse a utility for the 8951  
cost of relocation of utility facilities necessitated by the 8952

construction of a highway project only in the event that the 8953  
utility can evidence a vested interest in the nature of a fee 8954  
interest, an easement interest, or a lesser estate in the real 8955  
property it occupies in the event that the utility possesses a 8956  
vested interest in such property. The utility shall present 8957  
evidence satisfactory to the state substantiating the cost of 8958  
relocation. The director may audit all financial records which the 8959  
director determines necessary to verify such actual costs. 8960

(B) Notwithstanding division (A) of this section or any other 8961  
provision of the Revised Code, if relocation of utility facilities 8962  
or any parts thereof is directed by the state or a county, 8963  
township, or municipal corporation and is necessitated by the 8964  
construction, reconstruction, improvement, maintenance, or repair 8965  
of a road, highway, or bridge that is financed in whole or in part 8966  
by federal funds provided as part of or as a result of "The 8967  
American Recovery and Reinvestment Act of 2009," Pub. L. No. 8968  
111-5, 123 Stat. 115, the state, county, township, or municipal 8969  
corporation shall reimburse the utility for the cost of the 8970  
relocation. 8971

(C) The director of transportation may establish and enforce 8972  
such rules and procedures as ~~he~~ the director may determine to be 8973  
necessary to assure consistency governing any and all aspects of 8974  
the cost of utility relocations. The director may adopt such 8975  
amendments to such rules as are necessary and within the 8976  
guidelines of this section. 8977

~~(C)(D)(1)~~ As used in division (A) of this section 8978

~~(1)~~ "Utility", "utility" includes publicly, privately, and 8979  
cooperatively owned utilities that are subject to the authority of 8980  
the public utilities commission of Ohio. 8981

(2) As used in division (B) of this section, "utility" 8982  
includes publicly, privately, and cooperatively owned utilities 8983



that are subject to the authority of the public utilities 8984  
commission of Ohio, and a cable operator as defined in the "Cable 8985  
Communications Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, 8986  
as amended by the "Telecommunications Act of 1996," 110 Stat. 56, 8987  
and includes the provision of other information or 8988  
telecommunications services, or both. 8989

(2)(3) As used in this section, "Cost cost of relocation" 8990  
includes the actual cost paid by a utility directly attributable 8991  
to relocation after deducting any increase in the value of the new 8992  
facility and any salvage value derived from the old facility. 8993

Sec. 5501.60. The department of transportation shall not 8994  
erect a guardrail or any other barrier that blocks or otherwise 8995  
interferes in any manner with the only right-of-way to a parcel of 8996  
real property. If the department erects a guardrail or other 8997  
barrier that blocks or otherwise interferes in any manner with the 8998  
only right-of-way to a parcel of real property, the department 8999  
shall remove the guardrail or other barrier promptly. If the 9000  
department fails to remove such a guardrail or other barrier, the 9001  
owner or occupier of the parcel of real property may remove or 9002  
cause the removal of the guardrail or other barrier and the 9003  
department shall reimburse fully the owner or occupier of the 9004  
parcel of real property for the actual cost to the owner or 9005  
occupier of the parcel of real property of the removal. 9006

Sec. 5502.67. There is hereby created in the state treasury 9007  
the justice program services fund. The fund shall consist of the 9008  
court costs designated for the fund pursuant to section 2949.094 9009  
of the Revised Code and all money collected by the division of 9010  
criminal justice services for nonfederal purposes, including 9011  
subscription fees for participating in the Ohio incident-based 9012  
reporting system under division (C) of section 5502.62 of the 9013  
Revised Code, unless otherwise designated by law. The justice 9014

program services fund shall be used to pay costs of administering 9015  
the operations of the division of criminal justice services. 9016

9017

**Sec. 5502.68.** (A) There is hereby created in the state 9018  
treasury the drug law enforcement fund. ~~Three~~ Ninety-seven per 9019  
cent of three dollars and fifty cents out of each ten-dollar court 9020  
cost imposed pursuant to section 2949.094 of the Revised Code 9021  
shall be credited to the fund. Money in the fund shall be used 9022  
only in accordance with this section to award grants to counties, 9023  
municipal corporations, townships, township police districts, and 9024  
joint township police districts to defray the expenses that a drug 9025  
task force organized in the county, or in the county in which the 9026  
municipal corporation, township, or district is located, incurs in 9027  
performing its functions related to the enforcement of the state's 9028  
drug laws and other state laws related to illegal drug activity. 9029

9030

The division of criminal justice services shall administer 9031  
all money deposited into the drug law enforcement fund and, by 9032  
rule adopted under Chapter 119. of the Revised Code, shall 9033  
establish procedures for a county, municipal corporation, 9034  
township, township police district, or joint township police 9035  
district to apply for money from the fund to defray the expenses 9036  
that a drug task force organized in the county, or in the county 9037  
in which the municipal corporation, township, or district is 9038  
located, incurs in performing its functions related to the 9039  
enforcement of the state's drug laws and other state laws related 9040  
to illegal drug activity, procedures and criteria for determining 9041  
eligibility of applicants to be provided money from the fund, and 9042  
procedures and criteria for determining the amount of money to be 9043  
provided out of the fund to eligible applicants. 9044

(B) The procedures and criteria established under division 9045

(A) of this section for applying for money from the fund shall 9046  
include, but shall not be limited to, a provision requiring a 9047  
county, municipal corporation, township, township police district, 9048  
or joint township police district that applies for money from the 9049  
fund to specify in its application the amount of money desired 9050  
from the fund, provided that the cumulative amount requested in 9051  
all applications submitted for any single drug task force may not 9052  
exceed more than two hundred fifty thousand dollars in any 9053  
calendar year for that task force. 9054

(C) The procedures and criteria established under division 9055  
(A) of this section for determining eligibility of applicants to 9056  
be provided money from the fund and for determining the amount of 9057  
money to be provided out of the fund to eligible applicants shall 9058  
include, but not be limited to, all of the following: 9059

(1) Provisions requiring that, in order to be eligible to be 9060  
provided money from the fund, a drug task force that applies for 9061  
money from the fund must provide evidence that the drug task force 9062  
will receive a local funding match of at least twenty-five per 9063  
cent of the task force's projected operating costs in the period 9064  
of time covered by the grant; 9065

(2) Provisions requiring that money from the fund be 9066  
allocated and provided to drug task forces that apply for money 9067  
from the fund in accordance with the following priorities: 9068

(a) Drug task forces that apply, that are in existence on the 9069  
date of the application, and that are determined to be eligible 9070  
applicants, and to which either of the following applies shall be 9071  
given first priority to be provided money from the fund: 9072

(i) Drug task forces that received funding through the 9073  
division of criminal justice services in calendar year 2007; 9074

(ii) Drug task forces in a county that has a population that 9075  
exceeds seven hundred fifty thousand. 9076

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

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

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

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

(E) As used in this section, "drug task force" means a drug task force organized in any county by the sheriff of the county, the prosecuting attorney of the county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint township police district in the county to perform functions related to the enforcement of state drug laws and other state laws related to illegal drug activity.

Sec. 5515.01. The director of transportation may upon formal 9108  
application being made to the director, grant a permit to any 9109  
individual, firm, or corporation to use or occupy such portion of 9110  
a road or highway on the state highway system as will not 9111  
incommode the traveling public. Such permits, when granted, shall 9112  
be upon the following conditions: 9113

(A) ~~The occupancy of such roads or highways shall be in the~~ 9114  
~~location as prescribed by the director~~ may issue a permit to any 9115  
individual, firm, or corporation for any use of a road or highway 9116  
on the state highway system that is consistent with applicable 9117  
federal law or federal regulations. 9118

(B) Such location shall be changed as prescribed by the 9119  
director when the director deems such change necessary for the 9120  
convenience of the traveling public, or in connection with or 9121  
contemplation of the construction, reconstruction, improvement, 9122  
relocating, maintenance, or repair of such road or highway. 9123

(C) The placing of objects or things shall be at a grade and 9124  
in accordance with such plans, specifications, or both, as shall 9125  
be first approved by the director. 9126

(D) The road or highway in all respects shall be fully 9127  
restored to its former condition of usefulness and at the expense 9128  
of such individual, firm, or corporation. 9129

(E) Such individual, firm, or corporation shall maintain all 9130  
objects and things in a proper manner, promptly repair all damages 9131  
resulting to such road or highway on account thereof, and in event 9132  
of failure to so repair such road or highway to pay to the state 9133  
all costs and expenses which may be expended by the director in 9134  
repairing any damage. 9135

(F) Such other conditions as may seem reasonable to the 9136  
director, but no condition shall be prescribed which imposes the 9137

payment of a money consideration for the privilege granted. 9138  
Nothing in this division prohibits the director from requiring 9139  
payment of money consideration for a lease, easement, license, or 9140  
other interest in a transportation facility under control of the 9141  
department of transportation. 9142

(G) Permits may be revoked by the director at any time for a 9143  
noncompliance with the conditions imposed. 9144

(H) As a condition precedent to the issuance of a permit to a 9145  
telecommunications service provider, the director shall require 9146  
the applicant to provide proof it is party to a lease, easement, 9147  
or license for the construction, placement, or operation of a 9148  
telecommunications facility in or on a transportation facility. 9149

Except as otherwise provided in this section and section 9150  
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 9151  
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 9152  
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 9153  
telegraph, telephone, and electric light and power companies from 9154  
constructing, maintaining, and using telegraph, telephone, or 9155  
electric light and power lines along and upon such roads or 9156  
highways under sections 4931.19, 4933.14, or other sections of the 9157  
Revised Code, or to affect existing rights of any such companies, 9158  
or to require such companies to obtain a permit from the director, 9159  
except with respect to the location of poles, wires, conduits, and 9160  
other equipment comprising lines on or beneath the surface of such 9161  
road or highways. 9162

This section does not prohibit steam or electric railroad 9163  
companies from constructing tracks across such roads or highways, 9164  
nor authorize the director to grant permission to any company 9165  
owning, operating, controlling, or managing a steam railroad or 9166  
interurban railway in this state to build a new line of railroad, 9167  
or to change or alter the location of existing tracks across any 9168  
road or highway on the state highway system at grade. No such 9169

company shall change the elevation of any of its tracks across 9170  
such road or highway except in accordance with plans and 9171  
specifications first approved by the director. 9172

This section does not relieve any individual, firm, or 9173  
corporation from the obligation of satisfying any claim or demand 9174  
of an owner of lands abutting on such road or highway on the state 9175  
highway system on account of placing in such road or highway a 9176  
burden in addition to public travel. 9177

**Sec. 5515.07.** (A) The director of transportation, in 9178  
accordance with Chapter 119. of the Revised Code, shall adopt 9179  
rules consistent with the safety of the traveling public and 9180  
consistent with the national policy to govern the use and control 9181  
of rest areas within the limits of the right-of-way of interstate 9182  
highways and other state highways and in other areas within the 9183  
limits of the right-of-way of interstate highways. 9184

(B) Except as provided in division (C) of this section or as 9185  
otherwise authorized by applicable federal law or federal 9186  
regulations, no person shall engage in selling or offering for 9187  
sale or exhibiting for purposes of sale, goods, products, 9188  
merchandise, or services within the bounds of rest areas within 9189  
the limits of the right-of-way of interstate highways and other 9190  
state highways, or in other areas within the limits of the 9191  
right-of-way of interstate highways, unless the director issues a 9192  
permit in accordance with section 5515.01 of the Revised Code. 9193  
Notwithstanding any rules adopted by the director to the contrary 9194  
or any other policy changes proposed by the director, each 9195  
district deputy director of the department of transportation shall 9196  
continue to implement any program allowing organizations to 9197  
dispense free coffee or similar items after obtaining a permit 9198  
that operated within the district prior to January 1, 1997. Each 9199  
district deputy director shall operate such program within the 9200

district in the same manner as the program was operated prior to 9201  
that date. 9202

(C) In accordance with rules adopted under division (A) of 9203  
this section, the director may cause vending machines to be placed 9204  
within each rest area that is able to accommodate the machines. 9205  
The vending machines shall dispense food, drink, and other 9206  
appropriate articles. 9207

(D) This section does not apply to the sale of goods, 9208  
products, merchandise, or services required for the emergency 9209  
repair of motor vehicles or emergency medical treatment, or to the 9210  
department of transportation as provided in section 5515.08 of the 9211  
Revised Code. 9212

**Sec. 5517.011.** Notwithstanding section 5517.01 of the Revised 9213  
Code, the director of transportation may establish a program to 9214  
expedite the sale and construction of special projects by 9215  
combining the design and construction elements of a highway or 9216  
bridge project into a single contract. The director shall prepare 9217  
and distribute a scope of work document upon which the bidders 9218  
shall base their bids. Except in regard to those requirements 9219  
relating to providing plans, the director shall award contracts 9220  
under this section in accordance with Chapter 5525. of the Revised 9221  
Code. 9222

~~For~~ On the effective date of this amendment and until July 1, 9223  
2011, the total dollar value of contracts made under this section 9224  
shall not exceed one billion dollars. On and after July 1, 2011, 9225  
for each biennium, the total dollar value of contracts made under 9226  
this section shall not exceed two hundred fifty million dollars 9227  
unless otherwise authorized by the general assembly. 9228

**Sec. 5525.15.** The director of transportation may provide that 9229  
the estimate of cost of any project to be constructed by the 9230



department by the taking of bids and awarding of contracts shall 9231  
be confidential information and so remain until after all bids on 9232  
the project have been received. The total amount of the estimate 9233  
then shall be ~~publicly read prior to the opening of the bids of~~ 9234  
~~the subject~~ published. 9235

When the director exercises the authority conferred by this 9236  
section, all information with respect to the total estimate of 9237  
cost of the project to be built by contract and with respect to 9238  
the estimate of cost of any particular item of work involved 9239  
therein shall be kept and regarded by the director and all the 9240  
director's subordinates as confidential, and shall not be revealed 9241  
to any person not employed in the department, or by the United 9242  
States department of transportation in the case of projects 9243  
financed in whole or part by federal funds, until after the bids 9244  
on the project have been opened and ~~read~~ published. Section 9245  
5517.01 of the Revised Code with respect to the public inspection 9246  
of estimates of cost prior to the opening of bids and with respect 9247  
to filing estimates of cost in the office of the district deputy 9248  
director of transportation does not apply when the authority 9249  
conferred by this section is exercised. This section does not 9250  
prohibit the department from furnishing estimates of cost to 9251  
counties, municipal corporations, or other local political 9252  
subdivisions or to railroad or railway companies proposing to pay 9253  
any portion of the cost of an improvement. 9254

Section 5525.10 of the Revised Code, which provides that no 9255  
contract for any improvement shall be awarded for a greater sum 9256  
than the estimated cost thereof plus five per cent, does not apply 9257  
in the case of any project with respect to which the authority 9258  
conferred by this section is exercised. In cases in which the 9259  
authority conferred by this section is exercised and in which the 9260  
bid of the successful bidder exceeds the estimate, the director, 9261  
before entering into a contract, shall determine that the bid of 9262

the successful bidder is fair and reasonable, and as long as the 9263  
federal government imposes regulation on prices charged for 9264  
construction service, shall require the successful bidder to 9265  
certify that the bidder's bid does not exceed the maximum 9266  
permitted by such federal regulation. 9267

**Sec. 5531.09.** (A) The state infrastructure bank shall consist 9268  
of the highway and transit infrastructure bank fund, the aviation 9269  
infrastructure bank fund, the rail infrastructure bank fund, and 9270  
the infrastructure bank obligations fund, which are hereby created 9271  
as funds of the state treasury, to be administered by the director 9272  
of transportation and used for the purposes described in division 9273  
(B) of this section. The highway and transit infrastructure bank 9274  
fund, the aviation infrastructure bank fund, and the rail 9275  
infrastructure bank fund shall consist of federal grants and 9276  
awards or other assistance received by the state and eligible for 9277  
deposit therein under applicable federal law, payments received by 9278  
the department in connection with providing financial assistance 9279  
for qualifying projects under division (B) of this section, and 9280  
such other amounts as may be provided by law. The infrastructure 9281  
bank obligations fund shall consist of such amounts of the 9282  
proceeds of obligations issued under section 5531.10 of the 9283  
Revised Code as the director of transportation determines with the 9284  
advice of the director of budget and management; and such other 9285  
amounts as may be provided by law. The director of budget and 9286  
management, upon the request of the director of transportation, 9287  
may transfer amounts between the funds created in this division, 9288  
except the infrastructure bank obligations fund. The investment 9289  
earnings of each fund created by this division shall be credited 9290  
to such fund. 9291

(B) The director of transportation shall use the state 9292  
infrastructure bank to encourage public and private investment in 9293  
transportation facilities that contribute to the multi-modal and 9294

intermodal transportation capabilities of the state, develop a 9295  
variety of financing techniques designed to expand the 9296  
availability of funding resources and to reduce direct state 9297  
costs, maximize private and local participation in financing 9298  
projects, and improve the efficiency of the state transportation 9299  
system by using and developing the particular advantages of each 9300  
transportation mode to the fullest extent. In furtherance of these 9301  
purposes, the director shall use the state infrastructure bank to 9302  
provide financial assistance to public or private entities for 9303  
qualified projects. Such assistance shall be in the form of loans, 9304  
loan guarantees, letters of credit, leases, lease-purchase 9305  
agreements, interest rate subsidies, debt service reserves, and 9306  
such other forms as the director determines to be appropriate. All 9307  
fees, charges, rates of interest, payment schedules, security for, 9308  
and other terms and conditions relating to such assistance shall 9309  
be determined by the director. ~~The highway and transit 9310  
infrastructure bank fund, the aviation infrastructure bank fund, 9311  
and the rail infrastructure bank fund may be used to pay debt 9312  
service on obligations whose proceeds have been deposited into the 9313  
infrastructure bank obligations fund. 9314~~

(C) The director of transportation shall adopt rules 9316  
establishing guidelines necessary for the implementation and 9317  
exercise of the authority granted by this section, including rules 9318  
for receiving, reviewing, evaluating, and selecting projects for 9319  
which financial assistance may be approved. 9320

(D) As used in this section and in section 5531.10 of the 9321  
Revised Code, "qualified project" means any public or private 9322  
transportation project as determined by the director of 9323  
transportation, including, without limitation, planning, 9324  
environmental impact studies, engineering, construction, 9325  
reconstruction, resurfacing, restoring, rehabilitation, or 9326

replacement of public or private transportation facilities within 9327  
the state, studying the feasibility thereof, and the acquisition 9328  
of real or personal property or interests therein; any highway, 9329  
public transit, aviation, rail, or other transportation project 9330  
eligible for financing or aid under any federal or state program; 9331  
and any project involving the maintaining, repairing, improving, 9332  
or construction of any public or private highway, road, street, 9333  
parkway, public transit, aviation, or rail project, and any 9334  
related rights-of-way, bridges, tunnels, railroad-highway 9335  
crossings, drainage structures, signs, guardrails, or protective 9336  
structures. 9337

(E) The general assembly finds that state infrastructure 9338  
projects, as defined in division (A)(8) of section 5531.10 of the 9339  
Revised Code, and the state infrastructure bank, will materially 9340  
contribute to the economic revitalization of areas of the state 9341  
and result in improving the economic welfare of all the people of 9342  
the state. Accordingly, it is declared to be the public purpose of 9343  
the state, through operations under sections 5531.09 and 5531.10 9344  
of the Revised Code, and other applicable laws adopted pursuant to 9345  
Section 13 of Article VIII, Ohio Constitution, and other authority 9346  
vested in the general assembly, to assist in and facilitate the 9347  
purposes set forth in division (B) of section 5531.10 of the 9348  
Revised Code, and to assist and cooperate with any governmental 9349  
agency in achieving such purposes. 9350

Sec. 5533.93. The interchange of interstate route 9351  
seventy-seven and Shuffel street, northwest, located in Jackson 9352  
township in Stark county, shall be known as the "Fred Krum 9353  
Memorial Interchange." 9354

The director of transportation may erect suitable markers at 9355  
the interchange indicating its name. 9356

Sec. 5537.07. (A) When the cost to the Ohio turnpike 9357  
commission under any contract with a person other than a 9358  
governmental agency involves an expenditure of more than fifty 9359  
thousand dollars, the commission shall make a written contract 9360  
with the lowest responsive and responsible bidder in accordance 9361  
with section 9.312 of the Revised Code after advertisement for not 9362  
less than two consecutive weeks in a newspaper of general 9363  
circulation in Franklin county, and in such other publications as 9364  
the commission determines, which notice shall state the general 9365  
character of the work and the general character of the materials 9366  
to be furnished, the place where plans and specifications therefor 9367  
may be examined, and the time and place of receiving bids. The 9368  
commission may require that the cost estimate for the 9369  
construction, demolition, alteration, repair, improvement, 9370  
renovation, or reconstruction of roadways and bridges for which 9371  
the commission is required to receive bids be kept confidential 9372  
and remain confidential until after all bids for the public 9373  
improvement have been received or the deadline for receiving bids 9374  
has passed. Thereafter, and before opening the bids submitted for 9375  
the roadways and bridges, the commission shall make the cost 9376  
estimate public knowledge by reading the cost estimate in a public 9377  
place. The commission may reject any and all bids. The 9378  
requirements of this division do not apply to contracts for the 9379  
acquisition of real property or compensation for professional or 9380  
other personal services. 9381

(B) Each bid for a contract for construction, demolition, 9382  
alteration, repair, improvement, renovation, or reconstruction 9383  
shall contain the full name of every person interested in it and 9384  
shall meet the requirements of section 153.54 of the Revised Code. 9385

(C) ~~Each bid for a contract, other~~ Other than for a contract 9386  
referred to in division (B) of this section, each bid for a 9387  
contract that involves an expenditure in excess of one hundred 9388

fifty thousand dollars or any contract with a service facility operator shall contain the full name of every person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. 9389  
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(D) A Other than a contract referred to in division (B) of this section, a bond with good and sufficient surety, in a form as prescribed and approved by the commission, shall be required of every contractor awarded a contract, other than a contract referred to in division (B) of this section, that involves an expenditure in excess of one hundred fifty thousand dollars or any contract with a service facility operator. The bond shall be in an amount equal to at least fifty per cent of the contract price, and shall be conditioned upon the faithful performance of the contract. 9394  
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(E) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing plans, the commission shall award contracts following the requirements set forth in divisions (A), (B), (C), and (D) of this section. 9404  
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Sec. 5537.30. (A) Not later than December 31, 2009, the Ohio turnpike commission, in accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, shall establish a program for the placement of business logos for identification purposes on directional signs within the turnpike right-of-way. 9414  
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(B)(1) The commission shall establish, and may revise at any 9419

time, a fee for participation in the business logo sign program. 9420  
All direct and indirect costs of the business logo sign program 9421  
established pursuant to this section shall be fully paid by the 9422  
businesses applying for participation in the program. The direct 9423  
and indirect costs of the program shall include, but not be 9424  
limited to, the cost of capital, directional signs, blanks, posts, 9425  
logos, installation, repair, engineering, design, insurance, 9426  
removal, replacement, and administration. 9427

(2) Money generated from participating businesses in excess 9428  
of the direct and indirect costs and any reasonable profit earned 9429  
by a person awarded a contract under division (C) of this section 9430  
shall be remitted to the commission. 9431

(3) If the commission operates such a program and does not 9432  
contract with a private person to operate it, all money collected 9433  
from participating businesses shall be retained by the commission. 9434  
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(C) The commission, in accordance with rules adopted pursuant 9436  
to Chapter 119. of the Revised Code, may contract with any private 9437  
person to operate, maintain, or market the business logo sign 9438  
program. The contract may allow for a reasonable profit to be 9439  
earned by the successful applicant. In awarding the contract, the 9440  
commission shall consider the skill, expertise, prior experience, 9441  
and other qualifications of each applicant. 9442

(D) The program shall permit the business logo signs of a 9443  
seller of motor vehicle fuel to include on the seller's signs a 9444  
marking or symbol indicating that the seller sells one or more 9445  
types of alternative fuel so long as the seller in fact sells that 9446  
fuel. As used in this division, "alternative fuel" has the same 9447  
meaning as in section 125.831 of the Revised Code. 9448

**Sec. 5537.99.** (A) Except as provided in division (B) of this 9449  
section, whoever violates division (C) of section 5537.16 of the 9450

Revised Code is guilty of a minor misdemeanor on a first offense; 9451  
on each subsequent offense such person is guilty of a misdemeanor 9452  
of the fourth degree. 9453

(B)(1) Whoever violates division (C) of section 5537.16 of 9454  
the Revised Code when the violation is a civil violation for 9455  
failure to comply with toll collection rules is subject to a fee 9456  
or charge established by the commission by rule. 9457

(2) Whoever violates division (C) of section 5537.16 of the 9458  
Revised Code in regard to allowable axle or vehicle loads shall be 9459  
fined in accordance with division (A) of section 5577.99 of the 9460  
Revised Code. 9461

**Sec. 5541.05.** (A) Except as otherwise provided in division 9462  
(D) of this section, a board of county commissioners by resolution 9463  
may place a graveled or unimproved county road under its 9464  
jurisdiction that is not passable year-round or any portion of 9465  
such a road on nonmaintained status. Prior to adopting a 9466  
resolution that places a road on nonmaintained status, the board, 9467  
at special or regular meetings, shall hold at least two public 9468  
hearings to allow for public comment on the proposed resolution. 9469  
The board shall publicize the times and places of the hearings by 9470  
causing a notice to be published in a newspaper of general 9471  
circulation in the county in which the road is located at least 9472  
ten days prior to the date of the first meeting. If the county 9473  
maintains a web site on the internet, the same notice also shall 9474  
be posted on the web site at least ten days prior to the date of 9475  
the first meeting. Upon adoption of such a resolution, the board 9476  
is not required to cause the road to be dragged at any time, or to 9477  
cut, destroy, or remove any brush, weeds, briers, bushes, or 9478  
thistles upon or along the road, or to remove snow from the road, 9479  
or to maintain or repair the road in any manner. The board, in its 9480  
discretion, may cause any of these actions to be performed on or 9481



to a road that it has placed on nonmaintained status. 9482

9483

(B) Prior to adopting a resolution under division (A) of this 9484  
section, the board shall request the county engineer to issue an 9485  
advisory opinion regarding the consequences of placing the road on 9486  
nonmaintained status, including any impact such action would have 9487  
on adjoining property owners. A board may adopt a resolution under 9488  
division (A) of this section only after the county engineer issues 9489  
the advisory opinion and the county engineer, in the advisory 9490  
opinion, finds that placing the road on nonmaintained status will 9491  
not unduly adversely affect the flow of motor vehicle traffic on 9492  
that road or on any adjacent road. 9493

(C)(1) A board may terminate the nonmaintained status of a 9494  
county road by adopting a resolution to that effect. If the owner 9495  
of land adjoining a road that has been placed on nonmaintained 9496  
status requests the board to terminate the nonmaintained status of 9497  
the road, the board, in its resolution that terminates that 9498  
nonmaintained status, may require the owner to pay the costs of 9499  
upgrading the road to locally adopted county standards. 9500

9501

(2) If the owner of land adjoining a road that has been 9502  
placed on nonmaintained status upgrades the road to the standards 9503  
most recently certified by the county engineer for the road, the 9504  
board shall terminate the nonmaintained status of the road and 9505  
then shall maintain and repair the road according to such 9506  
standards. However, division (C)(2) of this section does not apply 9507  
to a road or portion of a road that, prior to being placed on 9508  
nonmaintained status, was not certified by the board of county 9509  
commissioners to the director of transportation in accordance with 9510  
division (D) of section 4501.04 of the Revised Code as mileage in 9511  
the county used by and maintained for the public. 9512

(3) The owner of land adjoining a road that was placed on 9513  
nonmaintained status prior to ~~the effective date of this amendment~~ 9514  
April 7, 2009, or the owner of land whose only access to such a 9515  
road is by easement may petition the board for review of the 9516  
nonmaintained status of the road if the road provides the 9517  
exclusive means for obtaining access to the land. Upon receipt of 9518  
a petition, the board shall review the status of the road and 9519  
shall terminate the nonmaintained status if the board finds that 9520  
the road provides such exclusive means for obtaining access to the 9521  
land. After completing the review, the board shall adopt a 9522  
resolution either retaining or terminating the nonmaintained 9523  
status of the road. If the board terminates the nonmaintained 9524  
status of a road under division (C)(3) of this section, the board 9525  
shall not require the owner to pay the costs of upgrading, 9526  
maintaining, or repairing the road. However, division (C)(3) of 9527  
this section does not apply to a road or portion of a road that, 9528  
prior to being placed on nonmaintained status, was not certified 9529  
by the board of county commissioners to the director in accordance 9530  
with division (D) of section 4501.04 of the Revised Code as 9531  
mileage in the county used by and maintained for the public. 9532

(D) A graveled or unimproved road may not be placed on 9533  
nonmaintained status if the road is the exclusive means for 9534  
obtaining access to land that adjoins that road and the road is 9535  
passable year-round. 9536

(E) For purposes of this section, a road is passable 9537  
year-round if a four-wheeled, two-wheel drive passenger motor 9538  
vehicle can be driven on the road year-round, apart from seasonal 9539  
conditions caused by weather-related events. 9540

**Sec. 5571.20.** (A) Except as otherwise provided in division 9541  
(D) of this section, a board of township trustees by resolution 9542  
may place a graveled or unimproved township road under its 9543

jurisdiction that is not passable year-round or any portion of 9544  
such a road on nonmaintained status. Prior to adopting a 9545  
resolution that places a road on nonmaintained status, the board 9546  
shall hold at least two public hearings to allow for public 9547  
comment on the proposed resolution. The board, at special or 9548  
regular meetings, shall publicize the times and places of the 9549  
hearings by causing a notice to be published in a newspaper of 9550  
general circulation in the county in which the road is located at 9551  
least ten days prior to the date of the first meeting. If the 9552  
township maintains a web site on the internet, the same notice 9553  
also shall be posted on the web site at least ten days prior to 9554  
the date of the first meeting. Upon adoption of such a resolution, 9555  
the board is not required to cause the road to be dragged at any 9556  
time, or to cut, destroy, or remove any brush, weeds, briars, 9557  
bushes, or thistles upon or along the road, or to remove snow from 9558  
the road, or to maintain or repair the road in any manner. The 9559  
board, in its discretion, may cause any of these actions to be 9560  
performed on or to a road that it has placed on nonmaintained 9561  
status. 9562

(B) Prior to adopting a resolution under division (A) of this 9563  
section, the board shall request the county engineer to issue an 9564  
advisory opinion regarding the consequences of placing the road on 9565  
nonmaintained status, including any impact such action would have 9566  
on adjoining property owners. A board may adopt a resolution under 9567  
division (A) of this section only after the county engineer issues 9568  
the advisory opinion and the county engineer, in the advisory 9569  
opinion, finds that placing the road on nonmaintained status will 9570  
not unduly adversely affect the flow of motor vehicle traffic on 9571  
that road or on any adjacent road. 9572

(C)(1) A board may terminate the nonmaintained status of a 9573  
township road by adopting a resolution to that effect. If the 9574  
owner of land adjoining a road that has been placed on 9575

nonmaintained status requests the board to terminate the 9576  
nonmaintained status of the road, the board, in its resolution 9577  
that terminates that nonmaintained status, may require the owner 9578  
to pay the costs of upgrading the road to locally adopted township 9579  
standards. 9580

(2) If the owner of land adjoining a road that has been 9581  
placed on nonmaintained status upgrades the road to the standards 9582  
most recently certified by the county engineer for the road, the 9583  
board shall terminate the nonmaintained status of the road and 9584  
then shall maintain and repair the road according to such 9585  
standards. However, division (C)(2) of this section does not apply 9586  
to a road or portion of a road that, prior to being placed on 9587  
nonmaintained status, was not certified by the board of township 9588  
trustees to the director of transportation in accordance with 9589  
division (E) of section 4501.04 of the Revised Code as mileage in 9590  
the township used by and maintained for the public. 9591

(3) The owner of land adjoining a road that was placed on 9592  
nonmaintained status prior to ~~the effective date of this amendment~~ 9593  
April 7, 2009, or land owner of land whose only access to such a 9594  
road is by easement may petition the board for review of the 9595  
nonmaintained status of the road if the road provides the 9596  
exclusive means for obtaining access to the land. Upon receipt of 9597  
a petition, the board shall review the status of the road and 9598  
shall terminate the nonmaintained status if the board finds that 9599  
the road provides such exclusive means for obtaining access to the 9600  
land. After completing the review, the board shall adopt a 9601  
resolution either retaining or terminating the nonmaintained 9602  
status of the road. If the board terminates the nonmaintained 9603  
status of a road under division (C)(3) of this section, the board 9604  
shall not require the owner to pay the costs of upgrading, 9605  
maintaining, or repairing the road. However, division (C)(3) of 9606  
this section does not apply to a road or portion of a road that, 9607

prior to being placed on nonmaintained status, was not certified 9608  
by the board of township trustees to the director in accordance 9609  
with division (E) of section 4501.04 of the Revised Code as 9610  
mileage in the township used by and maintained for the public. 9611

(D) A graveled or unimproved road may not be placed on 9612  
nonmaintained status if the road is the exclusive means for 9613  
obtaining access to land that adjoins that road and the road is 9614  
passable year-round. 9615

(E) For purposes of this section, a road is passable 9616  
year-round if a four-wheeled, two-wheel drive passenger motor 9617  
vehicle can be driven on the road year-round, apart from seasonal 9618  
conditions caused by weather-related events. 9619

**Sec. 5577.042.** (A) As used in this section: 9620

(1) "Farm machinery" has the same meaning as in section 9621  
4501.01 of the Revised Code. 9622

(2) "Farm commodities" includes livestock, bulk milk, corn, 9623  
soybeans, tobacco, and wheat. 9624

(3) "Farm truck" means a truck used in the transportation 9625  
from a farm of farm commodities when the truck is operated in 9626  
accordance with this section. 9627

(4) "Log truck" means a truck used in the transportation of 9628  
timber from the site of its cutting when the truck is operated in 9629  
accordance with this section. 9630

(5) "Coal truck" means a truck transporting coal from the 9631  
site where it is mined when the truck is operated in accordance 9632  
with this section. 9633

(6) "Solid waste" has the same meaning as in section 3734.01 9634  
of the Revised Code. 9635

(7) "Solid waste haul vehicle" means a vehicle hauling solid 9636

waste for which a bill of lading has not been issued. 9637

(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the 9638  
Revised Code, ~~a coal truck transporting coal, a farm truck or farm 9639  
machinery transporting farm commodities, a log truck transporting 9640  
timber, or a solid waste haul vehicle hauling solid waste, from 9641  
the place of production to the first point of delivery where the 9642  
commodities are weighed and title to the commodities, coal, or 9643  
timber is transferred, or, in the case of solid waste, from the 9644  
place of production to the first point of delivery where the solid 9645  
waste is disposed of or title to the solid waste is transferred, 9646  
the following vehicles under the described conditions may exceed 9647  
by no more than seven and one-half per cent the weight provisions 9648  
of sections 5577.01 to 5577.09 of the Revised Code and no penalty 9649  
prescribed in section 5577.99 of the Revised Code shall be 9650  
imposed: 9651~~

(a) A coal truck transporting coal, from the place of 9652  
production to the first point of delivery where title to the coal 9653  
is transferred; 9654

(b) A farm truck or farm machinery transporting farm 9655  
commodities, from the place of production to the first point of 9656  
delivery where the commodities are weighed and title to the 9657  
commodities is transferred; 9658

(c) A log truck transporting timber, from the place of 9659  
production to the first point of delivery where title to the 9660  
timber is transferred; 9661

(d) A solid waste haul vehicle hauling solid waste, from the 9662  
place of production to the first point of delivery where the solid 9663  
waste is disposed of or title to the solid waste is transferred; 9664

(e) A concrete transport truck transporting and mixing 9665  
concrete, from the place of production to the point of delivery 9666  
where the concrete is discharged. If 9667

(2) If a coal truck so transporting coal, a farm truck or 9668  
farm machinery so transporting farm commodities, a timber truck so 9669  
transporting timber, ~~or~~ a solid waste haul vehicle hauling solid 9670  
waste, or a concrete truck transporting and mixing concrete, 9671  
exceeds by more than seven and one-half per cent the weight 9672  
provisions of those sections, both of the following apply without 9673  
regard to the seven and one-half per cent allowance provided by 9674  
this division: 9675

~~(1)~~(a) The applicable penalty prescribed in section 5577.99 9676  
of the Revised Code; 9677

~~(2)~~(b) The civil liability imposed by section 5577.12 of the 9678  
Revised Code. 9679

(C)(1) Division (B) of this section does not apply to the 9680  
operation of a farm truck, log truck, or farm machinery 9681  
transporting farm commodities during the months of February and 9682  
March. 9683

(2) Regardless of when the operation occurs, division (B)~~(1)~~ 9684  
of this section does not apply to the operation of a coal truck, a 9685  
farm truck, a log truck, a solid waste haul vehicle, a concrete 9686  
truck transporting and mixing concrete, or farm machinery 9687  
transporting farm commodities on either of the following: 9688

(a) A highway that is part of the interstate system; 9689

(b) A highway, road, or bridge that is subject to reduced 9690  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 9691  
5577.09, or 5591.42 of the Revised Code. 9692

**Section 101.02.** That existing sections 121.51, 133.52, 9693  
151.01, 151.09, 151.40, 955.201, 1345.52, 1547.11, 1548.10, 9694  
1751.53, 2911.21, 2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 9695  
3905.423, 3923.38, 4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 9696  
4503.103, 4503.191, 4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 9697

4507.06, 4507.13, 4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 9698  
4511.191, 4511.21, 4511.213, 4513.263, 4513.34, 4517.021, 4519.02, 9699  
4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 9700  
4519.59, 4561.17, 4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 9701  
4765.39, 4928.64, 4928.65, 5501.03, 5501.311, 5501.51, 5502.67, 9702  
5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 9703  
5537.99, 5541.05, 5571.20, and 5577.042 of the Revised Code are 9704  
hereby repealed. 9705

**Section 105.01.** That sections 955.202 and 5902.09 of the 9706  
Revised Code are hereby repealed. 9707

**Section 105.05.** Section 121.53 of the Revised Code is hereby 9708  
repealed, effective September 30, 2013. 9709

**Section 115.01.** That sections 1751.53 and 3923.38 of the 9710  
Revised Code be amended to read as follows: 9711

**Sec. 1751.53.** (A) As used in this section: 9712

(1) "Group contract" means a group health insuring 9713  
corporation contract covering employees that meets either of the 9714  
following conditions: 9715

(a) The contract was issued by an entity that, on June 4, 9716  
1997, holds a certificate of authority or license to operate under 9717  
Chapter 1738. or 1742. of the Revised Code, and covers an employee 9718  
at the time the employee's employment is terminated. 9719

(b) The contract is delivered, issued for delivery, or 9720  
renewed in this state after June 4, 1997, and covers an employee 9721  
at the time the employee's employment is terminated. 9722

(2) "Eligible employee" means an employee to whom all of the 9723  
following apply: 9724

(a) The employee has been continuously covered under a group 9725



contract or under the contract and any prior similar group 9726  
coverage replaced by the contract, during the entire three-month 9727  
period preceding the termination of the employee's employment. 9728

(b) ~~The employee did not voluntarily terminate the employee's~~ 9729  
~~employment and the termination of employment is not a result of~~ 9730  
~~any gross misconduct on the part of the employee~~ The employee is 9731  
entitled, at the time of the termination of this employment, to 9732  
unemployment compensation benefits under Chapter 4141. of the 9733  
Revised Code. 9734

(c) The employee is not, and does not become, covered by or 9735  
eligible for coverage by medicare. 9736

(d) The employee is not, and does not become, covered by or 9737  
eligible for coverage by any other insured or uninsured 9738  
arrangement that provides hospital, surgical, or medical coverage 9739  
for individuals in a group and under which the employee was not 9740  
covered immediately prior to the termination of employment. A 9741  
person eligible for continuation of coverage under this section, 9742  
who is also eligible for coverage under section 3923.123 of the 9743  
Revised Code, may elect either coverage, but not both. A person 9744  
who elects continuation of coverage may elect any coverage 9745  
available under section 3923.123 of the Revised Code upon the 9746  
termination of the continuation of coverage. 9747

(B) A group contract shall provide that any eligible employee 9748  
may continue the coverage under the contract, for the employee and 9749  
the employee's eligible dependents, for a period of ~~twelve~~ six 9750  
months after the date that the group coverage would otherwise 9751  
terminate by reason of the termination of the employee's 9752  
employment. Each certificate of coverage issued to employees under 9753  
the contract shall include a notice of the employee's privilege of 9754  
continuation. 9755

(C) All of the following apply to the continuation of group 9756

coverage required under division (B) of this section: 9757

(1) Continuation need not include any supplemental health 9758  
care services benefits or specialty health care services benefits 9759  
provided by the group contract. 9760

(2) The employer shall notify the employee of the right of 9761  
continuation at the time the employer notifies the employee of the 9762  
termination of employment. The notice shall inform the employee of 9763  
the amount of contribution required by the employer under division 9764  
(C)(4) of this section. 9765

(3) The employee shall file a written election of 9766  
continuation with the employer and pay the employer the first 9767  
contribution required under division (C)(4) of this section. The 9768  
request and payment must be received by the employer no later than 9769  
the earlier of any of the following dates: 9770

(a) Thirty-one days after the date on which the employee's 9771  
coverage would otherwise terminate; 9772

(b) Ten days after the date on which the employee's coverage 9773  
would otherwise terminate, if the employer has notified the 9774  
employee of the right of continuation prior to this date; 9775

(c) Ten days after the employer notifies the employee of the 9776  
right of continuation, if the notice is given after the date on 9777  
which the employee's coverage would otherwise terminate. 9778

(4) The employee must pay to the employer, on a monthly 9779  
basis, in advance, the amount of contribution required by the 9780  
employer. The amount required shall not exceed the group rate for 9781  
the insurance being continued under the policy on the due date of 9782  
each payment. 9783

(5) The employee's privilege to continue coverage and the 9784  
coverage under any continuation ceases if any of the following 9785  
occurs: 9786

(a) The employee ceases to be an eligible employee under 9787  
division (A)(2)(c) or (d) of this section; 9788

(b) A period of ~~twelve~~ six months expires after the date that 9789  
the employee's coverage under the group contract would otherwise 9790  
have terminated because of the termination of employment; 9791

(c) The employee fails to make a timely payment of a required 9792  
contribution, in which event the coverage shall cease at the end 9793  
of the coverage for which contributions were made; 9794

(d) The group contract is terminated, or the employer 9795  
terminates participation under the contract, unless the employer 9796  
replaces the coverage by similar coverage under another contract 9797  
or other group health arrangement. If the employer replaces the 9798  
contract with similar group health coverage, all of the following 9799  
apply: 9800

(i) The member shall be covered under the replacement 9801  
coverage, for the balance of the period that the member would have 9802  
remained covered under the terminated coverage if it had not been 9803  
terminated. 9804

(ii) The minimum level of benefits under the replacement 9805  
coverage shall be the applicable level of benefits of the contract 9806  
replaced reduced by any benefits payable under the contract 9807  
replaced. 9808

(iii) The contract replaced shall continue to provide 9809  
benefits to the extent of its accrued liabilities and extensions 9810  
of benefits as if the replacement had not occurred. 9811

(D) This section does not apply to any group contract 9812  
offering only supplemental health care services or specialty 9813  
health care services. 9814

~~(E) An employee shall notify the health insuring corporation 9815  
if the employee elects continuation of coverage under this 9816~~

~~section. The health insuring corporation may require the employer 9817  
to provide documentation if the employee elects continuation of 9818  
coverage and is seeking premium assistance for the continuation of 9819  
coverage under the "American Recovery and Investment Act of 2009," 9820  
Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall 9821  
publish guidance for employers and health insuring corporations 9822  
regarding the contents of such documentation. 9823~~

**Sec. 3923.38.** (A) As used in this section: 9824

(1) "Group policy" includes any group sickness and accident 9825  
policy or contract delivered, issued for delivery, or renewed in 9826  
this state on or after June 28, 1984, and any private or public 9827  
employer self-insurance plan or other plan that provides, or 9828  
provides payment for, health care benefits for employees resident 9829  
in this state other than through an insurer or health insuring 9830  
corporation, to which both of the following apply: 9831

(a) The policy insures employees for hospital, surgical, or 9832  
major medical insurance on an expense incurred or service basis, 9833  
other than for specified diseases or for accidental injuries only. 9834

(b) The policy is in effect and covers an eligible employee 9835  
at the time the employee's employment is terminated. 9836

(2) "Eligible employee" includes only an employee to whom all 9837  
of the following apply: 9838

(a) The employee has been continuously insured under a group 9839  
policy or under the policy and any prior similar group coverage 9840  
replaced by the policy, during the entire three-month period 9841  
preceding the termination of the employee's employment. 9842

~~(b) The employee did not voluntarily terminate the employee's 9843  
employment and the termination of employment is not a result of 9844  
any gross misconduct on the part of the employee The employee is 9845  
entitled, at the time of the termination of the employee's 9846~~

employment, to unemployment compensation benefits under Chapter 9847  
4141. of the Revised Code. 9848

(c) The employee is not, and does not become, covered by or 9849  
eligible for coverage by medicare under Title XVIII of the Social 9850  
Security Act, as amended. 9851

(d) The employee is not, and does not become, covered by or 9852  
eligible for coverage by any other insured or uninsured 9853  
arrangement that provides hospital, surgical, or medical coverage 9854  
for individuals in a group and under which the person was not 9855  
covered immediately prior to such termination. A person eligible 9856  
for continuation of coverage under this section, who is also 9857  
eligible for coverage under section 3923.123 of the Revised Code, 9858  
may elect either coverage, but not both. A person who elects 9859  
continuation of coverage may elect any coverage available under 9860  
section 3923.123 of the Revised Code upon the termination of the 9861  
continuation of coverage. 9862

(3) "Group rate" means, in the case of an employer 9863  
self-insurance or other health benefits plan, the average monthly 9864  
cost per employee, over a period of at least twelve months, of the 9865  
operation of the plan that would represent a group insurance rate 9866  
if the same coverage had been provided under a group sickness and 9867  
accident insurance policy. 9868

(B) A group policy shall provide that any eligible employee 9869  
may continue the employee's hospital, surgical, and medical 9870  
insurance under the policy, for the employee and the employee's 9871  
eligible dependents, for a period of ~~twelve~~ six months after the 9872  
date that the insurance coverage would otherwise terminate by 9873  
reason of the termination of the employee's employment. Each 9874  
certificate of coverage, or other notice of coverage, issued to 9875  
employees under the policy shall include a notice of the 9876  
employee's privilege of continuation. 9877

(C) All of the following apply to the continuation of 9878  
coverage required under division (B) of this section: 9879

(1) Continuation need not include dental, vision care, 9880  
prescription drug benefits, or any other benefits provided under 9881  
the policy in addition to its hospital, surgical, or major medical 9882  
benefits. 9883

(2) The employer shall notify the employee of the right of 9884  
continuation at the time the employer notifies the employee of the 9885  
termination of employment. The notice shall inform the employee of 9886  
the amount of contribution required by the employer under division 9887  
(C)(4) of this section. 9888

(3) The employee shall file a written election of 9889  
continuation with the employer and pay the employer the first 9890  
contribution required under division (C)(4) of this section. The 9891  
request and payment must be received by the employer no later than 9892  
the earlier of any of the following dates: 9893

(a) Thirty-one days after the date on which the employee's 9894  
coverage would otherwise terminate; 9895

(b) Ten days after the date on which the employee's coverage 9896  
would otherwise terminate, if the employer has notified the 9897  
employee of the right of continuation prior to such date; 9898

(c) Ten days after the employer notifies the employee of the 9899  
right of continuation, if the notice is given after the date on 9900  
which the employee's coverage would otherwise terminate. 9901

(4) The employee must pay to the employer, on a monthly 9902  
basis, in advance, the amount of contribution required by the 9903  
employer. The amount required shall not exceed the group rate for 9904  
the insurance being continued under the policy on the due date of 9905  
each payment. 9906

(5) The employee's privilege to continue coverage and the 9907

coverage under any continuation ceases if any of the following 9908  
occurs: 9909

(a) The employee ceases to be an eligible employee under 9910  
division (A)(2)(c) or (d) of this section; 9911

(b) A period of ~~twelve~~ six months expires after the date that 9912  
the employee's insurance under the policy would otherwise have 9913  
terminated because of the termination of employment; 9914

(c) The employee fails to make a timely payment of a required 9915  
contribution, in which event the coverage shall cease at the end 9916  
of the coverage for which contributions were made; 9917

(d) The policy is terminated, or the employer terminates 9918  
participation under the policy, unless the employer replaces the 9919  
coverage by similar coverage under another group policy or other 9920  
group health arrangement. 9921

If the employer replaces the policy with similar group health 9922  
coverage, all of the following apply: 9923

(i) The member shall be covered under the replacement 9924  
coverage, for the balance of the period that the member would have 9925  
remained covered under the terminated coverage if it had not been 9926  
terminated. 9927

(ii) The minimum level of benefits under the replacement 9928  
coverage shall be the applicable level of benefits of the policy 9929  
replaced reduced by any benefits payable under the policy 9930  
replaced. 9931

(iii) The policy replaced shall continue to provide benefits 9932  
to the extent of its accrued liabilities and extensions of 9933  
benefits as if the replacement had not occurred. 9934

(D) This section does not apply to an employer's 9935  
self-insurance plan if federal law supersedes, preempts, 9936  
prohibits, or otherwise precludes its application to such plans. 9937

~~(E) An employee shall notify the insurer if the employee elects continuation of coverage under this section. The insurer may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and insurers regarding the contents of such documentation.~~

**Section 115.02.** That existing sections 1751.53 and 3923.38 of the Revised Code are hereby repealed.

**Section 115.03.** Sections 115.01 and 115.02 take effect January 1, 2010.

**Section 201.10.** Except as otherwise provided, all appropriation items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2010 and the amounts in the second column are for fiscal year 2011.

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION

FUND	TITLE	FY 2010	FY 2011
Highway Operating Fund Group			
2120 772426	Highway Infrastructure Bank - Federal	\$ 4,018,649	\$ 4,018,649
2120 772427	Highway Infrastructure Bank - State	\$ 10,209,272	\$ 10,209,272
2120 772429	Highway	\$ 11,499,999	\$ 11,499,999



		Infrastructure Bank - Local				
2120	772430	Infrastructure Debt	\$	1,500,000	\$	1,500,000
		Reserve Title 23-49				9963
2120	775408	Transit	\$	812,685	\$	812,685
		Infrastructure Bank - Local				9964
2120	775455	Title 49	\$	312,795	\$	312,795
		Infrastructure - Bank - State				9965
2130	772431	Roadway	\$	1,000,000	\$	1,000,000
		Infrastructure Bank - State				9966
2130	772432	Roadway	\$	6,000,000	\$	6,000,000
		Infrastructure Bank - Local				9967
2130	772433	Infrastructure Debt	\$	2,000,000	\$	2,000,000
		Reserve - State				9968
2130	775457	Transit	\$	312,082	\$	312,082
		Infrastructure Bank - State				9969
2130	775460	Transit	\$	1,000,000	\$	1,000,000
		Infrastructure Bank - Local				9970
2130	777477	Aviation	\$	3,500,000	\$	3,500,000
		Infrastructure Bank - State				9971
2130	777478	Aviation	\$	6,000,000	\$	6,000,000
		Infrastructure Bank - Local				9972
2160	772439	New Generation	\$	50,000,000	\$	0
		Highway Loan				9973
2160	772440	New Generation	\$	50,000,000	\$	0
						9974

		Highway Bond				
2180	775461	New Generation Multi	\$	120,000,000	\$	0 9975
		Modal Loan				
2180	775462	New Generation Multi	\$	120,000,000	\$	0 9976
		Modal Bond				
7002	770003	Administration -	\$	3,415,700	\$	1,821,000 9977
		State - Debt Service				
7002	771411	Planning and Research	\$	21,044,516	\$	21,463,169 9978
		- State				
7002	771412	Planning and Research	\$	23,970,770	\$	24,214,310 9979
		- Federal				
7002	772421	Highway Construction	\$	542,801,332	\$	517,419,558 9980
		- State				
7002	772422	Highway Construction	\$	1,091,378,700	\$	1,065,737,629 9981
		- Federal				
7002	772424	Highway Construction	\$	121,377,011	\$	109,694,836 9982
		- Other				
7002	772437	GARVEE Debt Service -	\$	21,778,200	\$	27,547,900 9983
		State				
7002	772438	GARVEE Debt Service -	\$	131,814,700	\$	136,513,200 9984
		Federal				
7002	773431	Highway Maintenance -	\$	405,633,542	\$	425,329,858 9985
		State				
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785 9986
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 9987
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 9988
		Special Equipment				
7002	776462	Grade Crossings -	\$	15,000,000	\$	15,000,000 9989
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 9990
		- Federal				

7002	777475	Aviation	\$	4,945,697	\$	5,186,959	9991
		Administration					
7002	779491	Administration -	\$	131,087,437	\$	134,889,042	9992
		State					
TOTAL HOF Highway Operating							9993
Fund Group			\$	2,936,108,872	\$	2,566,678,728	9994
State Special Revenue Fund Group							9995
4N40	776663	Panhandle Lease	\$	762,600	\$	764,300	9996
		Reserve Payments					
4N40	776664	Rail Transportation -	\$	2,111,500	\$	2,111,500	9997
		Other					
5W90	777615	County Airport	\$	620,000	\$	620,000	9998
		Maintenance					
TOTAL SSR State Special Revenue							9999
Fund Group			\$	3,494,100	\$	3,495,800	10000
Infrastructure Bank Obligations Fund Group							10001
7045	772428	Highway	\$	71,000,000	\$	65,000,000	10002
		Infrastructure Bank -					
		Bonds					
TOTAL 045 Infrastructure Bank							10003
Obligations Fund Group			\$	71,000,000	\$	65,000,000	10004
Highway Capital Improvement Fund Group							10005
7042	772723	Highway Construction	\$	194,000,000	\$	163,000,000	10006
		- Bonds					
TOTAL 042 Highway Capital							10007
Improvement Fund Group			\$	194,000,000	\$	163,000,000	10008
TOTAL ALL BUDGET FUND GROUPS			\$	3,204,602,972	\$	2,798,174,528	10009
 <b>Section 203.11. PUBLIC ACCESS ROADS FOR DNR FACILITIES</b>							10011
Of the foregoing appropriation item 772421, Highway							10012
Construction - State, \$5,000,000 shall be used in each fiscal year							10013
for the construction, reconstruction, or maintenance of public							10014

access roads, including support features, to and within state 10015  
facilities owned or operated by the Department of Natural 10016  
Resources. 10017

**Section 203.12. PUBLIC ACCESS ROADS FOR PARKS AND EXPOSITIONS** 10018  
**COMMISSION FACILITIES** 10019

Notwithstanding section 5511.06 of the Revised Code, of the 10020  
foregoing appropriation item 772421, Highway Construction - State, 10021  
\$2,228,000 in each fiscal year shall be used for the construction, 10022  
reconstruction, or maintenance of park drives or park roads within 10023  
the boundaries of metropolitan parks. 10024

The Department of Transportation may use the foregoing 10025  
appropriation item 772421, Highway Construction - State, to 10026  
perform related road work on behalf of the Ohio Expositions 10027  
Commission at the state fairgrounds, including reconstruction or 10028  
maintenance of public access roads and support features to and 10029  
within fairground facilities, as requested by the Commission and 10030  
approved by the Director of Transportation. 10031

**Section 203.13. DIRECT INVESTMENT IN PUBLIC TRANSIT** 10032

Of the foregoing appropriation item 772422, Highway 10033  
Construction - Federal, \$7,500,000 shall be used in each fiscal 10034  
year to provide grants to local transit authorities to purchase or 10035  
improve public transit vehicles. To provide for a cleaner 10036  
environment, new transit vehicles purchased and improvements made 10037  
to a local transit authority's existing fleet of vehicles with 10038  
funds provided under this section must foster the goals of 10039  
increasing fuel efficiency, reducing emissions, and using 10040  
alternative fuels, as appropriate. 10041

**Section 203.20. ISSUANCE OF BONDS** 10042

The Treasurer of State, upon the request of the Director of 10043

Transportation, is authorized to issue and sell, in accordance 10044  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 10045  
151. and particularly sections 151.01 and 151.06 of the Revised 10046  
Code, obligations, including bonds and notes, in the aggregate 10047  
amount of \$352,000,000 in addition to the original issuance of 10048  
obligations authorized by prior acts of the General Assembly. 10049

The obligations shall be dated, issued, and sold from time to 10050  
time in amounts necessary to provide sufficient moneys to the 10051  
credit of the Highway Capital Improvement Fund (Fund 7042) created 10052  
by section 5528.53 of the Revised Code to pay costs charged to the 10053  
fund when due as estimated by the Director of Transportation, 10054  
provided, however, that such obligations shall be issued and sold 10055  
at such time or times so that not more than \$220,000,000 original 10056  
principal amount of obligations, plus the principal amount of 10057  
obligations that in prior fiscal years could have been, but were 10058  
not, issued within the \$220,000,000 limit, may be issued in any 10059  
fiscal year, and not more than \$1,200,000,000 original principal 10060  
amount of such obligations are outstanding at any one time. 10061

**Section 203.30.** TRANSFER OF HIGHWAY OPERATING FUND (FUND 10062  
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 10063  
HIGHWAY MAINTENANCE, RAIL, AVIATION, AND ADMINISTRATION 10064  
10065

The Director of Budget and Management may approve requests 10066  
from the Director of Transportation for transfer of Highway 10067  
Operating Fund (Fund 7002) appropriations for highway planning and 10068  
research (appropriation items 771411 and 771412), highway 10069  
construction (appropriation items 772421, 772422, 772424, 772437, 10070  
and 772438), highway maintenance (appropriation item 773431), rail 10071  
grade crossings (appropriation item 776462), aviation 10072  
(appropriation item 777475), and administration (appropriation 10073  
item 779491). The Director of Budget and Management may not make 10074

transfers out of debt service appropriation items unless the 10075  
Director determines that the appropriated amounts exceed the 10076  
actual and projected debt service requirements. Transfers of 10077  
appropriations may be made upon the written request of the 10078  
Director of Transportation and with the approval of the Director 10079  
of Budget and Management. The transfers shall be reported to the 10080  
Controlling Board at the next regularly scheduled meeting of the 10081  
board. 10082

This transfer authority is intended to provide for emergency 10083  
situations and flexibility to meet unforeseen conditions that 10084  
could arise during the budget period. It also is intended to allow 10085  
the department to optimize the use of available resources and 10086  
adjust to circumstances affecting the obligation and expenditure 10087  
of federal funds. 10088

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL AND 10089  
LOCAL TRANSIT 10090

The Director of Budget and Management may approve written 10091  
requests from the Director of Transportation for the transfer of 10092  
appropriations between appropriation items 772422, Highway 10093  
Construction - Federal, 775452, Public Transportation - Federal, 10094  
775454, Public Transportation - Other, and 775459, Elderly and 10095  
Disabled Special Equipment, based upon transit capital projects 10096  
meeting Federal Highway Administration and Federal Transit 10097  
Administration funding guidelines. The transfers shall be reported 10098  
to the Controlling Board at its next regularly scheduled meeting. 10099

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 10100  
BANK 10101

The Director of Budget and Management may approve requests 10102  
from the Director of Transportation for transfer of appropriations 10103  
and cash of the Infrastructure Bank funds created in section 10104  
5531.09 of the Revised Code, including transfers between fiscal 10105

years 2010 and 2011. The transfers shall be reported to the 10106  
Controlling Board at its next regularly scheduled meeting. 10107

The Director of Budget and Management may approve requests 10108  
from the Director of Transportation for transfer of appropriations 10109  
and cash from the Highway Operating Fund (Fund 7002) to the 10110  
Infrastructure Bank funds created in section 5531.09 of the 10111  
Revised Code. The Director of Budget and Management may transfer 10112  
from the Infrastructure Bank funds to the Highway Operating Fund 10113  
up to the amounts originally transferred to the Infrastructure 10114  
Bank funds under this section. However, the Director may not make 10115  
transfers between modes or transfers between different funding 10116  
sources. The transfers shall be reported to the Controlling Board 10117  
at its next regularly scheduled meeting. 10118

INCREASING APPROPRIATIONS: STATE FUNDS 10119

In the event that receipts or unexpended balances credited to 10120  
the Highway Operating Fund (Fund 7002) exceed the estimates upon 10121  
which the appropriations have been made in this act, upon the 10122  
request of the Director of Transportation, the Controlling Board 10123  
may increase those appropriations in the manner prescribed in 10124  
section 131.35 of the Revised Code. 10125

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 10126

In the event that receipts or unexpended balances credited to 10127  
the Highway Operating Fund (Fund 7002) or apportionments or 10128  
allocations made available from the federal and local government 10129  
exceed the estimates upon which the appropriations have been made 10130  
in this act, upon the request of the Director of Transportation, 10131  
the Controlling Board may increase those appropriations in the 10132  
manner prescribed in section 131.35 of the Revised Code. 10133

REAPPROPRIATIONS 10134

Upon approval of the Director of Budget and Management, all 10135  
appropriations of the Highway Operating Fund (Fund 7002), the 10136

Highway Capital Improvement Fund (Fund 7042), and the 10137  
Infrastructure Bank funds created in section 5531.09 of the 10138  
Revised Code remaining unencumbered on June 30, 2009, are hereby 10139  
reappropriated for the same purpose in fiscal year 2010. 10140

Upon approval of the Director of Budget and Management, all 10141  
appropriations of the Highway Operating Fund (Fund 7002), the 10142  
Highway Capital Improvement Fund (Fund 7042), and the 10143  
Infrastructure Bank funds created in section 5531.09 of the 10144  
Revised Code remaining unencumbered on June 30, 2010, are hereby 10145  
reappropriated for the same purpose in fiscal year 2011. 10146

Any balances of prior years' appropriations to the Highway 10147  
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 10148  
(Fund 7042), and the Infrastructure Bank funds created in section 10149  
5531.09 of the Revised Code that are unencumbered on June 30, 10150  
2009, subject to the availability of revenue as determined by the 10151  
Director of Transportation, are hereby reappropriated for the same 10152  
purpose in fiscal year 2010 upon the request of the Director of 10153  
Transportation and with the approval of the Director of Budget and 10154  
Management. The reappropriations shall be reported to the 10155  
Controlling Board. 10156

Any balances of prior years' appropriations to the Highway 10157  
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 10158  
(Fund 7042), and the Infrastructure Bank funds created in section 10159  
5531.09 of the Revised Code that are unencumbered on June 30, 10160  
2010, subject to the availability of revenue as determined by the 10161  
Director of Transportation, are hereby reappropriated for the same 10162  
purpose in fiscal year 2011 upon the request of the Director of 10163  
Transportation and with the approval of the Director of Budget and 10164  
Management. The reappropriations shall be reported to the 10165  
Controlling Board. 10166

LIQUIDATION OF UNFORESEEN LIABILITIES 10167



Any appropriation made from the Highway Operating Fund (Fund 10168  
7002) not otherwise restricted by law is available to liquidate 10169  
unforeseen liabilities arising from contractual agreements of 10170  
prior years when the prior year encumbrance is insufficient. 10171

**Section 203.40. MAINTENANCE INTERSTATE HIGHWAYS** 10172

The Director of Transportation may remove snow and ice and 10173  
maintain, repair, improve, or provide lighting upon interstate 10174  
highways that are located within the boundaries of municipal 10175  
corporations, adequate to meet the requirements of federal law. 10176  
When agreed in writing by the Director of Transportation and the 10177  
legislative authority of a municipal corporation and 10178  
notwithstanding sections 125.01 and 125.11 of the Revised Code, 10179  
the Department of Transportation may reimburse a municipal 10180  
corporation for all or any part of the costs, as provided by such 10181  
agreement, incurred by the municipal corporation in maintaining, 10182  
repairing, lighting, and removing snow and ice from the interstate 10183  
system. 10184

**Section 203.50. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS** 10185

The Director of Transportation may use revenues from the 10186  
state motor vehicle fuel tax to match approved federal grants 10187  
awarded to the Department of Transportation, regional transit 10188  
authorities, or eligible public transportation systems, for public 10189  
transportation highway purposes, or to support local or state 10190  
funded projects for public transportation highway purposes. Public 10191  
transportation highway purposes include: the construction or 10192  
repair of high-occupancy vehicle traffic lanes, the acquisition or 10193  
construction of park-and-ride facilities, the acquisition or 10194  
construction of public transportation vehicle loops, the 10195  
construction or repair of bridges used by public transportation 10196  
vehicles or that are the responsibility of a regional transit 10197

authority or other public transportation system, or other similar 10198  
construction that is designated as an eligible public 10199  
transportation highway purpose. Motor vehicle fuel tax revenues 10200  
may not be used for operating assistance or for the purchase of 10201  
vehicles, equipment, or maintenance facilities. 10202

**Section 203.60. RENTAL PAYMENTS - OBA** 10203

The foregoing appropriation item 770003, Administration - 10204  
State - Debt Service, shall be used to pay rent to the Ohio 10205  
Building Authority for the period July 1, 2009, to June 30, 2011, 10206  
under the primary leases and agreements for various transportation 10207  
related capital facilities financed by obligations issued under 10208  
Chapter 152. of the Revised Code. The rental payments shall be 10209  
made from revenues received from the motor vehicle fuel tax. The 10210  
amounts of any bonds and notes to finance such capital facilities 10211  
shall be at the request of the Director of Transportation. 10212  
Notwithstanding section 152.24 of the Revised Code, the Ohio 10213  
Building Authority may, with approval of the Office of Budget and 10214  
Management, lease capital facilities to the Department of 10215  
Transportation. 10216

The Director of Transportation shall hold title to any land 10217  
purchased and any resulting structures that are attributable to 10218  
appropriation item 770003. Notwithstanding section 152.18 of the 10219  
Revised Code, the Director of Transportation shall administer any 10220  
purchase of land and any contract for construction, 10221  
reconstruction, and rehabilitation of facilities as a result of 10222  
this appropriation. 10223

Should the appropriation and any reappropriations from prior 10224  
years in appropriation item 770003 exceed the rental payments for 10225  
fiscal year 2010 or 2011, then prior to June 30, 2011, the balance 10226  
may be transferred to appropriation item 772421, Highway 10227  
Construction - State, 773431, Highway Maintenance - State, or 10228

779491, Administration - State, upon the written request of the 10229  
Director of Transportation and with the approval of the Director 10230  
of Budget and Management. The transfer shall be reported to the 10231  
Controlling Board at its next regularly scheduled meeting. 10232

**Section 207.10.** DEV DEPARTMENT OF DEVELOPMENT 10233

State Special Revenue Fund Group 10234

4W00 195629 Roadwork Development \$ 18,699,900 \$ 18,699,900 10235

TOTAL SSR State Special Revenue 10236

Fund Group \$ 18,699,900 \$ 18,699,900 10237

TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 10238

ROADWORK DEVELOPMENT FUND 10239

The Roadwork Development Fund shall be used for road 10240

improvements associated with economic development opportunities 10241

that will retain or attract businesses for Ohio. "Road 10242

improvements" are improvements to public roadway facilities 10243

located on, or serving or capable of serving, a project site. 10244

The Department of Transportation, under the direction of the 10245

Department of Development, shall provide these funds in accordance 10246

with all guidelines and requirements established for Department of 10247

Development appropriation item 195412, Business Development, 10248

including Controlling Board review and approval as well as the 10249

requirements for usage of gas tax revenue prescribed in Section 5a 10250

of Article XII, Ohio Constitution. Should the Department of 10251

Development require the assistance of the Department of 10252

Transportation to bring a project to completion, the Department of 10253

Transportation shall use its authority under Title LV of the 10254

Revised Code to provide such assistance and may enter into 10255

contracts on behalf of the Department of Development. In addition, 10256

these funds may be used in conjunction with appropriation item 10257

195412, Business Development, or any other state funds 10258

appropriated for infrastructure improvements. 10259

The Director of Budget and Management, pursuant to a plan 10260  
submitted by the Director of Development or as otherwise 10261  
determined by the Director of Budget and Management, shall set a 10262  
cash transfer schedule to meet the cash needs of the Department of 10263  
Development's Roadwork Development Fund (Fund 4W00), less any 10264  
other available cash. The Director shall transfer to the Roadwork 10265  
Development Fund from the Highway Operating Fund (Fund 7002), 10266  
established in section 5735.291 of the Revised Code, such amounts 10267  
at such times as determined by the transfer schedule. 10268

TRANSPORTATION IMPROVEMENT DISTRICTS 10269

Notwithstanding section 5540.151 of the Revised Code and any 10270  
other restrictions that apply to the distribution of Roadwork 10271  
Development Grants, of the foregoing appropriation item 195629, 10272  
Roadwork Development, \$250,000 in each fiscal year shall be 10273  
distributed by the Director of Development to each of the 10274  
Transportation Improvement Districts in Belmont, Butler, Clermont, 10275  
Hamilton, Lorain, Medina, Montgomery, Muskingum, and Stark 10276  
counties, and to the Rossford Transportation Improvement District 10277  
in Wood County. 10278

**Section 209.10.** PWC PUBLIC WORKS COMMISSION 10279

Local Transportation Improvements Fund Group 10280

7052	150402	Local Transportation	\$	299,001	\$	306,178	10281
		Improvement Program -					
		Operating					

7052	150701	Local Transportation	\$	67,317,000	\$	67,400,000	10282
		Improvement Program					

TOTAL 052 Local Transportation 10283

		Improvements Fund Group	\$	67,616,001	\$	67,706,178	10284
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Local Infrastructure Improvements Fund Group 10285

7038	150321	State Capital	\$	897,383	\$	918,912	10286
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Improvements Program				
- Operating Expenses				
TOTAL LIF Local Infrastructure				10287
Improvements Fund Group	\$	897,383	\$ 918,912	10288
TOTAL ALL BUDGET FUND GROUPS	\$	68,513,384	\$ 68,625,090	10289
DISTRICT ADMINISTRATION COSTS				10290
The Director of the Public Works Commission is authorized to				10291
create a District Administration Costs Program from interest				10292
earnings of the Capital Improvements Fund and Local Transportation				10293
Improvement Program Fund proceeds. The program shall be used to				10294
provide for the direct costs of district administration of the				10295
nineteen public works districts. Districts choosing to participate				10296
in the program shall only expend State Capital Improvements Fund				10297
moneys for State Capital Improvements Fund costs and Local				10298
Transportation Improvement Program Fund moneys for Local				10299
Transportation Improvement Program Fund costs. The account shall				10300
not exceed \$1,235,000 per fiscal year. Each public works district				10301
may be eligible for up to \$65,000 per fiscal year from its				10302
district allocation as provided in sections 164.08 and 164.14 of				10303
the Revised Code.				10304
The Director, by rule, shall define allowable and				10305
nonallowable costs for the purpose of the District Administration				10306
Costs Program. Nonallowable costs include indirect costs, elected				10307
official salaries and benefits, and project-specific costs. No				10308
district public works committee may participate in the District				10309
Administration Costs Program without the approval of those costs				10310
by the district public works committee under section 164.04 of the				10311
Revised Code.				10312
REAPPROPRIATIONS				10313
All capital appropriations from the Local Transportation				10314
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 67 of the				10315
127th General Assembly remaining unencumbered as of June 30, 2009,				10316

are reappropriated for use during the period July 1, 2009, through 10317  
June 30, 2010, for the same purpose. 10318

Notwithstanding division (B) of section 127.14 of the Revised 10319  
Code, all capital appropriations and reappropriations from the 10320  
Local Transportation Improvement Program Fund (Fund 7052) in this 10321  
act remaining unencumbered as of June 30, 2010, are reappropriated 10322  
for use during the period July 1, 2010, through June 30, 2011, for 10323  
the same purposes, subject to the availability of revenue as 10324  
determined by the Director of the Public Works Commission. 10325

10326

**Section 301.10.** For all appropriations made in Sections 10327  
303.10, 305.10, 307.10, 309.10, 311.10, 313.10, 315.10, 317.10, 10328  
317.20, 319.10, 321.10, and 325.10 of this act, those in the first 10329  
column are for fiscal year 2008 and those in the second column are 10330  
for fiscal year 2009. The appropriations made in these sections 10331  
are in addition to any other appropriations made for fiscal years 10332  
2008 and 2009. 10333

**Section 303.10.** The federal payments made to the state for 10334  
the nutrition program under Title VIII of Division A of the 10335  
American Recovery and Reinvestment Act of 2009 shall be deposited 10336  
to the credit of the Federal Supportive Services Fund (Fund 3M40). 10337

10338

The federal payments made to the state for the senior 10339  
community service employment program under Title VIII of Division 10340  
A of the American Recovery and Reinvestment Act of 2009 shall be 10341  
deposited to the credit of the Federal Aging Grants Fund (Fund 10342  
3220). 10343

The items in this section are appropriated as designated out 10344  
of any moneys in the state treasury to the credit of their 10345  
respective funds that are not otherwise appropriated. 10346

				Appropriations			
AGE DEPARTMENT OF AGING						10347	
Federal Special Revenue Fund Group						10348	
3220	490618	Federal Aging Grants	\$	0	\$ 5,278,000	10349	
3M40	490612	Federal Supportive	\$	0	\$ 2,991,000	10350	
Services							
TOTAL FED Federal Special Revenue				\$	0	\$ 8,269,000	10351
Fund Group							
TOTAL ALL BUDGET FUND GROUPS				\$	0	\$ 8,269,000	10352

The foregoing appropriation items 490618, Federal Aging Grants, and 490612, Federal Supportive Services, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

**Section 305.10.** The federal payments made to the state for crime victims assistance grants under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Crime Victims Assistance Fund (Fund 3830).

The federal payments made to the state for crime victims compensation under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Reparations Fund (Fund 4020).

The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

				Appropriations		
AGO ATTORNEY GENERAL						10369
Federal Special Revenue Fund Group						10370
3830	055634	Crime Victims	\$	0	\$ 1,271,000	10371
Assistance						

TOTAL FED Federal Special Revenue	\$	0	\$	1,271,000	10372
Fund Group					
State Special Revenue Fund Group					10373
4020 055616 Victims of Crime	\$	0	\$	2,061,000	10374
TOTAL SSR State Special Revenue	\$	0	\$	2,061,000	10375
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	3,332,000	10376

The foregoing appropriation items 055634, Crime Victims Assistance, and 055616, Victims of Crime, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

**Section 307.10.** The federal payments made to the state for the Leaking Underground Storage Tank Trust Fund under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Leaking Underground Storage Tank Fund (Fund 3480).

The item in this section is appropriated as designated out of any moneys in the state treasury to the credit of Fund 3480 that are not otherwise appropriated.

Appropriations

COM DEPARTMENT OF COMMERCE					10389
Federal Special Revenue Fund Group					10390
3480 800624 Leaking Underground	\$	0	\$	10,000,000	10391
Storage Tank					
TOTAL FED Federal Special Revenue	\$	0	\$	10,000,000	10392
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	10,000,000	10393

The foregoing appropriation item 800624, Leaking Underground Storage Tank, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.



**Section 309.10.** The federal payments made to the state for 10398  
the Weatherization Assistance Program and the State Energy Grant 10399  
Program under Title IV of Division A of the American Recovery and 10400  
Reinvestment Act of 2009 shall be deposited to the credit of the 10401  
Federal Special Revenue Fund (Fund 3080). 10402

The federal payments made to the state for the Energy Star 10403  
Rebate Program under the American Recovery and Reinvestment Act of 10404  
2009 shall be deposited to the credit of the Energy Star Rebate 10405  
Program Fund (Fund 3DA0), which is hereby created in the state 10406  
treasury. 10407

The federal payments made to the state for the Energy 10408  
Efficiency and Conservation Block Grants Program under Title IV of 10409  
Division A of the American Recovery and Reinvestment Act of 2009 10410  
shall be deposited to the credit of the Energy Efficiency and 10411  
Conservation Block Grants Fund (Fund 3DB0), which is hereby 10412  
created in the state treasury. 10413

The federal payments made to the state for the Community 10414  
Development Block Grant program under Title XII of Division A of 10415  
the American Recovery and Reinvestment Act of 2009 shall be 10416  
deposited to the credit of the Community Development Block Grant 10417  
Fund (Fund 3K80). 10418

The federal payments made to the state for community services 10419  
block grants under Title XII of Division A of the American 10420  
Recovery and Reinvestment Act of 2009 shall be deposited to the 10421  
credit of the Community Services Block Grant Fund (Fund 3L00). 10422  
10423

The federal payments made to the state for the Home 10424  
Investment Partnerships Program under Title XII of Division A of 10425  
the American Recovery and Reinvestment Act of 2009 shall be 10426  
deposited to the credit of the HOME Program Fund (Fund 3V10). 10427

The items in this division are appropriated as designated out 10428  
of any moneys in the state treasury to the credit of their 10429  
respective funds that are not otherwise appropriated. 10430

Appropriations

DEV DEPARTMENT OF DEVELOPMENT				10431
Federal Special Revenue Fund Group				10432
3080	195603	Housing and Urban Development	\$ 0 \$ 26,205,724	10433
3080	195605	Federal Projects	\$ 0 \$ 276,553,000	10434
3080	195618	Energy Federal Grants	\$ 0 \$ 122,604,000	10435
3DA0	195632	Federal Stimulus - Energy Star Rebate Program	\$ 0 \$ 11,000,000	10436
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$ 0 \$ 21,000,000	10437
3K80	195613	Community Development Block Grant	\$ 0 \$ 12,957,527	10438
3L00	195612	Community Services Block Grant	\$ 0 \$ 38,979,000	10439
3V10	195601	HOME Program	\$ 0 \$ 83,484,547	10440
TOTAL FED Federal Special Revenue Fund Group				\$ 0 \$ 592,783,798 10441
TOTAL ALL BUDGET FUND GROUPS				\$ 0 \$ 592,783,798 10442

The foregoing appropriation item 195605, Federal Projects, 10443  
shall be used to carry out the Home Weatherization Assistance 10444  
Program, subject to any requirements of the American Recovery and 10445  
Reinvestment Act of 2009 that apply to the money appropriated. 10446

The foregoing appropriation items 195603, Housing and Urban 10447  
Development, 195618, Energy Federal Grants, 195613, Community 10448  
Development Block Grant, 195612, Community Services Block Grant, 10449

195601, HOME Program, 195632, Federal Stimulus - Energy Star 10450  
Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 10451  
and Conservation Block Grants, shall be used in accordance with 10452  
the requirements of the American Recovery and Reinvestment Act of 10453  
2009 that apply to the money appropriated. 10454

**Section 311.10.** The federal payments made to the state for 10455  
the national school lunch program under Title VIII of Division A 10456  
of the American Recovery and Reinvestment Act of 2009 shall be 10457  
deposited to the credit of the Federal Stimulus School Lunch Fund 10458  
(Fund 3DC0), which is hereby created in the state treasury. 10459

The federal payments made to the state for the Head Start 10460  
program under Title VIII of Division A of the American Recovery 10461  
and Reinvestment Act of 2009 shall be deposited to the credit of 10462  
the Federal Stimulus Head Start Fund (Fund 3DD0), which is created 10463  
in the state treasury. 10464

The federal payments made to the state for the McKinney-Vento 10465  
Homeless Assistance Act under Title VIII of Division A of the 10466  
American Recovery and Reinvestment Act of 2009 shall be deposited 10467  
to the credit of the Consolidated Federal Grant Administration 10468  
Fund (Fund 3Z30). 10469

The items in this section are appropriated as designated out 10470  
of any moneys in the state treasury to the credit of their 10471  
respective funds that are not otherwise appropriated. 10472

Appropriations

EDU DEPARTMENT OF EDUCATION 10473

Federal Special Revenue Fund Group 10474

3DC0 200625 Federal Stimulus - \$ 0 \$ 3,107,000 10475  
School Lunch

3DD0 200629 Federal Stimulus - \$ 0 \$ 27,338,000 10476  
Head Start

3Z30 200645	Consolidated Federal	\$	0	\$	1,384,000	10477
	Grant Administration					
TOTAL FED	Federal Special Revenue	\$	0	\$	31,829,000	10478
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	31,829,000	10479

The foregoing appropriation item 200645, Consolidated Federal Grant Administration, 200625, Federal Stimulus - School Lunch, and 200629, Federal Stimulus - Head Start shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

**Section 313.10.** The federal payments made to the state for clean air under Title VII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Clean Air Fund (Fund 4K20).

The item in this section is appropriated as designated out of any moneys in the state treasury to the credit of Fund 4K20 that are not otherwise appropriated.

Appropriations

	EPA ENVIRONMENTAL PROTECTION AGENCY					10492
	State Special Revenue Fund Group					10493
4K20 715648	Clean Air Non-Title V	\$	0	\$	1,700,000	10494
TOTAL SSR	State Special Revenue	\$	0	\$	1,700,000	10495
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	1,700,000	10496

The foregoing appropriation item 715648, Clean Air Non-Title V, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

**Section 315.10.** The federal payments made to the state for the education technology program under Title VIII of Division A of

the American Recovery and Reinvestment Act of 2009 shall be 10503  
deposited to the credit of the Technology Literacy Challenge Fund 10504  
(Fund 3S30). 10505

The item in this section is appropriated as designated out of 10506  
any moneys in the state treasury to the credit of Fund 3S30 that 10507  
are not otherwise appropriated. 10508

			Appropriations	
ETC ETECH OHIO				10509
Federal Special Revenue Fund Group				10510
3S30 935606	Enhancing Educational	\$ 0	\$ 23,902,000	10511
	Technology			
TOTAL FED	Federal Special Revenue	\$ 0	\$ 23,902,000	10512
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 0	\$ 23,902,000	10513

The foregoing appropriation item 935606, Enhancing 10514  
Educational Technology, shall be used in accordance with the 10515  
requirements of the American Recovery and Reinvestment Act of 2009 10516  
that apply to the money appropriated to make grants under Section 10517  
315.11 of this act. 10518

**Section 315.11.** (A) The eTech Ohio Commission shall develop 10519  
and implement the Twenty-First Century Learning Environments 10520  
Technology Grant Program. Under the program, the Commission, in 10521  
consultation with the Department of Education, shall award 10522  
competitive grants to school districts for the purchase or lease 10523  
of technology hardware, software, training, and support packages 10524  
(education solution packages) that meet the specifications 10525  
developed jointly by the Commission and the Department. 10526  
Twenty-five per cent of any grant award shall be used for 10527  
professional development that focuses on utilizing digital 10528  
environments to enable new teaching methods, such as 10529

individualizing instruction and project-based learning. This 10530  
professional development shall include at least one component of 10531  
training in the classroom. The Commission shall limit the number 10532  
of grants so that each grant recipient receives an amount that is 10533  
sufficient to create large-scale learning environment changes that 10534  
facilitate the goals expressed in division (D) of this section. 10535  
The Commission shall award grants in a manner that ensures 10536  
diversity among grant recipients according to geographical 10537  
regions, economic scale, and school district size. 10538

(B) The Commission and the Department shall develop 10539  
specifications for education solution packages that may be 10540  
purchased or leased by school districts with a grant awarded under 10541  
this section. The specification shall include at least the 10542  
following components: 10543

(1) Hardware and software, including wireless laptop 10544  
computers, for creating content, project-based learning, and 10545  
student-centered collaborative learning practices; 10546

(2) Access to digital content through a statewide content 10547  
repository; 10548

(3) Professional development that is supported by the 10549  
integration of technology; 10550

(4) Technical support. 10551

(C) A school district that receives a grant award under this 10552  
section may combine the funds under that award with other federal, 10553  
state, or local funds to purchase or lease education solution 10554  
packages that meet the specifications developed under division (B) 10555  
of this section. 10556

The Commission and the Department shall assist schools and 10557  
districts that do not receive grant awards under this section in 10558  
applying those specifications to purchase or lease education 10559

solution packages using other federal, state, and local funds.	10560
(D) The goals of the Twenty-First Century Learning	10561
Environments Technology Grant Program are:	10562
(1) To facilitate innovative teaching and learning strategies	10563
that help accelerate achievement in core academic subject areas;	10564
(2) To help students develop twenty-first century skills	10565
including critical thinking and problem solving, communication and	10566
collaboration, media literacy, leadership and productivity,	10567
adaptability and accountability;	10568
(3) To demonstrate ways for schools to invest in learning	10569
environments that improve academic effectiveness and efficiencies,	10570
including ways for schools to use a portion of their base funding	10571
to invest in appropriate digital environments than enable proven	10572
practices;	10573
(4) To demonstrate ways that mobile technology can extend	10574
learning time, improve academic engagement, and accelerate	10575
achievement for low-performing students;	10576
(5) To demonstrate ways in which technology can enable	10577
innovative teaching formats, including project-based learning,	10578
interdisciplinary methods, relevance, and community service	10579
learning that lead to improved academic achievement;	10580
(6) To demonstrate how teachers and students can create and	10581
access multimedia content that is shared utilizing the "Ohio	10582
iTunes U" web site and other online distribution mechanisms.	10583
<b>Section 317.10.</b> The federal payments made to the state for	10584
the IDEA - Infants and Children Program under Title VIII of	10585
Division A of the American Recovery and Reinvestment Act of 2009	10586
shall be deposited to the credit of the Maternal Child Health	10587
Block Grant Fund (Fund 3200).	10588
The federal payments made to the state for the Immunization	10589

Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Preventive Health Block Grant Fund (Fund 3870). 10590  
10591  
10592

The federal payments made to the state for the Special Supplemental Nutrition Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Women, Infants, and Children Fund (Fund 3890). 10593  
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The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated. 10598  
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Appropriations

DOH DEPARTMENT OF HEALTH 10601

Federal Special Revenue Fund Group 10602

3200 440601 Maternal Child Health \$ 0 \$ 14,410,000 10603  
Block Grant

3870 440602 Preventive Health \$ 0 \$ 9,893,000 10604  
Block Grant

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 10605  
Children

TOTAL FED Federal Special Revenue \$ 0 \$ 26,303,000 10606  
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 26,303,000 10607

The foregoing appropriation items 440601, Maternal Child Health Block Grant, 440602, Preventive Health Block Grant, and 440604, Women, Infants, and Children, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. 10608  
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**Section 317.20.** All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Deputy Inspector General for Funds Received 10613  
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through the American Recovery and Reinvestment Act of 2009 Fund 10616  
(Fund 5GI0). 10617

Appropriations

IGO OFFICE OF THE INSPECTOR GENERAL 10618

General Services Fund Group 10619

5GI0 965605 Deputy Inspector \$ 0 \$ 150,000 10620

General for ARRA

TOTAL GSF General Services Fund \$ 0 \$ 150,000 10621

Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 150,000 10622

The foregoing appropriation item 965605, Deputy Inspector 10623  
General for ARRA, shall be used to pay the operating expenses 10624  
incurred by the Deputy Inspector General for Funds Received 10625  
through the American Recovery and Reinvestment Act of 2009 in 10626  
performing the duties specified in section 121.53 of the Revised 10627  
Code. 10628

There is established in appropriation item 965605, Deputy 10629  
Inspector General for ARRA, an appropriation of \$450,000 in fiscal 10630  
year 2010 and of \$600,000 in fiscal year 2011 to pay the operating 10631  
expenses incurred by the Deputy Inspector General for Funds 10632  
Received through the American Recovery and Reinvestment Act of 10633  
2009 in performing the duties specified in section 121.53 of the 10634  
Revised Code. Any unencumbered and unexpended appropriations 10635  
remaining on June 30, 2010, are reappropriated for the same 10636  
purposes in fiscal year 2011. 10637

**Section 319.10.** The federal payments made to the state for 10638  
the Supplemental Nutrition Assistance Program under Title VIII of 10639  
Division A of the American Recovery and Reinvestment Act of 2009 10640  
shall be deposited to the credit of the Food Stamps and State 10641  
Administration Fund (Fund 3840). 10642

The federal payments made to the state for the Commodity Assistance Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Emergency Food Distribution Fund (Fund 3A20).

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The federal payments made to the state for the Foster Care/Adoption Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the IV-E Foster Care Maintenance/Pass Through Fund (Fund 3N00).

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The federal payments made to the state for the Unemployment Insurance Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Unemployment Compensation Review Commission Fund (Fund 3V40).

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The federal payments made to the state for the Medicaid disproportionate share hospitals under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Medicaid Program Support Fund (Fund 5C90).

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The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

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Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 10665

General Services Fund Group 10666

5C90 600671 Medicaid Program \$ 0 \$ 20,417,000 10667

Support

TOTAL GSF General Services Fund \$ 0 \$ 20,417,000 10668

Group

Federal Special Revenue Fund Group 10669

3840 600610 Food Assistance and \$ 0 \$ 11,200,000 10670

		State Administration				
3A20	600641	Emergency Food	\$	0	\$	4,254,000 10671
		Distribution				
3N00	600628	IV-E Foster Care	\$	0	\$	40,327,000 10672
		Maintenance				
3V40	600678	Federal Unemployment	\$	0	\$	25,545,000 10673
		Programs				
TOTAL FED	Federal Special Revenue	\$	0	\$	81,326,000	10674
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	101,743,000	10675

The foregoing appropriation items 600610, Food Assistance and State Administration, 600641, Emergency Food Distribution, IV-E Foster Care Maintenance, 600678, Federal Unemployment Programs, and 600671, Medicaid Program Support, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

**Section 321.10.** The federal payments made to the state for the Vocational Rehabilitation Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Consolidated Federal Fund (Fund 3790).

The federal payments made to the state for the Independent Living Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Independent Living/Vocational Rehabilitation Fund (Fund 3L40).

The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

Appropriations

RSC REHABILITATION SERVICES COMMISSION 10695

Federal Special Revenue Fund Group				10696
3790 415616 Federal - Vocational	\$	0	\$ 21,590,000	10697
Rehabilitation				
3L40 415612 Federal Independent	\$	0	\$ 509,000	10698
Living Centers or				
Services				
3L40 415617 Independent	\$	0	\$ 1,392,958	10699
Living/Vocational				
Rehabilitation				
Programs				
TOTAL FED Federal Special Revenue	\$	0	\$ 23,491,958	10700
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 23,491,958	10701

The foregoing appropriation items 415616, Federal - 10702  
Vocational Rehabilitation, 415612, Federal Independent Living 10703  
Centers or Services, and 415617, Independent Living/Vocational 10704  
Rehabilitation Programs, shall be used in accordance with the 10705  
requirements of the American Recovery and Reinvestment Act of 2009 10706  
that apply to the money appropriated. 10707

**Section 323.10.** Expenditures from the appropriations made in 10708  
Sections 303.10, 305.10, 307.10, 309.10, 311.10, 313.10, 315.10, 10709  
317.10, 319.10, 321.10, and 325.10 of this act shall be accounted 10710  
for as though made in the relevant main operating appropriations 10711  
act. The appropriations made in this division are subject to all 10712  
provisions of the relevant main operating appropriations act that 10713  
are generally applicable to the appropriations. 10714

**Section 325.10.** The federal payments made to the state for 10715  
highway infrastructure under Title XII of Division A of the 10716  
American Recovery and Reinvestment Act of 2009 shall be deposited 10717  
to the credit of the Highway Operating Fund (Fund 7002), which is 10718  
created in section 5735.291 of the Revised Code. 10719

The federal payments made to the state for transit agencies 10720  
under Title XII of Division A of the American Recovery and 10721  
Reinvestment Act of 2009 shall be deposited to the credit of the 10722  
Highway Operating Fund (Fund 7002). 10723

The items in this division are appropriated as designated out 10724  
of any moneys in the state treasury to the credit of their 10725  
respective funds that are not otherwise appropriated. 10726

Appropriations

DOT DEPARTMENT OF TRANSPORTATION 10727

Highway Operating Fund Group 10728

7002 772422 Highway Construction \$ 0 \$ 935,677,000 10729  
- Federal

7002 775463 Federal Stimulus - \$ 0 \$ 167,036,000 10730  
Transit

TOTAL HOF Highway Operating Fund \$ 0 \$ 1,102,713,000 10731  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 1,102,713,000 10732

**Section 325.11. ALLOCATION OF FEDERAL STIMULUS TO DISTRICTS** 10734

Of the foregoing appropriation item 772422, Highway 10735  
Construction - Federal, not less than \$15,000,000 shall be 10736  
allocated to each district of the Department of Transportation. 10737

**TRANSFER OF APPROPRIATIONS** 10738

The Director of Budget and Management may approve written 10739  
requests from the Director of Transportation for the transfer of 10740  
appropriations between appropriation items 771412, Planning and 10741  
Research - Federal, 772422, Highway Construction - Federal, 10742  
772424, Highway Construction - Other, 775452, Public 10743  
Transportation - Federal, 776462, Grade Crossing - Federal, and 10744  
777472, Airport Improvements - Federal, based upon the 10745  
requirements of the American Recovery and Reinvestment Act of 2009 10746

that apply to the money appropriated. The transfers shall be 10747  
reported to the Controlling Board at its next regularly scheduled 10748  
meeting. 10749

Expenditures from appropriations made in this section shall 10750  
be accounted for as though made in Am. Sub. H.B. 67 of the 127th 10751  
General Assembly. However, law contained the relevant operating 10752  
appropriations act that is generally applicable to the 10753  
appropriations made in that act also is generally applicable to 10754  
the appropriations made in Section 325.10 of this act. 10755

**Section 327.10.** The unexpended, unencumbered portions of the 10756  
appropriation items made in Sections 303.10, 305.10, 307.10, 10757  
309.10, 311.10, 313.10, 315.10, 317.10, 317.20, 319.10, 321.10, 10758  
and 325.10 at the end of fiscal year 2009 are hereby 10759  
reappropriated for the same purposes for fiscal year 2010. 10760

**Section 503.20. PASSENGER RAIL** 10761

The Ohio Rail Development Commission or the Director of 10762  
Transportation may apply for federal funding for passenger rail 10763  
made available through the federal American Recovery and 10764  
Reinvestment Act of 2009. However, before any such funds for 10765  
passenger rail are expended, they shall be specifically 10766  
appropriated by the General Assembly. 10767

**Section 503.30.** It is the intent of the General Assembly to 10768  
make appropriations for the Department of Public Safety in the 10769  
main operating appropriations act of the 128th General Assembly. 10770

**Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND** 10771  
**OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS** 10772

The Director of Budget and Management shall initiate and 10773  
process payments from lease rental payment appropriation items 10774

during the period from July 1, 2009, to June 30, 2011, pursuant to 10775  
the lease agreements for bonds or notes issued under Section 2i of 10776  
Article VIII of the Ohio Constitution and Chapter 152. of the 10777  
Revised Code. Payments shall be made upon certification by the 10778  
Ohio Building Authority of the dates and amounts due on those 10779  
dates. 10780

**Section 509.20. LEASE PAYMENTS TO OBA AND TREASURER 10781**

Certain appropriations are in this act for the purpose of 10782  
lease payments to the Ohio Building Authority or to the Treasurer 10783  
of State under leases and agreements relating to bonds or notes 10784  
issued by the Ohio Building Authority or the Treasurer of State 10785  
under the Ohio Constitution and acts of the General Assembly. If 10786  
it is determined that additional appropriations are necessary for 10787  
this purpose, such amounts are hereby appropriated. 10788

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 10789**  
**OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 10790**

Upon the request of the Director of Transportation, the 10791  
Director of Budget and Management may transfer cash from the 10792  
Highway Operating Fund (Fund 7002) to the Highway Capital 10793  
Improvement Fund (Fund 7042) created in section 5528.53 of the 10794  
Revised Code. The Director of Budget and Management may transfer 10795  
from Fund 7042 to Fund 7002 up to the amounts previously 10796  
transferred to Fund 7042 under this section. 10797

**Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 10798**

The Director of Budget and Management shall transfer cash in 10799  
equal monthly increments totaling \$183,493,000 in each fiscal year 10800  
of the 2010-2011 biennium from the Highway Operating Fund, created 10801  
in section 5735.291 of the Revised Code, to the Gasoline Excise 10802  
Tax Fund created in division (A) of section 5735.27 of the Revised 10803

Code. The monthly amounts transferred under this section shall be 10804  
distributed as follows: 42.86 per cent shall be distributed among 10805  
the municipal corporations within the state under division (A)(2) 10806  
of section 5735.27 of the Revised Code; 37.14 per cent shall be 10807  
distributed among the counties within the state under division 10808  
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 10809  
shall be distributed among the townships within the state under 10810  
division (A)(5)(b) of section 5735.27 of the Revised Code. 10811

**Section 512.30. LOCAL TRANSPORTATION IMPROVEMENT PROGRAM** 10812

The Director of Budget and Management is authorized, upon 10813  
written request of the Director of the Public Works Commission, to 10814  
make periodic transfers of cash from the Highway Operating Fund 10815  
created in section 5735.291 of the Revised Code to the Local 10816  
Transportation Improvement Program Fund created in section 164.14 10817  
of the Revised Code. These periodic transfers must total 10818  
\$100,000,000 in fiscal year 2010 and \$100,000,000 in fiscal year 10819  
2011 and are intended to fulfill the purposes of Section 18 of Am. 10820  
Sub. H.B. 554 of the 127th General Assembly. 10821

**Section 512.40. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING** 10822

On July 1, 2009, and on January 1, 2010, respectively, or as 10823  
soon as possible thereafter, the Director of Budget and Management 10824  
shall transfer \$200,000 in cash, for each period, from the Highway 10825  
Operating Fund (Fund 7002) to the Deputy Inspector General for 10826  
ODOT Fund (Fund 5FA0). 10827

On July 1, 2010, and on January 1, 2011, or as soon as 10828  
possible thereafter, respectively, the Director of Budget and 10829  
Management shall transfer \$200,000 in cash, for each period, from 10830  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 10831  
General for ODOT Fund (Fund 5FA0). 10832

Should additional amounts be necessary, the Inspector 10833



General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers.

**Section 512.41.** DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

On the effective date of this section, and on July 1, 2009, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$150,000 in cash, for each period, from the General Revenue Fund to the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0), which is created in section 121.53 of the Revised Code.

On January 1, 2010, July 1, 2010, and January 1, 2011, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$300,000 in cash, for each period, from the General Revenue Fund to the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0).

**Section 512.43.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is established in the Highway Operating Fund (Fund 7002) in the Department of Transportation a Diesel Emissions Reduction Grant Program. The Director of Development shall administer the program and shall solicit, evaluate, score, and select projects submitted by public entities, small business concerns as the concerns are defined in 13 C.F.R. 121, as amended, and disadvantaged business enterprises as they are defined in 49 C.F.R. 26 that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation

shall process Federal Highway Administration-approved projects as 10864  
recommended by the Director of Development. 10865

In addition to the allowable expenditures set forth in 10866  
section 122.861 of the Revised Code, Diesel Emissions Reduction 10867  
Grant Program funds also may be used to fund projects involving 10868  
the purchase or use of hybrid and alternative fuel vehicles that 10869  
are allowed under guidance developed by the Federal Highway 10870  
Administration for the CMAQ Program. 10871

Public entities eligible to receive funds under section 10872  
122.861 of the Revised Code and CMAQ shall be reimbursed from the 10873  
Department of Transportation's Diesel Emissions Reduction Grant 10874  
Program. 10875

Small business concerns and disadvantaged business 10876  
enterprises eligible to receive funds under section 122.861 of the 10877  
Revised Code and CMAQ shall be reimbursed through transfers of 10878  
cash from the Department of Transportation's Diesel Emissions 10879  
Reduction Grant Program to the Diesel Emissions Reduction Grant 10880  
Fund (Fund 3BD0) used by the Department of Development. Total 10881  
expenditures between both the Departments of Development and 10882  
Transportation shall not exceed the amounts appropriated in this 10883  
section. 10884

Appropriation item 195697, Diesel Emissions Reduction Grants, 10885  
is established with an appropriation of \$20,000,000 for fiscal 10886  
year 2010. 10887

On or before June 30, 2010, any unencumbered balance of the 10888  
foregoing appropriation item 195697, Diesel Emissions Reduction 10889  
Grants, for fiscal year 2010 is appropriated for the same purposes 10890  
in fiscal year 2011. 10891

Any cash transfers or allocations under this section 10892  
represent CMAQ program moneys within the Department of 10893  
Transportation for use by the Diesel Emissions Reduction Grant 10894

Program by the Department of Development. These allocations shall 10895  
not reduce the amount of such moneys designated for metropolitan 10896  
planning organizations. 10897

The Director of Development, in consultation with the 10898  
Directors of Environmental Protection and Transportation, shall 10899  
develop guidance for the distribution of funds and for the 10900  
administration of the Diesel Emissions Reduction Grant Program. 10901  
The guidance shall include a method of prioritization for 10902  
projects, acceptable technologies, and procedures for awarding 10903  
grants. 10904

**Section 512.50. CASH TRANSFER TO GRF** 10905

On July 1, 2009, or as soon as possible thereafter, the 10906  
Director of Budget and Management shall transfer the cash balances 10907  
of the ODOT Memorial Fund (Fund 4T50) and the Transportation 10908  
Building Fund (Fund 7029), as of June 30, 2009, to the General 10909  
Revenue Fund. Upon completion of the transfers, Funds 4T50 and 10910  
7029 are abolished. 10911

**Section 512.60. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING** 10912  
**FUND TO TITLE DEFECT RECISION FUND** 10913

Notwithstanding any other provision of law to the contrary, 10914  
on July 1, 2009, or as soon as possible thereafter, the Director 10915  
of Budget and Management shall transfer \$1,000,000 in cash from 10916  
the Automated Title Processing Fund (Fund 8490) to the Title 10917  
Defect Recision Fund (Fund 4Y70). 10918

**Section 512.70. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMA** 10919  
**SERVICE AND REIMBURSEMENT FUND** 10920

On July 1 of each fiscal year, or as soon as possible 10921  
thereafter, the Director of Budget and Management shall transfer 10922  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 10923

the EMA Service and Reimbursement Fund (Fund 4V30) to be 10924  
distributed to the Ohio Task Force One-Urban Search and Rescue 10925  
Unit and other urban search and rescue programs around the state. 10926

**Section 521.10.** The federal payments that are made to the 10927  
state from the Clean Water State Revolving Fund pursuant to Title 10928  
VIII of the American Recovery and Reinvestment Act of 2009 shall 10929  
be credited to the Water Pollution Control Loan Fund created in 10930  
section 6111.036 of the Revised Code. Notwithstanding the 10931  
requirements of section 6111.036 of the Revised Code, money 10932  
credited to the Fund under this section shall be used and 10933  
administered to provide financial assistance in any manner that is 10934  
consistent with the requirements of the Federal Water Pollution 10935  
Control Act or the American Recovery and Reinvestment Act of 2009. 10936

Notwithstanding the requirements of section 6111.036 of the 10937  
Revised Code, rules adopted under it, and Chapter 3745-47 of the 10938  
Administrative Code, the Director of Environmental Protection, for 10939  
the purpose of obtaining federal payments pursuant to Title VIII 10940  
of the American Recovery and Reinvestment Act of 2009, may impose 10941  
alternative public comment procedures for the draft intended use 10942  
plan, including alternative time frames for public notice and 10943  
comment and the frequency of public meetings. 10944

**Section 521.20.** The federal payments that are made to the 10945  
state from the Drinking Water State Revolving Fund pursuant to 10946  
Title VIII of the American Recovery and Reinvestment Act of 2009 10947  
shall be credited to the Drinking Water Assistance Fund created in 10948  
section 6109.22 of the Revised Code. Notwithstanding the 10949  
requirements of section 6109.22 of the Revised Code, money 10950  
credited to the Fund under this section shall be used and 10951  
administered to provide financial assistance in any manner that is 10952  
consistent with the requirements of the Safe Drinking Water Act or 10953  
the American Recovery and Reinvestment Act of 2009. 10954

Notwithstanding the requirements of section 6109.22 of the Revised Code, rules adopted under it, and Chapter 3745-47 of the Administrative Code, the Director of Environmental Protection, for the purpose of obtaining federal payments pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009, may impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings.

**Section 521.30.** To the extent permitted by federal law, federal money received by the state for fiscal stabilization and recovery purposes shall be used in accordance with the preferences for products and services made or performed in the United States and Ohio established in section 125.09 of the Revised Code.

**Section 523.10.** The Director of Transportation shall permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

**Section 610.10.** That 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, be amended to read as follows:

**Sec. 229.10.** PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group					
052 150-402 Local Transportation	\$	291,537	\$	306,178	
Improvement Program - Operating					
052 150-701 Local Transportation	\$	67,500,000	\$	267,500,000	
Improvement Program					
TOTAL 052 Local Transportation					
Improvements Fund Group	\$	67,791,537	\$	267,806,178	

Local Infrastructure Improvements Fund Group				10981
038 150-321 State Capital	\$	879,237	\$ 918,912	10982
Improvements Program -				
Operating Expenses				
TOTAL LIF Local Infrastructure				10983
Improvements Fund Group	\$	879,237	\$ 918,912	10984
TOTAL ALL BUDGET FUND GROUPS	\$	68,670,774	\$ 268,725,090	10985
<del>CASH TRANSFER FROM THE BUDGET STABILIZATION FUND</del>				10986
<del>    the Director of Budget and Management shall transfer</del>				10987
<del>    \$200,000,000 in cash from the Budget Stabilization Fund to the</del>				10988
<del>    Local Transportation Improvement Program Fund created in section</del>				10989
<del>    164.14 of the Revised Code.</del>				10990
 DISTRICT ADMINISTRATION COSTS				10991
 The Director of the Public Works Commission is authorized to				10992
create a District Administration Costs Program from interest				10993
earnings of the Capital Improvements Fund and Local Transportation				10994
Improvement Program Fund proceeds. The program shall be used to				10995
provide for the direct costs of district administration of the				10996
nineteen public works districts. Districts choosing to participate				10997
in the program shall only expend Capital Improvements Fund moneys				10998
for Capital Improvements Fund costs and Local Transportation				10999
Improvement Program Fund moneys for Local Transportation				11000
Improvement Program Fund costs. The account shall not exceed				11001
\$1,235,000 per fiscal year. Each public works district may be				11002
eligible for up to \$65,000 per fiscal year from its district				11003
allocation as provided in sections 164.08 and 164.14 of the				11004
Revised Code.				11005
 The Director, by rule, shall define allowable and				11006
nonallowable costs for the purpose of the District Administration				11007
Costs Program. Nonallowable costs include indirect costs, elected				11008
official salaries and benefits, and project-specific costs. No				11009

district public works committee may participate in the District 11010  
Administration Costs Program without the approval of those costs 11011  
by the district public works committee under section 164.04 of the 11012  
Revised Code. 11013

REAPPROPRIATIONS 11014

All capital appropriations from the Local Transportation 11015  
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 68 of the 11016  
126th General Assembly remaining unencumbered as of June 30, 2007, 11017  
are reappropriated for use during the period July 1, 2007, through 11018  
June 30, 2008, for the same purpose. 11019

Notwithstanding division (B) of section 127.14 of the Revised 11020  
Code, all capital appropriations and reappropriations from the 11021  
Local Transportation Improvement Program Fund (Fund 052) in ~~this~~ 11022  
~~act~~ Am. Sub. H.B. 67 of the 127th General Assembly remaining 11023  
unencumbered as of June 30, 2008, are reappropriated for use 11024  
during the period July 1, 2008, through June 30, 2009, for the 11025  
same purposes, subject to the availability of revenue as 11026  
determined by the Director of the Public Works Commission. 11027

**Section 610.11.** That existing Section 229.10 of Am. Sub. H.B. 11028  
67 of the 127th General Assembly, as amended by Am. Sub. H.B. 554 11029  
of the 127th General Assembly, is hereby repealed. 11030

**Section 610.20.** That Sections 217.10, 217.11, 239.10, 241.10, 11031  
243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General 11032  
Assembly be amended to read as follows: 11033

**Sec. 217.10.** The items set forth in this section are hereby 11034  
appropriated out of any moneys in the state treasury to the credit 11035  
of the Clean Ohio Revitalization Fund (Fund 7003) that are not 11036  
otherwise appropriated: 11037

	DEV DEPARTMENT OF DEVELOPMENT		11038
C19500	Clean Ohio Revitalization	\$ <del>32,000,000</del>	11039
		<u>80,000,000</u>	
C19501	Clean Ohio Assistance	\$ <del>8,000,000</del>	11040
		<u>20,000,000</u>	
Total Department of Development		\$ <del>40,000,000</del>	11041
		<u>100,000,000</u>	
TOTAL Clean Ohio Assistance Fund		\$ <del>40,000,000</del>	11042
		<u>100,000,000</u>	

**Sec. 217.11. CLEAN OHIO REVITALIZATION** 11044

The Treasurer of State is hereby authorized to issue and 11045  
sell, in accordance with Section 2o and 2q of Article VIII, Ohio 11046  
Constitution, and pursuant to sections 151.01 and 151.40 of the 11047  
Revised Code, original obligations in an aggregate principal 11048  
amount not to exceed ~~\$40,000,000~~ \$100,000,000 in addition to the 11049  
original issuance of obligations heretofore authorized by prior 11050  
acts of the General Assembly. These authorized obligations shall 11051  
be issued and sold from time to time, subject to applicable 11052  
constitutional and statutory limitations, as needed to ensure 11053  
sufficient moneys to the credit of the Clean Ohio Revitalization 11054  
Fund (Fund 7003) to pay costs of revitalization projects. 11055

**Sec. 239.10.** The items set forth in this section are hereby 11056  
appropriated out of any moneys in the state treasury to the credit 11057  
of the Clean Ohio Conservation Fund (Fund 7056) that are not 11058  
otherwise appropriated. 11059

Appropriations

	PWC PUBLIC WORKS COMMISSION		11060
C15060	Clean Ohio Conservation	\$ <del>30,000,000</del>	11061
		<u>75,000,000</u>	
Total Public Works Commission		\$ <del>30,000,000</del>	11062
		<u>75,000,000</u>	



TOTAL Clean Ohio Conservation Fund	\$	<del>30,000,000</del>	11063
		<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			11078
C70009 Clean Ohio Agricultural Easements	\$	<del>5,000,000</del>	11079
		<u>12,500,000</u>	
Total Department of Agriculture	\$	<del>5,000,000</del>	11080
		<u>12,500,000</u>	
TOTAL Clean Ohio Agricultural Easement Fund	\$	<del>5,000,000</del>	11081
		<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 of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise appropriated.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			11087
C72514 Clean Ohio Trail - Grants	\$	<del>5,000,000</del>	11088

		<u>12,500,000</u>	
Total Department of Natural Resources	\$	<del>5,000,000</del>	11089
		<u>12,500,000</u>	
TOTAL Clean Ohio Trail Fund	\$	<del>5,000,000</del>	11090
		<u>12,500,000</u>	

**Sec. 243.11.** The Ohio Public Facilities Commission is hereby 11092  
authorized to issue and sell, in accordance with Section 2o and 2g 11093  
of Article VIII, Ohio Constitution, and pursuant to sections 11094  
151.01 and 151.09 of the Revised Code, original obligations of the 11095  
state in an aggregate principal amount not to exceed ~~\$40,000,000~~ 11096  
\$100,000,000 in addition to the original issuance of obligations 11097  
heretofore authorized by prior acts of the General Assembly. These 11098  
authorized obligations shall be issued and sold from time to time, 11099  
subject to applicable constitutional and statutory limitations, as 11100  
needed to ensure sufficient moneys to the credit of the Clean Ohio 11101  
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 11102  
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 11103  
7061) to pay costs of conservation projects. 11104  
11105

**Section 610.21.** That existing Sections 217.10, 217.11, 11106  
239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 11107  
127th General Assembly are hereby repealed. 11108

**Section 610.30.** That Section 503.40 of Am. Sub. H.B. 562 of 11109  
the 127th General Assembly be amended to read as follows: 11110

**Sec. 503.40.** All appropriation items in this section are 11111  
appropriated out of the money in the state treasury to the credit 11112  
of the designated fund. For all appropriations made in this 11113  
section, the amounts in the first column are for fiscal year 2008 11114  
and the amounts in the second column are for fiscal year 2009. 11115

LSC LEGISLATIVE SERVICE COMMISSION				11116
General Revenue Fund				11117
GRF	035-321	Operating Expenses	\$ 0 \$ 200,000	11118
GRF	035-407	Legislative Taskforce	\$ 0 \$ 750,000	11119
on Redistricting				
TOTAL GRF	General Revenue Fund		\$ 0 \$ 950,000	11120
TOTAL ALL BUDGET FUND GROUPS			\$ 0 \$ 950,000	11121

~~COMMISSION~~ COMMISSIONS ON CUYAHOGA COUNTY GOVERNMENT REFORM 11122  
AND LOCAL GOVERNMENT REFORM AND COLLABORATION 11123

The foregoing appropriation item 035-321, Operating Expenses, 11124  
shall be used to support the Commission on Cuyahoga County 11125  
Government Reform and the Ohio Commission on Local Government 11126  
Reform and Collaboration, both created in this act Am. Sub. H.B. 11127  
562 of the 127th General Assembly. 11128

An amount equal to the unexpended, unencumbered portion of 11129  
the foregoing appropriation item 035-321, Operating Expenses, at 11130  
the end of fiscal year 2009, is hereby reappropriated for the same 11131  
purpose for fiscal year 2010. 11132

LEGISLATIVE TASKFORCE ON REDISTRICTING 11133

An amount equal to the unexpended, unencumbered portion of 11134  
the foregoing appropriation item 035-407, Legislative Taskforce on 11135  
Redistricting, at the end of fiscal year 2009 is hereby 11136  
reappropriated to the Legislative Service Commission for the same 11137  
purpose for fiscal year 2010. 11138

The appropriations made in this section are subject to all 11139  
the provisions of Am. Sub. H.B. 119 of the 127th General Assembly 11140  
that are generally applicable to such appropriations ~~except for~~ 11141  
~~Section 809.03 of Am. Sub. H.B. 119 of the 127th General Assembly.~~ 11142  
Expenditures from appropriations contained in this section shall 11143  
be accounted for as though made in Am. Sub. H.B. 119 of the 127th 11144  
General Assembly. 11145

Section 610.31. That existing Section 503.40 of Am. Sub. H.B. 11146  
562 of the 127th General Assembly is hereby repealed. 11147

Section 747.10. (A) The terms of the members of the 11148  
Residential Construction Advisory Committee serving on the 11149  
effective date of section 4740.14 of the Revised Code as amended 11150  
by this act shall expire one hundred eighty days after the 11151  
effective date of section 4740.14 of the Revised Code as amended 11152  
by this act. 11153

(B) Upon the expiration of the terms of the members of the 11154  
Residential Construction Advisory Committee serving on the 11155  
effective date of section 4740.14 of the Revised Code as amended 11156  
by this act, the members of the Residential Construction Advisory 11157  
Committee shall be appointed as described in section 4740.14 of 11158  
the Revised Code as amended by this act and such members' terms 11159  
shall expire as follows: 11160

(1) The terms of the members described in divisions (A)(3), 11161  
(A)(6), and one of the members described in division (A)(1) of 11162  
section 4740.14 of the Revised Code as amended by this act shall 11163  
expire on January 1, 2012. 11164

(2) The terms of the member described in division (A)(4), one 11165  
of the members described in division (A)(1), and one of the 11166  
members described in division (A)(2) of section 4740.14 of the 11167  
Revised Code as amended by this act shall expire on January 1, 11168  
2013. 11169

(3) The terms of the member described in division (A)(5), one 11170  
of the members described in division (A)(1), and one of the 11171  
members described in division (A)(2) of section 4740.14 of the 11172  
Revised Code as amended by this act shall expire on January 1, 11173  
2014. 11174

(C) The Board of Building Standards shall determine which of 11175

the members appointed pursuant to division (A)(1) of section 11176  
4740.14 of the Revised Code as amended by this act will serve the 11177  
term described in division (B)(1), which member will serve the 11178  
term described in division (B)(2), and which member will serve the 11179  
term described in division (B)(3) of this section, and shall 11180  
determine which of the members appointed pursuant to division 11181  
(A)(2) of section 4740.14 of the Revised Code as amended by this 11182  
act will serve the term described in division (B)(2) and which 11183  
member will serve the term described in division (B)(3) of this 11184  
section. 11185

(D) Upon the expiration of the appointments to the 11186  
Residential Construction Advisory Committee made by division (B) 11187  
of this section, all successive terms shall last for the period 11188  
described in division (C) of section 4740.14 of the Revised Code 11189  
as amended by this act. 11190

**Section 755.10.** The Director of Transportation may enter into 11191  
agreements as provided in this section with the United States or 11192  
any department or agency of the United States, including, but not 11193  
limited to, the United States Army Corps of Engineers, the United 11194  
States Forest Service, the United States Environmental Protection 11195  
Agency, and the United States Fish and Wildlife Service. An 11196  
agreement entered into pursuant to this section shall be solely 11197  
for the purpose of dedicating staff to the expeditious and timely 11198  
review of environmentally related documents submitted by the 11199  
Director of Transportation, as necessary for the approval of 11200  
federal permits. The agreements may include provisions for advance 11201  
payment by the Director of Transportation for labor and all other 11202  
identifiable costs of the United States or any department or 11203  
agency of the United States providing the services, as may be 11204  
estimated by the United States, or the department or agency of the 11205  
United States. The Director shall submit a request to the 11206  
Controlling Board indicating the amount of the agreement, the 11207

services to be performed by the United States or the department or 11208  
agency of the United States, and the circumstances giving rise to 11209  
the agreement. 11210

**Section 755.40.** (A) The Department of Public Safety shall 11211  
form a study group to conduct a study and make recommendations to 11212  
improve services related to vehicle registrations, driver's 11213  
license and identification card issuance, and vehicle title 11214  
issuance. The study group shall include representatives from the 11215  
Department of Public Safety, the Bureau of Motor Vehicles, the 11216  
Office of Budget and Management, the Ohio Clerk of Courts 11217  
Association, the County Auditors' Association, the Ohio Trucking 11218  
Association, the Deputy Registrars' Association, the Ohio Auto 11219  
Dealers' Association, the County Commissioners' Association, the 11220  
Ohio Municipal League, and two members of the public, one of whom 11221  
shall be appointed by the President of the Senate and one of whom 11222  
shall be appointed by the Speaker of the House of Representatives. 11223

(B) In regard to services related to vehicle registrations, 11224  
driver's license and identification card issuance, and vehicle 11225  
title issuance, the study group shall do all of the following: 11226

(1) Evaluate ways to improve the efficient delivery of 11227  
services; 11228

(2) Examine existing statutory authority governing the 11229  
supporting processes and infrastructure systems and analyze 11230  
methods to improve such processes and systems; 11231

(3) Review demographic data, conduct a financial assessment 11232  
of existing procedures, and identify additional services that may 11233  
be provided; 11234

(4) Review current business methods and identify new 11235  
technology that may improve processes and procedures. 11236

(C) Not later than six months after the effective date of 11237

this section, the study group shall submit its report with 11238  
recommendations to the Governor, the Speaker of the House of 11239  
Representatives, the Minority Leader of the House of 11240  
Representatives, the President of the Senate, and the Minority 11241  
Leader of the Senate. Upon submitting its report, the study group 11242  
shall cease to exist. 11243

**Section 755.50.** The Department of Transportation shall 11244  
compile and produce a report on the financial and policy 11245  
implications of the Department assuming primary responsibility for 11246  
all state routes throughout Ohio regardless of local government 11247  
jurisdiction. The report shall review the range of possible 11248  
participation in the paving and maintenance of these routes by the 11249  
Department. The Department shall submit the report to the Speaker 11250  
of the House of Representatives, the Minority Leader of the House 11251  
of Representatives, the President of the Senate, the Minority 11252  
Leader of the Senate, and the Governor not later than December 15, 11253  
2009. 11254

**Section 755.60.** The Ohio Turnpike Commission may conduct a 11255  
study to examine ways to increase the application of green 11256  
technology, including the reduction of diesel emissions, in the 11257  
construction, maintenance, improvement, repair, and operation of 11258  
Ohio Turnpike Commission facilities. Additionally, the study shall 11259  
evaluate all opportunities to develop energy alternatives, 11260  
including solar, geothermal, natural gas, and wind, in cooperation 11261  
with the Power Siting Board and the Ohio Department of 11262  
Transportation. *Provided*, That the Ohio Turnpike Commission shall 11263  
not use any money derived from the Commission's operation of the 11264  
Ohio Turnpike to conduct the study authorized by this section. 11265

If the Ohio Turnpike Commission conducts such a study, not 11266  
later than six months after the effective date of this section, 11267  
the Ohio Turnpike Commission shall report the results of its study 11268

to the Speaker and the Minority Leader of the House of 11269  
Representatives, the President and the Minority Leader of the 11270  
Senate, and the Governor. 11271

**Section 755.70.** Notwithstanding sections 4519.02, 4519.03, 11272  
4519.04, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47 of the 11273  
Revised Code as amended in Section 101.01 of this act, the Bureau 11274  
of Motor Vehicles shall not be required to issue license plates 11275  
and validation stickers to all-purpose vehicles until one year 11276  
after the effective date of this section. 11277

**Section 755.80.** (A) There is established a MARCS Task Force 11278  
to explore and issue recommendations on the organizational 11279  
structure and operational and capital funding options for the 11280  
long-term sustainability and more ubiquitous utilization of the 11281  
MARCS System. 11282

The Task Force shall consist of seventeen members as follows: 11283  
three members appointed by the Governor; three members appointed 11284  
by the Speaker of the House of Representatives, not more than two 11285  
from the same political party; three members appointed by the 11286  
President of the Senate, not more than two from the same political 11287  
party; one representative from the Department of Public Safety, 11288  
appointed by the Director of Public Safety; one representative 11289  
from the State Highway Patrol, appointed by the Director of Public 11290  
Safety; one representative from the Buckeye State Sheriffs' 11291  
Association, appointed by the Governor; one representative from 11292  
the Ohio Association of Chiefs of Police, appointed by the 11293  
Governor; one representative from the Ohio Fire Chiefs 11294  
Association, appointed by the Governor; one representative from 11295  
MARCS, appointed by the Director of Administrative Services; one 11296  
representative of an emergency management agency, appointed by the 11297  
Governor; and the Director of Administrative Services or the 11298  
Director's designee. The appointed members shall be appointed not 11299



later than forty-five days after the effective date of this 11300  
section. 11301

The Director of Administrative Services or the Director's 11302  
designee shall serve as chairperson of the Task Force. 11303

Members of the Task Force shall receive no compensation or 11304  
reimbursement for their services. 11305

(B) Not later than nine months after the effective date of 11306  
this section, the Task Force shall submit a report to the 11307  
Governor, the President of the Senate, and the Speaker of the 11308  
House of Representatives. The report shall make recommendations on 11309  
the matters outlined in the first paragraph of division (A) of 11310  
this section for the MARCS System. 11311

**Section 755.90.** The Department of Transportation shall not 11312  
impose the overweight or overdimension vehicle movement permit fee 11313  
increases established in paragraphs (A)(2), (D)(2), (G), (H), (I), 11314  
(J), and (K) of rule 5501:2-1-10 of the Administrative Code that 11315  
are scheduled to take effect on July 1, 2009. Rather, the fees 11316  
that took effect on March 1, 2009, shall apply. The Director of 11317  
Transportation shall amend rule 5501:2-1-10 of the Administrative 11318  
Code to comply with this section, but shall not subsequently 11319  
increase the rates by rule until July 1, 2010. 11320

**Section 756.10.** (A) There is hereby established the Ohio 11321  
Commercial Vehicle Weight Task Force, consisting of twelve members 11322  
as follows: the Director of Transportation or the Director's 11323  
designee, one member of the Senate appointed by the President of 11324  
the Senate, one member of the Senate appointed by the Minority 11325  
Leader of the Senate, one member of the House of Representatives 11326  
appointed by the Speaker of the House of Representatives, one 11327  
member of the House of Representatives appointed by the Minority 11328  
Leader of the House of Representatives, one member who represents 11329

the Ohio Trucking Association, one member who represents the Ohio 11330  
Contractors Association, one member appointed by the Governor to 11331  
represent the railroad industry in this state, one member 11332  
appointed by the Governor to represent a port authority located in 11333  
this state, one member appointed by the President of the Senate to 11334  
represent the public, one member appointed by the Speaker of the 11335  
House of Representatives to represent the public, and one member 11336  
appointed by the Governor to represent the public. The appointed 11337  
members shall be appointed not later than forty-five days after 11338  
the effective date of this section. 11339

The Director of Transportation or the Director's designee 11340  
shall serve as chairperson of the Task Force. Members of the Task 11341  
Force shall receive no compensation or reimbursement for their 11342  
services. 11343

(B) The Task Force shall study the issues surrounding weight 11344  
limits and commercial motor vehicles, especially those in the 11345  
configuration of commercial tractor and trailer or semitrailer. 11346  
The Task Force shall evaluate what actions can be taken to address 11347  
those issues and shall formulate such recommendations as it 11348  
considers advisable. The Task Force shall compile a written report 11349  
that contains its findings and recommendations. 11350

(C) Not later than twelve months after the effective date of 11351  
this section, the Task Force shall submit its report to the 11352  
Governor, the President of the Senate, the Minority Leader of the 11353  
Senate, the Speaker of the House of Representatives, and the 11354  
Minority Leader of the House of Representatives. At that point, 11355  
the Task Force shall cease to exist. 11356

**Section 756.20.** (A) There is hereby established the Ohio 11357  
State Highway Patrol Mission Review Task Force, consisting of 11358  
fourteen members as follows: the Director of Public Safety or the 11359

Director's designee, two members of the Senate appointed by the 11360  
President of the Senate, one member of the Senate appointed by the 11361  
Minority Leader of the Senate, two members of the House of 11362  
Representatives appointed by the Speaker of the House of 11363  
Representatives, one member of the House of Representatives 11364  
appointed by the Minority Leader of the House of Representatives, 11365  
one member who represents the Buckeye State Sheriffs Association, 11366  
one member who represents the Fraternal Order of Police of Ohio, 11367  
one member who represents the Ohio Association of Chiefs of 11368  
Police, one member who is a State Highway Patrol trooper appointed 11369  
by the Ohio State Troopers Association to represent the troopers 11370  
of the State Highway Patrol, one member appointed by the President 11371  
of the Senate to represent the public, one member appointed by the 11372  
Speaker of the House of Representatives to represent the public, 11373  
and one member appointed by the Governor to represent the public. 11374  
The appointed members shall be appointed not later than forty-five 11375  
days after the effective date of this section. 11376

The Director of Transportation or the Director's designee 11377  
shall serve as chairperson of the Task Force. Members of the Task 11378  
Force shall receive no compensation or reimbursement for their 11379  
services. 11380

(B) The Task Force shall review the operations and functions 11381  
of the State Highway Patrol as they relate to all other police 11382  
entities in this state. The Task Force shall identify services of 11383  
the State Highway Patrol that overlap with those of other police 11384  
entities, opportunities to focus or consolidate current 11385  
operations, and ways to improve operational efficiency. The Task 11386  
Force shall formulate such recommendations as it considers 11387  
advisable and shall compile a written report that contains its 11388  
findings and recommendations. 11389

(C) Not later than twelve months after the effective date of 11390

this section, the Task Force shall submit its report to the 11391  
Governor, the President of the Senate, the Minority Leader of the 11392  
Senate, the Speaker of the House of Representatives, and the 11393  
Minority Leader of the House of Representatives. At that point, 11394  
the Task Force shall cease to exist. 11395

**Section 756.30.** The Department of Transportation shall erect 11396  
and maintain one sign each in the rights-of-way of the northbound 11397  
and southbound roadways of the State Route 33 bypass approaching 11398  
each exit to the city of Lancaster that reads "Historic Downtown 11399  
Lancaster Museum District" and the approximate distance. The signs 11400  
shall conform to the provisions contained in the manual adopted by 11401  
the Department pursuant to section 4511.09 of the Revised Code 11402  
regarding the size, coloring, lettering, and installation 11403  
locations of the signs. 11404

**Section 756.40.** (A) Notwithstanding any law to the contrary, 11405  
the Director of Administrative Services shall ensure that a 11406  
competitive selection process regarding a contract to operate a 11407  
motor vehicle emissions inspection program in this state 11408  
incorporates the following elements, which shall be included in 11409  
the contract: 11410

(1) A requirement that the vendor selected to operate the 11411  
program provide notification of the program's requirements to each 11412  
owner of a motor vehicle that is required to be inspected under 11413  
the program. The contract shall require the notification to be 11414  
provided not later than sixty days prior to the date by which the 11415  
owner of the motor vehicle is required to have the motor vehicle 11416  
inspected. The Director of Environmental Protection and the vendor 11417  
shall jointly agree on the content of the notice. However, the 11418  
notice shall at a minimum include the locations of all inspection 11419  
facilities within a specified distance of the address that is 11420  
listed on the owner's motor vehicle registration. 11421

(2) A requirement that the vendor selected to operate the program spend not more than five hundred thousand dollars over the term of the contract for public education regarding the locations at which motor vehicle inspections will take place;

(3) A requirement that the vendor selected to operate the program acquire all facilities that were previously utilized for motor vehicle emissions inspections via arm's-length transactions at the discretion of the interested parties if the vendor chooses to utilize those inspection facilities for purposes of the contract. The competitive selection process shall not include a requirement that a vendor pay book value for such facilities.

(4) A requirement that the motor vehicle emissions inspection program utilize established local businesses, such as existing motor vehicle repair facilities, for the purpose of expanding the number of inspection facilities for consumer convenience and increased local business participation.

(B) Any competitive selection process that is or has been initiated for purposes of a new contract to operate a motor vehicle emissions inspection program in this state shall comply with division (A) of this section.

**Section 803.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Law contained in the main operating appropriations act of the 128th General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act.

**Section 801.10.** As used in the uncodified law of this act, "American Recovery and Reinvestment Act of 2009" means the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115.

**Section 806.10.** The items of law contained in this act, and 11452  
their applications, are severable. If any item of law contained in 11453  
this act, or if any application of any item of law contained in 11454  
this act, is held invalid, the invalidity does not affect other 11455  
items of law contained in this act and their applications that can 11456  
be given effect without the invalid item or application. 11457

**Section 812.10.** Except as otherwise provided in this act, the 11458  
amendment, enactment, or repeal by this act of a section is 11459  
subject to the referendum under Ohio Constitution, Article II, 11460  
Section 1c and therefore takes effect on the ninety-first day 11461  
after this act is filed with the Secretary of State or, if a later 11462  
effective date is specified below, on that date. 11463

**Section 812.20.** In this section, an "appropriation" includes 11464  
another provision of law in this act that relates to the subject 11465  
of the appropriation. 11466

An appropriation of money made in this act is not subject to 11467  
the referendum insofar as a contemplated expenditure authorized 11468  
thereby is wholly to meet a current expense within the meaning of 11469  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 11470  
Revised Code. To that extent, the appropriation takes effect 11471  
immediately when this act becomes law. Conversely, the 11472  
appropriation is subject to the referendum insofar as a 11473  
contemplated expenditure authorized thereby is wholly or partly 11474  
not to meet a current expense within the meaning of Ohio 11475  
Constitution, Article II, Section 1d and section 1.471 of the 11476  
Revised code. To that extent, the appropriation takes effect on 11477  
the ninety-first day after this act is filed with the Secretary of 11478  
State. 11479

**Section 812.30.** The amendment, enactment, or repeal by this 11480

act of the sections listed below is exempt from the referendum 11481  
because it is or relates to an appropriation for current expenses 11482  
within the meaning of Ohio Constitution, Article II, Section 1d 11483  
and section 1.471 of the Revised Code, or defines a tax levy 11484  
within the meaning of Ohio Constitution, Article II, Section 1d, 11485  
and therefore takes effect immediately when this act becomes law 11486  
or, if a later effective date is specified below, on that date. 11487

R.C. 121.51 and 121.53 11488

Section 229.10 of Am. Sub. H.B. 67 of the 127th General 11489  
Assembly 11490

Sections of this act prefixed with section numbers in the 11491  
300's, 500's, 600's, 700's, and 800's, except for Sections 509.10, 11492  
610.20, 610.21, and 755.20 of this act. 11493

**Section 812.40.** The sections that are listed in the left-hand 11494  
column of the following table combine amendments by this act that 11495  
are and that are not exempt from the referendum under Ohio 11496  
Constitution, Article II, Sections 1c and 1d and section 1.471 of 11497  
the Revised Code. 11498

The middle column identifies the amendments to the listed 11499  
sections that are subject to the referendum under Ohio 11500  
Constitution, Article II, Section 1c and therefore take effect on 11501  
the ninety-first day after this act is filed with the Secretary of 11502  
State or, if a later effective date is specified, on that date. 11503

The right-hand column identifies the amendments to the listed 11504  
sections that are exempt from the referendum because they are or 11505  
relate to an appropriation for current expenses within the meaning 11506  
of Ohio Constitution, Article II, Section 1d and section 1.471 of 11507  
the Revised Code, or define a tax levy within the meaning of Ohio 11508  
Constitution, Article II, Section 1d, and therefore take effect 11509  
immediately when this act becomes law or, if a later effective 11510

date is specified, on that date.	11511
Section of law Amendments subject to referendum	Amendments exempt from referendum 11512
R.C. 4561.18 Division (A)	Divisions (D)(1), (D)(3), (H) 11513

**Section 815.10.** The amendment by this act to section 4513.263 of the Revised Code does not affect the taking effect of the amendment previously made to that section by Am. Sub. H.B. 320 of the 127th General Assembly. The amendment of Am. Sub. H.B. 320 to that section takes effect as specified in that act.

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**Section 815.20.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

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Section 4501.21 of the Revised Code as amended by both Am. Sub. H.B. 273 and Am. Sub. S.B. 129 of the 127th General Assembly.

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Section 4506.07 of the Revised Code as amended by both Am. Sub. H.B. 450 and Sub. H.B. 529 of the 127th General Assembly.

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Section 4506.11 of the Revised Code as amended by both Am. Sub. H.B. 450 and Sub. H.B. 529 of the 127th General Assembly.

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Section 4507.06 of the Revised Code as amended by both Am. Sub. H.B. 450 and Sub. H.B. 529 of the 127th General Assembly.

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Section 4507.51 of the Revised Code as amended by Am. Sub. H.B. 130, Am. Sub. H.B. 450, and Sub. H.B. 529 of the 127th

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General Assembly.	11539
Section 4511.181 of the Revised Code as amended by both Am.	11540
Sub. H.B. 562 and Am. Sub. S.B. 17 of the 127th General Assembly.	11541
<b>Section 901.10.</b> The emergency clause contained in this act	11542
applies only to sections 1751.53 and 3923.38 of the Revised Code	11543
as amended by Section 101.01 of this act, to Section 756.40 of	11544
this act, and to this section. All other items in this act take	11545
effect as otherwise provided in this act or the Ohio Constitution.	11546
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<b>Section 901.11.</b> The amendment by this act of sections 1751.53	11548
and 3923.38 of the Revised Code is hereby declared to be an	11549
emergency measure necessary for the immediate preservation of the	11550
public peace, health, and safety. The reason for such necessity	11551
lies in the need, in these times of job losses and business	11552
defaults, to allow people to maintain health insurance coverage	11553
and to expedite the use of federal stimulation dollars for such	11554
purpose, and in the need to clarify the parameters under which a	11555
contract to administer a motor vehicle emissions inspection	11556
program is entered into for the purpose of providing the most cost	11557
effective and efficient service to Ohio's citizens. Therefore, the	11558
amendment and enactment of these sections shall go into immediate	11559
effect.	11560