

As Passed by the Senate

128th General Assembly

Regular Session

2009-2010

Am. 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, 4513.34, 4517.021, 4519.02, 4519.03,	9
4519.04, 4519.08, 4519.09, 4519.10, 4519.44,	10
4519.47, 4519.59, 4561.17, 4561.18, 4561.21,	11
4740.14, 4765.37, 4765.38, 4765.39, 4928.64,	12
4928.65, 5501.311, 5501.51, 5502.67, 5502.68,	13
5515.01, 5515.07, 5517.011, 5525.15, 5531.09,	14
5537.07, 5537.99, 5541.05, 5571.20, and 5577.042;	15
to enact sections 5.24, 121.53, 122.077, 123.153,	16
167.081, 3905.425, 3905.426, 4501.026, 4511.108,	17
5501.60, 5533.93, and 5537.30; and to repeal	18
sections 955.202 and 5902.09 of the Revised Code	19

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

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

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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 495
obligations, and such other provisions as the issuing authority 496
determines, including limitations, conditions, or qualifications, 497
relating to any of the foregoing. 498

(F) The great seal of the state or a facsimile of it may be 499
affixed to or printed on the obligations. The obligations 500
requiring execution by or for the issuing authority shall be 501
signed as provided in the bond proceedings. Any obligations may be 502
signed by the individual who on the date of execution is the 503
authorized signer although on the date of these obligations that 504
individual is not an authorized signer. In case the individual 505
whose signature or facsimile signature appears on any obligation 506
ceases to be an authorized signer before delivery of the 507
obligation, that signature or facsimile is nevertheless valid and 508
sufficient for all purposes as if that individual had remained the 509
authorized signer until delivery. 510

(G) Obligations are investment securities under Chapter 1308. 511
of the Revised Code. Obligations may be issued in bearer or in 512
registered form, registrable as to principal alone or as to both 513
principal and interest, or both, or in certificated or 514
uncertificated form, as the issuing authority determines. 515
Provision may be made for the exchange, conversion, or transfer of 516
obligations and for reasonable charges for registration, exchange, 517
conversion, and transfer. Pending preparation of final 518
obligations, the issuing authority may provide for the issuance of 519
interim instruments to be exchanged for the final obligations. 520

(H) Obligations may be sold at public sale or at private 521
sale, in such manner, and at such price at, above or below par, 522
all as determined by and provided by the issuing authority in the 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 a county in this state in which the 976
council has members and if the notice is posted on the council's 977
internet web site for at least two consecutive weeks before the 978
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 ~~pets program funding board~~ 1001
~~created in section 955.202 of the Revised Code~~ Ohio pet fund. 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 ~~pets program funding board~~ Ohio pet fund. 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 ~~pets program~~ 1019
~~funding board~~ Ohio pet fund 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
~~pets program funding board~~ Ohio pet fund 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 ~~pets program funding~~ 1029
~~board~~ Ohio pet fund 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 ~~pets~~ 1035
~~program funding board~~ Ohio pet fund 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 1462
from operating or being in physical control of any vessel underway 1463
or from manipulating any water skis, aquaplane, or similar device 1464
on the waters of this state while under the influence of alcohol, 1465
a drug of abuse, or a combination of them or prohibiting a person 1466
from operating or being in physical control of any vessel underway 1467
or from manipulating any water skis, aquaplane, or similar device 1468
on the waters of this state with a prohibited concentration of 1469
alcohol, a controlled substance, or a metabolite of a controlled 1470
substance in the whole blood, blood serum or plasma, breath, or 1471
urine; 1472

(c) A violation of an existing or former municipal ordinance, 1473
law of another state, or law of the United States that is 1474
substantially equivalent to division (A) or (B) of this section; 1475

(d) A violation of a former law of this state that was 1476
substantially equivalent to division (A) or (B) of this section. 1477

Sec. 1548.10. (A) The clerk of the court of common pleas 1478
shall charge ~~a fee of five~~ and retain fees as follows: 1479

(1) Fifteen dollars for ~~each memorandum certificate of title,~~ 1480
~~each non-negotiable evidence of ownership, and~~ each duplicate copy 1481
of a certificate of title. ~~The fees shall be retained by the clerk~~ 1482
shall retain that entire fee. 1483

~~In addition to those fees, the clerk shall charge a fee of~~ 1484
~~five~~ 1485

(2) Fifteen dollars for each certificate of title ~~and for~~ 1486
~~each,~~ which shall include any notation or indication of any lien 1487
or security interest on a certificate of title and any memorandum 1488
certificate of title or non-negotiable evidence of ownership 1489
requested at the time the certificate of title is issued. The 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 1673
4519.01 of the Revised Code. 1674

(2) "Land or premises" includes any land, building, 1675
structure, or place belonging to, controlled by, or in custody of 1676
another, and any separate enclosure or room, or portion thereof. 1677

Sec. 2949.094. (A) The court in which any person is convicted 1678
of or pleads guilty to any moving violation shall impose an 1679
additional court cost of ten dollars upon the offender. The court 1680
shall not waive the payment of the ten dollars unless the court 1681
determines that the offender is indigent and waives the payment of 1682
all court costs imposed upon the indigent offender. 1683

The clerk of the court shall transmit thirty-five per cent of 1684
all additional court costs collected pursuant to this division 1685
during a month on or before the twenty-third day of the following 1686
month to the ~~division of criminal justice services, and the~~ 1687
~~division of criminal justice services shall deposit the money so~~ 1688
~~transmitted into state treasury of which ninety-seven per cent~~ 1689
shall be credited to the drug law enforcement fund created under 1690
section 5502.68 of the Revised Code and the remaining three per 1691
cent shall be credited to the justice program services fund 1692
created under section 5502.67 of the Revised Code. The clerk shall 1693
transmit fifteen per cent of all additional court costs so 1694
collected during a month on or before the twenty-third day of the 1695
following month to the county or municipal indigent drivers 1696
alcohol treatment fund under the control of that court, as created 1697
by the county or municipal corporation under division (H) of 1698
section 4511.191 of the Revised Code. The clerk shall transmit 1699
fifty per cent of all additional court costs so collected during a 1700
month on or before the twenty-third day of the following month to 1701
the state treasury to be credited to the indigent defense support 1702
fund created pursuant to section 120.08 of the Revised Code. 1703

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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
1757

(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 1798
persons within the local governing authority's jurisdiction, the 1799
regulation is not valid and the local governing authority may not 1800
enforce the regulation. 1801

(b) If the board determines that a conflict exists and that 1802
the regulation is necessary to protect the health or safety of the 1803
persons within the local governing authority's jurisdiction, the 1804
board shall adopt a rule to incorporate the regulation into the 1805
state residential building code in accordance with division (D)(2) 1806
of section 4740.14 of the Revised Code. Until the rule becomes a 1807
part of the state residential building code, the board shall grant 1808
a temporary variance to the local governing authority and any 1809
similarly situated local governing authority to which the board 1810
determines the temporary variance should apply. 1811

(D) As used in this section, "local governing authority" 1812
means a board of county commissioners, a board of township 1813
trustees, and the legislative authority of a municipal 1814
corporation. 1815

Sec. 3781.10. (A)(1) The board of building standards shall 1816
formulate and adopt rules governing the erection, construction, 1817
repair, alteration, and maintenance of all buildings or classes of 1818
buildings specified in section 3781.06 of the Revised Code, 1819
including land area incidental to those buildings, the 1820
construction of industrialized units, the installation of 1821
equipment, and the standards or requirements for materials used in 1822
connection with those buildings. The board shall incorporate those 1823
rules into separate residential and nonresidential building codes. 1824
The residential building code adopted by the board shall be the 1825
only code for one-, two-, and three-family dwellings and shall 1826
include sanitation and plumbing standards. The standards shall 1827
relate to the conservation of energy and the safety and sanitation 1828

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,	1957
township, or county;	1958
(b) Persons, or employees of persons, firms, or corporations,	1959
pursuant to a contract to furnish architectural, engineering, or	1960
other services to the municipal corporation, township, or county;	1961
(c) Officers or employees of, and persons under contract	1962
with, a municipal corporation, township, county, health district,	1963
or other political subdivision, pursuant to a contract to furnish	1964
architectural, engineering, or other services.	1965
(8) Municipal, township, and county building departments have	1966
jurisdiction within the meaning of sections 3781.03, 3791.04, and	1967
4104.43 of the Revised Code, only with respect to the types of	1968
buildings and subject matters for which they are certified under	1969
this section.	1970
(9) Certification shall be granted upon application by the	1971
municipal corporation, the board of township trustees, or the	1972
board of county commissioners and approval of that application by	1973
the board of building standards. The application shall set forth:	1974
(a) Whether the certification is requested for residential or	1975
nonresidential buildings, or both;	1976
(b) The number and qualifications of the staff composing the	1977
building department;	1978
(c) The names, addresses, and qualifications of persons,	1979
firms, or corporations contracting to furnish work or services	1980
pursuant to division (E)(7)(b) of this section;	1981
(d) The names of any other municipal corporation, township,	1982
county, health district, or political subdivision under contract	1983
to furnish work or services pursuant to division (E)(7) of this	1984
section;	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, 2238
awarded by chance, or transferred to a consumer in a consumer 2239
transaction. 2240

(3) "Consumer goods service contract" means a contract or 2241
agreement to perform or pay for repairs, replacement, or 2242
maintenance of consumer goods due to a defect in materials or 2243
workmanship, normal wear and tear, power surges, or accidental 2244
damage from handling, that is effective for a specified duration 2245
and paid for by means other than the purchase of the consumer 2246
goods. "Consumer goods service contract" does not include any of 2247
the following: 2248

(a) A contract or agreement to perform or pay for the repair, 2249
replacement, or maintenance of a motor vehicle or utility vehicle, 2250
as defined in section 4501.01 of the Revised Code, due to a defect 2251
in materials or workmanship, normal wear and tear, mechanical or 2252
electrical breakdown, or failure of parts or equipment of a motor 2253
vehicle that is effective for a specified duration and paid for by 2254
means other than the purchase of a motor vehicle or utility 2255
vehicle; 2256

(b) A vehicle protection product as defined in section 2257
3905.421 of the Revised Code; 2258

(c) A home service contract as defined in section 3905.422 of 2259
the Revised Code; 2260

(d) A motor vehicle tire or wheel road hazard contract as 2261
defined in section 3905.425 of the Revised Code; 2262

(e) A motor vehicle ancillary product protection contract as 2263
defined in section 3905.426 of the Revised Code. 2264

(4) "Consumer transaction" has the same meaning as in section 2265
1345.01 of the Revised Code. 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 2360
vehicle that is effective for a specified duration and paid for by 2361
means other than the purchase of a motor vehicle; 2362

(b) A vehicle protection product warranty as defined in 2363
section 3905.421 of the Revised Code; 2364

(c) A home service contract as defined in section 3905.422 of 2365
the Revised Code; 2366

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

(4) "Provider" means a person who is contractually obligated 2369
to a contract holder under the terms of a motor vehicle tire or 2370
wheel road hazard contract. 2371

(5) "Reimbursement insurance policy" means a policy of 2372
insurance issued by an insurer authorized or eligible to do 2373
business in this state to a provider to pay, on behalf of the 2374
provider in the event of the provider's nonperformance, all 2375
covered contractual obligations incurred by the provider under the 2376
terms and conditions of the motor vehicle tire or wheel road 2377
hazard contract. 2378

(6) "Road hazard" means a condition that may cause damage or 2379
wear and tear to a tire or wheel on a public or private roadway, 2380
roadside, driveway, or parking lot or garage, including potholes, 2381
nails, glass, road debris, and curbs. "Road hazard" does not 2382
include fire, theft, vandalism or malicious mischief, or other 2383
perils normally covered by automobile physical damage insurance. 2384

(7) "Supplier" has the same meaning as in section 1345.01 of 2385
the Revised Code. 2386

(B)(1) All motor vehicle tire or wheel road hazard contracts 2387
issued in this state shall be covered by a reimbursement insurance 2388
policy. 2389

(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

section 3905.421 of the Revised Code; 2481

(iii) A home service contract as defined in section 3905.422 2482
of the Revised Code; 2483

(iv) A consumer goods service contract as defined in section 2484
3905.423 of the Revised Code; 2485

(v) A motor vehicle tire or wheel road hazard contract as 2486
defined in section 3905.425 of the Revised Code. 2487

(4) "Provider" means a person who is contractually obligated 2488
to a contract holder under the terms of a motor vehicle ancillary 2489
product protection contract. 2490

(5) "Reimbursement insurance policy" means a policy of 2491
insurance issued by an insurer authorized or eligible to do 2492
business in this state to a provider to pay, on behalf of the 2493
provider, all covered contractual obligations incurred by the 2494
provider under the terms and conditions of the motor vehicle 2495
ancillary product protection contract. 2496

(6) "Supplier" has the same meaning as in section 1345.01 of 2497
the Revised Code. 2498

(B) All motor vehicle ancillary product protection contracts 2499
issued in this state shall be covered by a reimbursement insurance 2500
policy. 2501

(C) A motor vehicle ancillary product protection contract 2502
issued by a provider that is required to be covered by a 2503
reimbursement insurance policy under division (B) of this section 2504
shall conspicuously state all of the following: 2505

(1) "This contract is not insurance and is not subject to the 2506
insurance laws of this state." 2507

(2) "This contract may provide a duplication of coverage 2508
already provided by your automobile physical damage insurance 2509
policy." 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 2664
coverage shall be the applicable level of benefits of the policy 2665
replaced reduced by any benefits payable under the policy 2666
replaced. 2667

(iii) The policy replaced shall continue to provide benefits 2668
to the extent of its accrued liabilities and extensions of 2669
benefits as if the replacement had not occurred. 2670

(D) This section does not apply to an employer's 2671
self-insurance plan if federal law supersedes, preempts, 2672
prohibits, or otherwise precludes its application to such plans. 2673

(E) An employee shall notify the insurer if the employee 2674
elects continuation of coverage under this section. The insurer 2675
may require the employer to provide documentation if the employee 2676
elects continuation of coverage and is seeking premium assistance 2677
for the continuation of coverage under the "American Recovery and 2678
Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The 2679
director of insurance shall publish guidance for employers and 2680
insurers regarding the contents of such documentation. 2681

Sec. 4501.01. As used in this chapter and Chapters 4503., 2682
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 2683
Revised Code, and in the penal laws, except as otherwise provided: 2684

(A) "Vehicles" means everything on wheels or runners, 2685
including motorized bicycles, but does not mean electric personal 2686
assistive mobility devices, vehicles that are operated exclusively 2687
on rails or tracks or from overhead electric trolley wires, and 2688
vehicles that belong to any police department, municipal fire 2689
department, or volunteer fire department, or that are used by such 2690
a department in the discharge of its functions. 2691

(B) "Motor vehicle" means any vehicle, including mobile homes 2692
and recreational vehicles, that is propelled or drawn by power 2693

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 2975
route under the control of the person hiring the vehicle and not 2976
over a defined and regular route. "Prearranged contract" means an 2977
agreement, made in advance of boarding, to provide transportation 2978
from a specific location in a chauffeured limousine at a fixed 2979
rate per hour or trip. "Chauffeured limousine" does not include 2980
any vehicle that is used exclusively in the business of funeral 2981
directing. 2982

(MM) "Manufactured home" has the same meaning as in division 2983
(C)(4) of section 3781.06 of the Revised Code. 2984

(NN) "Acquired situs," with respect to a manufactured home or 2985
a mobile home, means to become located in this state by the 2986
placement of the home on real property, but does not include the 2987
placement of a manufactured home or a mobile home in the inventory 2988
of a new motor vehicle dealer or the inventory of a manufacturer, 2989
remanufacturer, or distributor of manufactured or mobile homes. 2990

(OO) "Electronic" includes electrical, digital, magnetic, 2991
optical, electromagnetic, or any other form of technology that 2992
entails capabilities similar to these technologies. 2993

(PP) "Electronic record" means a record generated, 2994
communicated, received, or stored by electronic means for use in 2995
an information system or for transmission from one information 2996
system to another. 2997

(QQ) "Electronic signature" means a signature in electronic 2998
form attached to or logically associated with an electronic 2999
record. 3000

(RR) "Financial transaction device" has the same meaning as 3001
in division (A) of section 113.40 of the Revised Code. 3002

(SS) "Electronic motor vehicle dealer" means a motor vehicle 3003
dealer licensed under Chapter 4517. of the Revised Code whom the 3004
registrar of motor vehicles determines meets the criteria 3005

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

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

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

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

All moneys received by the registrar under sections 4503.02,

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 3162
receives pursuant to section 4503.523 of the Revised Code to the 3163
fairport lights foundation, which shall use the money to pay for 3164
the restoration, maintenance, and preservation of the lighthouses 3165
of fairport harbor. 3166

The registrar shall pay the contributions the registrar 3167
receives pursuant to section 4503.55 of the Revised Code to the 3168
pro football hall of fame, which shall deposit the contributions 3169
into a special bank account that it establishes and which shall be 3170
separate and distinct from any other account the pro football hall 3171
of fame maintains, to be used exclusively for the purpose of 3172
promoting the pro football hall of fame as a travel destination. 3173

The registrar shall pay the contributions that are paid to 3174
the registrar pursuant to section 4503.545 of the Revised Code to 3175
the national rifle association foundation, which shall use the 3176
money to pay the costs of the educational activities and programs 3177
the foundation holds or sponsors in this state. 3178

~~In accordance with section 955.202 of the Revised Code, the~~ 3179
The registrar shall pay to the Ohio pet fund the contributions the 3180
registrar receives pursuant to section 4503.551 of the Revised 3181
Code and any other money from any other source, including 3182
donations, gifts, and grants, that is designated by the source to 3183
be paid to the Ohio pet fund. The Ohio pet fund shall use the 3184
moneys it receives under this section only to support programs for 3185
the sterilization of dogs and cats and for educational programs 3186
concerning the proper veterinary care of those animals, and for 3187
expenses of the Ohio pet fund that are reasonably necessary for it 3188
to obtain and maintain its tax-exempt status and to perform its 3189
duties. 3190

The registrar shall pay the contributions the registrar 3191
receives pursuant to section 4503.552 of the Revised Code to the 3192
rock and roll hall of fame and museum, incorporated. 3193

The registrar shall pay the contributions the registrar 3194
receives pursuant to section 4503.553 of the Revised Code to the 3195
Ohio coalition for animals, incorporated, a nonprofit corporation. 3196
Except as provided in division (B) of this section, the coalition 3197
shall distribute the money to its members, and the members shall 3198
use the money only to pay for educational, charitable, and other 3199
programs of each coalition member that provide care for unwanted, 3200
abused, and neglected horses. The Ohio coalition for animals may 3201
use a portion of the money to pay for reasonable marketing costs 3202
incurred in the design and promotion of the license plate and for 3203
administrative costs incurred in the disbursement and management 3204
of funds received under this section. 3205

The registrar shall pay the contributions the registrar 3206
receives pursuant to section 4503.561 of the Revised Code to the 3207
state of Ohio chapter of ducks unlimited, inc., which shall 3208
deposit the contributions into a special bank account that it 3209
establishes. The special bank account shall be separate and 3210
distinct from any other account the state of Ohio chapter of ducks 3211
unlimited, inc., maintains and shall be used exclusively for the 3212
purpose of protecting, enhancing, restoring, and managing wetlands 3213
and conserving wildlife habitat. The state of Ohio chapter of 3214
ducks unlimited, inc., annually shall notify the registrar in 3215
writing of the name, address, and account to which such payments 3216
are to be made. 3217

The registrar shall pay the contributions the registrar 3218
receives pursuant to section 4503.562 of the Revised Code to the 3219
Mahoning river consortium, which shall use the money to pay the 3220
expenses it incurs in restoring and maintaining the Mahoning river 3221
watershed. 3222

The registrar shall pay to a sports commission created 3223
pursuant to section 4503.591 of the Revised Code each contribution 3224
the registrar receives under that section that an applicant pays 3225

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.

(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.

(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.

(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.

(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

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 3997
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
4119

(2) The automated title processing board shall determine each 4120
of the following: 4121

(a) The automated title processing equipment and certificates 4122
of title requirements for each county; 4123

(b) The payment of expenses that may be incurred by the 4124
counties in implementing an automated title processing system; 4125

(c) The repayment to the counties for existing title 4126
processing equipment. 4127

(3) The registrar shall purchase, lease, or otherwise acquire 4128
any automated title processing equipment and certificates of title 4129
that the board determines are necessary from moneys in the 4130
automated title processing fund established by division (B)(3) of 4131
this section. 4132

(D) All counties shall conform to the requirements of the 4133
registrar regarding the operation of their automated title 4134
processing system for motor vehicle titles, certificates of title 4135
for off-highway motorcycles and all-purpose vehicles, and 4136
certificates of title for watercraft and outboard motors. 4137

Sec. 4506.07. (A) Every application for a commercial driver's 4138
license, restricted commercial driver's license, or a commercial 4139
driver's temporary instruction permit, or a duplicate of such a 4140
license, shall be made upon a form approved and furnished by the 4141
registrar of motor vehicles. Except as provided in section 4506.24 4142
of the Revised Code in regard to a restricted commercial driver's 4143
license, the application shall be signed by the applicant and 4144
shall contain the following information: 4145

(1) The applicant's name, date of birth, social security 4146
account number, sex, general description including height, weight, 4147
and color of hair and eyes, current residence, duration of 4148
residence in this state, country of citizenship, and occupation; 4149

(2) Whether the applicant previously has been licensed to 4150
operate a commercial motor vehicle or any other type of motor 4151
vehicle in another state or a foreign jurisdiction and, if so, 4152
when, by what state, and whether the license or driving privileges 4153
currently are suspended or revoked in any jurisdiction, or the 4154
applicant otherwise has been disqualified from operating a 4155
commercial motor vehicle, or is subject to an out-of-service order 4156
issued under this chapter or any similar law of another state or a 4157
foreign jurisdiction and, if so, the date of, locations involved, 4158
and reason for the suspension, revocation, disqualification, or 4159
out-of-service order; 4160

(3) Whether the applicant is afflicted with or suffering from 4161
any physical or mental disability or disease that prevents the 4162
applicant from exercising reasonable and ordinary control over a 4163
motor vehicle while operating it upon a highway or is or has been 4164
subject to any condition resulting in episodic impairment of 4165
consciousness or loss of muscular control and, if so, the nature 4166
and extent of the disability, disease, or condition, and the names 4167
and addresses of the physicians attending the applicant; 4168

(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 4171
violation of any motor vehicle law or ordinance except a parking 4172
violation and, if so, a description of the citation, the court 4173
having jurisdiction of the offense, and the date when the offense 4174
occurred; 4175

(6) Whether the applicant wishes to certify willingness to 4176
make an anatomical gift under section 2108.05 of the Revised Code, 4177
which shall be given no consideration in the issuance of a 4178
license; 4179

(7) On and after May 1, 1993, whether the applicant has 4180
executed a valid durable power of attorney for health care 4181
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 4182
executed a declaration governing the use or continuation, or the 4183
withholding or withdrawal, of life-sustaining treatment pursuant 4184
to sections 2133.01 to 2133.15 of the Revised Code and, if the 4185
applicant has executed either type of instrument, whether the 4186
applicant wishes the license issued to indicate that the applicant 4187
has executed the instrument; 4188

(8) On and after ~~the date that is fifteen months after the~~ 4189
~~effective date of this amendment~~ October 7, 2009, whether the 4190
applicant is ~~an honorably discharged~~ a veteran, active duty, or 4191
reservist of the armed forces of the United States and, if the 4192
applicant is such ~~an honorably discharged veteran~~, whether the 4193
applicant wishes the license issued to indicate that the applicant 4194
is ~~an honorably discharged~~ a veteran, active duty, or reservist of 4195
the armed forces of the United States by a military designation on 4196
the license. 4197

(B) Every applicant shall certify, on a form approved and 4198
furnished by the registrar, all of the following: 4199

(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 4231
section, the bureau of motor vehicles may conduct any inquiries 4232
necessary to ensure that issuance or renewal of a commercial 4233
driver's license would not violate any provision of the Revised 4234
Code or federal law. 4235

(G) In addition to any other information it contains, on and 4236
~~after the date that is fifteen months after the effective date of~~ 4237
~~this amendment~~ October 7, 2009, the form approved and furnished by 4238
the registrar of motor vehicles for an application for a 4239
commercial driver's license, restricted commercial driver's 4240
license, or a commercial driver's temporary instruction permit or 4241
an application for a duplicate of such a license shall inform 4242
applicants that the applicant must present a copy of the 4243
applicant's DD-214 or an equivalent document in order to qualify 4244
to have the license or duplicate indicate that the applicant is ~~an~~ 4245
~~honorably discharged~~ a veteran, active duty, or reservist of the 4246
armed forces of the United States based on a request made pursuant 4247
to division (A)(8) of this section. 4248

Sec. 4506.11. (A) Every commercial driver's license shall be 4249
marked "commercial driver's license" or "CDL" and shall be of such 4250
material and so designed as to prevent its reproduction or 4251
alteration without ready detection, and, to this end, shall be 4252
laminated with a transparent plastic material. The commercial 4253
driver's license for licensees under twenty-one years of age shall 4254
have characteristics prescribed by the registrar of motor vehicles 4255
distinguishing it from that issued to a licensee who is twenty-one 4256
years of age or older. Every commercial driver's license shall 4257
display all of the following information: 4258

(1) The name and residence address of the licensee; 4259

(2) A color photograph of the licensee showing the licensee's 4260
uncovered face; 4261

(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 ~~the date that is fifteen months after the~~ 4289
~~effective date of this amendment~~ October 7, 2009, 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 4668
registrar, a copy shall be forwarded to the registrar. The 4669
registrar shall prescribe rules for the manner in which a deputy 4670
registrar is to file and maintain applications and other records. 4671
The registrar shall maintain a suitable, indexed record of all 4672
applications denied and cards issued or canceled. 4673

(C) In addition to any other information it contains, on and 4674
after the date that is fifteen months after the effective date of 4675
this amendment, the form furnished by the registrar of motor 4676
vehicles for an application for an identification card or 4677
duplicate shall inform applicants that the applicant must present 4678
a copy of the applicant's DD-214 or an equivalent document in 4679
order to qualify to have the card or duplicate indicate that the 4680
applicant is an honorably discharged veteran of the armed forces 4681
of the United States based on a request made pursuant to division 4682
(A)(2)(b) of this section. 4683

Sec. 4507.52. (A) Each identification card issued by the 4684
registrar of motor vehicles or a deputy registrar shall display a 4685
distinguishing number assigned to the cardholder, and shall 4686
display the following inscription: 4687

"STATE OF OHIO IDENTIFICATION CARD 4688

This card is not valid for the purpose of operating a motor 4689
vehicle. It is provided solely for the purpose of establishing the 4690
identity of the bearer described on the card, who currently is not 4691
licensed to operate a motor vehicle in the state of Ohio." 4692

The identification card shall display substantially the same 4693
information as contained in the application and as described in 4694
division (A)(1) of section 4507.51 of the Revised Code, but shall 4695
not display the cardholder's social security number unless the 4696
cardholder specifically requests that the cardholder's social 4697
security number be displayed on the card. If federal law requires 4698

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 4981
other local board or body having authority to adopt police 4982
regulations under the constitution and laws of this state. 4983

(BB) "Street" or "highway" means the entire width between the 4984
boundary lines of every way open to the use of the public as a 4985
thoroughfare for purposes of vehicular travel. 4986

(CC) "Controlled-access highway" means every street or 4987
highway in respect to which owners or occupants of abutting lands 4988
and other persons have no legal right of access to or from the 4989
same except at such points only and in such manner as may be 4990
determined by the public authority having jurisdiction over such 4991
street or highway. 4992

(DD) "Private road or driveway" means every way or place in 4993
private ownership used for vehicular travel by the owner and those 4994
having express or implied permission from the owner but not by 4995
other persons. 4996

(EE) "Roadway" means that portion of a highway improved, 4997
designed, or ordinarily used for vehicular travel, except the berm 4998
or shoulder. If a highway includes two or more separate roadways 4999
the term "roadway" means any such roadway separately but not all 5000
such roadways collectively. 5001

(FF) "Sidewalk" means that portion of a street between the 5002
curb lines, or the lateral lines of a roadway, and the adjacent 5003
property lines, intended for the use of pedestrians. 5004

(GG) "Laned highway" means a highway the roadway of which is 5005
divided into two or more clearly marked lanes for vehicular 5006
traffic. 5007

(HH) "Through highway" means every street or highway as 5008
provided in section 4511.65 of the Revised Code. 5009

(II) "State highway" means a highway under the jurisdiction 5010

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 5504
section, "national highway traffic safety administration" means 5505
the national highway traffic safety administration established as 5506
an administration of the United States department of 5507
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 5508

(b) In any criminal prosecution or juvenile court proceeding 5509
for a violation of division (A) or (B) of this section, of a 5510
municipal ordinance relating to operating a vehicle while under 5511
the influence of alcohol, a drug of abuse, or alcohol and a drug 5512
of abuse, or of a municipal ordinance relating to operating a 5513
vehicle with a prohibited concentration of alcohol, a controlled 5514
substance, or a metabolite of a controlled substance in the whole 5515
blood, blood serum or plasma, breath, or urine, if a law 5516
enforcement officer has administered a field sobriety test to the 5517
operator of the vehicle involved in the violation and if it is 5518
shown by clear and convincing evidence that the officer 5519
administered the test in substantial compliance with the testing 5520
standards for any reliable, credible, and generally accepted field 5521
sobriety tests that were in effect at the time the tests were 5522
administered, including, but not limited to, any testing standards 5523
then in effect that were set by the national highway traffic 5524
safety administration, all of the following apply: 5525

(i) The officer may testify concerning the results of the 5526
field sobriety test so administered. 5527

(ii) The prosecution may introduce the results of the field 5528
sobriety test so administered as evidence in any proceedings in 5529
the criminal prosecution or juvenile court proceeding. 5530

(iii) If testimony is presented or evidence is introduced 5531
under division (D)(4)(b)(i) or (ii) of this section and if the 5532
testimony or evidence is admissible under the Rules of Evidence, 5533
the court shall admit the testimony or evidence and the trier of 5534
fact shall give it whatever weight the trier of fact considers to 5535

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
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a
mandatory jail term of ten consecutive days. The court shall
impose the ten-day mandatory jail term under this division unless,
subject to division (G)(3) of this section, it instead imposes a
sentence under that division consisting of both a jail term and a
term of house arrest with electronic monitoring, with continuous
alcohol monitoring, or with both electronic monitoring and
continuous alcohol monitoring. The court may impose a jail term in
addition to the ten-day mandatory jail term. The cumulative jail
term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with
electronic monitoring or continuous alcohol monitoring or both
types of monitoring and jail term, the court shall require the
offender to be assessed by an alcohol and drug treatment program
that is authorized by section 3793.02 of the Revised Code, subject
to division (I) of this section, and shall order the offender to
follow the treatment recommendations of the program. The purpose
of the assessment is to determine the degree of the offender's
alcohol usage and to determine whether or not treatment is
warranted. Upon the request of the court, the program shall submit
the results of the assessment to the court, including all
treatment recommendations and clinical diagnoses related to
alcohol use.

(ii) If the sentence is being imposed for a violation of
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this
section, except as otherwise provided in this division, a
mandatory jail term of twenty consecutive days. The court shall
impose the twenty-day mandatory jail term under this division
unless, subject to division (G)(3) of this section, it instead
imposes a sentence under that division consisting of both a jail
term and a term of house arrest with electronic monitoring, with

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 whole blood 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

6316

(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
6771

(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 6874
a juvenile court with the violation that resulted in the 6875
suspension or fine, the portion shall be deposited into the county 6876
juvenile indigent drivers interlock and alcohol monitoring fund 6877
established in the county served by the court. 6878

(c) If the fee or fine is paid by a person who was charged in 6879
a municipal court with the violation that resulted in the 6880
suspension, the portion shall be deposited into the municipal 6881
indigent drivers interlock and alcohol monitoring fund under the 6882
control of that court. 6883

Sec. 4511.21. (A) No person shall operate a motor vehicle, 6884
trackless trolley, or streetcar at a speed greater or less than is 6885
reasonable or proper, having due regard to the traffic, surface, 6886
and width of the street or highway and any other conditions, and 6887
no person shall drive any motor vehicle, trackless trolley, or 6888
streetcar in and upon any street or highway at a greater speed 6889
than will permit the person to bring it to a stop within the 6890
assured clear distance ahead. 6891

(B) It is prima-facie lawful, in the absence of a lower limit 6892
declared or established pursuant to this section by the director 6893
of transportation or local authorities, for the operator of a 6894
motor vehicle, trackless trolley, or streetcar to operate the same 6895
at a speed not exceeding the following: 6896

(1)(a) Twenty miles per hour in school zones during school 6897
recess and while children are going to or leaving school during 6898
the opening or closing hours, and when twenty miles per hour 6899
school speed limit signs are erected; except that, on 6900
controlled-access highways and expressways, if the right-of-way 6901
line fence has been erected without pedestrian opening, the speed 6902
shall be governed by division (B)(4) of this section and on 6903
freeways, if the right-of-way line fence has been erected without 6904

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;

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

(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)~~(13)~~(12) of this section;

(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;

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

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(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)~~(13)~~(12) of this section;

(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B)~~(13)~~(12) of this section;

~~(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;~~

~~(12) Fifty-five miles per hour for operators of any motor~~

~~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. 4513.34. (A) The director of transportation with respect 7487
to all highways that are a part of the state highway system and 7488
local authorities with respect to highways under their 7489
jurisdiction, upon application in writing and for good cause 7490
shown, may issue a special permit in writing authorizing the 7491
applicant to operate or move a vehicle or combination of vehicles 7492
of a size or weight of vehicle or load exceeding the maximum 7493
specified in sections 5577.01 to 5577.09 of the Revised Code, or 7494
otherwise not in conformity with sections 4513.01 to 4513.37 of 7495
the Revised Code, upon any highway under the jurisdiction of the 7496
authority granting the permit. 7497

For purposes of this section, the director may designate 7498
certain state highways or portions of state highways as special 7499

economic development highways. If an application submitted to the 7500
director under this section involves travel of a nonconforming 7501
vehicle or combination of vehicles upon a special economic 7502
development highway, the director, in determining whether good 7503
cause has been shown that issuance of a permit is justified, shall 7504
consider the effect the travel of the vehicle or combination of 7505
vehicles will have on the economic development in the area in 7506
which the designated highway or portion of highway is located. 7507

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 7508
Code, the holder of a special permit issued by the director under 7509
this section may move the vehicle or combination of vehicles 7510
described in the special permit on any highway that is a part of 7511
the state highway system when the movement is partly within and 7512
partly without the corporate limits of a municipal corporation. No 7513
local authority shall require any other permit or license or 7514
charge any license fee or other charge against the holder of a 7515
permit for the movement of a vehicle or combination of vehicles on 7516
any highway that is a part of the state highway system. The 7517
director shall not require the holder of a permit issued by a 7518
local authority to obtain a special permit for the movement of 7519
vehicles or combination of vehicles on highways within the 7520
jurisdiction of the local authority. Permits may be issued for any 7521
period of time not to exceed one year, as the director in the 7522
director's discretion or a local authority in its discretion 7523
determines advisable, or for the duration of any public 7524
construction project. 7525

(C) The application for a permit shall be in the form that 7526
the director or local authority prescribes. The director or local 7527
authority may prescribe a permit fee to be imposed and collected 7528
when any permit described in this section is issued. The permit 7529
fee may be in an amount sufficient to reimburse the director or 7530
local authority for the administrative costs incurred in issuing 7531

the permit, and also to cover the cost of the normal and expected 7532
damage caused to the roadway or a street or highway structure as 7533
the result of the operation of the nonconforming vehicle or 7534
combination of vehicles. The director, in accordance with Chapter 7535
119. of the Revised Code, shall establish a schedule of fees for 7536
permits issued by the director under this section; provided, that 7537
the rules of the director shall include issuance of a continuing 7538
annual permit over routes reported to the director. 7539

For the purposes of this section and of rules adopted by the 7540
director under this section, milk transported in bulk by vehicle 7541
is deemed a nondivisible load. 7542

(D) The director or local authority may issue or withhold a 7543
permit. If a permit is to be issued, the director or local 7544
authority may limit or prescribe conditions of operation for the 7545
vehicle and may require the posting of a bond or other security 7546
conditioned upon the sufficiency of the permit fee to compensate 7547
for damage caused to the roadway or a street or highway structure. 7548
In addition, a local authority, as a condition of issuance of an 7549
overweight permit, may require the applicant to develop and enter 7550
into a mutual agreement with the local authority to compensate for 7551
or to repair excess damage caused to the roadway by travel under 7552
the permit. 7553

For a permit that will allow travel of a nonconforming 7554
vehicle or combination of vehicles on a special economic 7555
development highway, the director, as a condition of issuance, may 7556
require the applicant to agree to make periodic payments to the 7557
department to compensate for damage caused to the roadway by 7558
travel under the permit. 7559

(E) Every permit shall be carried in the vehicle or 7560
combination of vehicles to which it refers and shall be open to 7561
inspection by any police officer or authorized agent of any 7562
authority granting the permit. No person shall violate any of the 7563

terms of a permit. 7564

(F) The director may debar an applicant from applying for a 7565
special permit under this section upon a finding based on a 7566
reasonable belief that the applicant has done any of the 7567
following: 7568

(1) Abused the process by repeatedly submitting false 7569
information or false travel plans or by using another company or 7570
individual's name, insurance, or escrow account without proper 7571
authorization; 7572

(2) Failed to comply with or substantially perform under a 7573
previously issued special permit according to its terms, 7574
conditions, and specifications within specified time limits; 7575

(3) Failed to cooperate in the application process for the 7576
special permit or in any other procedures that are related to the 7577
issuance of the special permit by refusing to provide information 7578
or documents required in a permit or by failing to respond to and 7579
correct matters related to the special permit; 7580

(4) Accumulated repeated justified complaints regarding 7581
performance under a special permit that was previously issued to 7582
the applicant or previously failed to obtain a special permit when 7583
such a permit was required; 7584

(5) Attempted to influence a public employee to breach 7585
ethical conduct standards; 7586

(6) Been convicted of a criminal offense related to the 7587
application for, or performance under, a special permit, 7588
including, but not limited to, bribery, falsification, fraud or 7589
destruction of records, receiving stolen property, and any other 7590
offense that directly reflects on the applicant's integrity or 7591
commercial driver's license; 7592

(7) Accumulated repeated convictions under a state or federal 7593

safety law governing commercial motor vehicles or a rule or 7594
regulation adopted under such a law; 7595

(8) Accumulated repeated convictions under a law, rule, or 7596
regulation governing the movement of traffic over the public 7597
streets and highways; 7598

(9) Failed to pay any fees associated with any permitted 7599
operation or move; 7600

(10) Deliberately or willfully submitted false or misleading 7601
information in connection with the application for, or performance 7602
under, a special permit issued under this section. 7603

If the applicant is a partnership, association, or 7604
corporation, the director also may debar from consideration for 7605
special permits any partner of the partnership, or the officers, 7606
directors, or employees of the association or corporation being 7607
debarred. 7608

The director may adopt rules in accordance with Chapter 119. 7609
of the Revised Code governing the debarment of an applicant. 7610

(G) When the director reasonably believes that grounds for 7611
debarment exist, the director shall send the person that is 7612
subject to debarment a notice of the proposed debarment. A notice 7613
of proposed debarment shall indicate the grounds for the debarment 7614
of the person and the procedure for requesting a hearing. The 7615
notice and hearing shall be in accordance with Chapter 119. of the 7616
Revised Code. If the person does not respond with a request for a 7617
hearing in the manner specified in that chapter, the director 7618
shall issue the debarment decision without a hearing and shall 7619
notify the person of the decision by certified mail, return 7620
receipt requested. The debarment period may be of any length 7621
determined by the director, and the director may modify or rescind 7622
the debarment at any time. During the period of debarment, the 7623
director shall not issue, or consider issuing, a special permit to 7624

any partnership, association, or corporation that is affiliated 7625
with a debarred person. After the debarment period expires, the 7626
person, and any partnership, association, or corporation 7627
affiliated with the person, may reapply for a special permit. 7628

(H) Whoever violates this section shall be punished as 7629
provided in section 4513.99 of the Revised Code. 7630

Sec. 4517.021. (A) Sections 4517.01, 4517.02, and 4517.03 to 7631
4517.45 of the Revised Code do not apply to a person auctioning 7632
classic motor vehicles, provided all of the following apply: 7633

(1) The person is responsible for not more than two auctions 7634
of classic motor vehicles per year, with no auction lasting more 7635
than ~~one day~~ two days; 7636

(2) The person requests and receives permission for the 7637
auction from the registrar of motor vehicles by filing an 7638
application for each proposed auction of classic motor vehicles, 7639
at least thirty days before the auction, in a form prescribed by 7640
the registrar, signed and sworn to by the person, that contains 7641
all of the following: 7642

(a) The person's name and business address; 7643

(b) The location of the auction; 7644

(c) Evidence, sufficient to satisfy the registrar, that the 7645
person does not exclusively sell motor vehicles; 7646

(d) Any necessary, reasonable, and relevant information that 7647
the registrar may require to verify compliance with this section. 7648

(3) The person will be auctioning the classic motor vehicle 7649
to the general public for the legal owner of the vehicle, which 7650
ownership must be evidenced at the time of the auction by a valid 7651
certificate of title issued pursuant to Chapter 4505. of the 7652
Revised Code; 7653

(4) The person keeps a record of the following information 7654
for each classic motor vehicle offered for sale at auction, in a 7655
manner prescribed by the registrar: 7656

(a) The certificate of title number, county, and state of 7657
registration; 7658

(b) The year, make, model, and vehicle identification number; 7659

(c) The name and address of the person offering the vehicle 7660
for sale; 7661

(d) The name and address of any vehicle purchaser; 7662

(e) The date the vehicle is offered for sale; 7663

(f) Any purchase price; 7664

(g) The odometer reading at the time of the auction and an 7665
odometer statement from the person offering the vehicle for sale 7666
at auction that complies with 49 U.S.C. 32705. 7667

(5) The person allows reasonable inspection by the registrar 7668
of the person's records relating to each classic motor vehicle 7669
auction. 7670

(B) Any person that auctions classic motor vehicles under 7671
this section shall use the auction services of an auction firm to 7672
conduct the auction. 7673

(C) The registrar may refuse permission to hold an auction if 7674
the registrar finds that the person has not complied with division 7675
(A) of this section or has made a false statement of a material 7676
fact in the application filed under division (A)(2) of this 7677
section. 7678

(D) The registrar shall not authorize a person licensed under 7679
section 4707.072 of the Revised Code to offer auction services or 7680
act as an auctioneer in regard to an auction of classic motor 7681
vehicles pursuant to this section. 7682

(E) As used in this section: 7683

(1) "Auction firm" and "auction services" have the same 7684
meanings as in section 4707.01 of the Revised Code. 7685

(2) "Classic motor vehicle" means a motor vehicle that is 7686
over twenty-six years old. 7687

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 7688
and (D) of this section, no person shall operate any snowmobile, 7689
off-highway motorcycle, or all-purpose vehicle within this state 7690
unless the snowmobile, off-highway motorcycle, or all-purpose 7691
vehicle is registered and numbered in accordance with sections 7692
4519.03 and 4519.04 of the Revised Code. 7693

(B)(1) No registration is required for a snowmobile, or 7694
off-highway motorcycle, ~~or all-purpose vehicle~~ that is operated 7695
exclusively upon lands owned by the owner of the snowmobile, or 7696
off-highway motorcycle, ~~or all-purpose vehicle~~, or on lands to 7697
which the owner of the snowmobile or off-highway motorcycle has a 7698
contractual right. 7699

(2) No registration is required for an all-purpose vehicle 7700
that is used primarily on a farm as a farm implement. 7701

(C) No registration is required for a snowmobile, off-highway 7702
motorcycle, or all-purpose vehicle owned and used in this state by 7703
a resident of another state whenever that state has in effect a 7704
registration law similar to this chapter and the snowmobile, 7705
off-highway motorcycle, or all-purpose vehicle is properly 7706
registered under that state's law. Any snowmobile, off-highway 7707
motorcycle, or all-purpose vehicle owned and used in this state by 7708
a resident of a state not having a registration law similar to 7709
this chapter shall comply with section 4519.09 of the Revised 7710
Code. 7711

(D) No registration is required for a snowmobile, off-highway 7712

motorcycle, or all-purpose vehicle owned and used in this state by 7713
the United States, another state, or a political subdivision 7714
thereof, but the snowmobile, off-highway motorcycle, or 7715
all-purpose vehicle shall display the name of the owner thereon. 7716

(E) The owner or operator of any all-purpose vehicle operated 7717
or used upon the waters in this state shall comply with Chapters 7718
1547. and 1548. of the Revised Code relative to the operation of 7719
watercraft. 7720

(F) Except as otherwise provided in this division, whoever 7721
violates division (A) of this section shall be fined not ~~more~~ less 7722
than ~~twenty-five~~ fifty dollars but not more than one hundred 7723
dollars. ~~If the offender previously has been convicted of or~~ 7724
~~pleaded guilty to a violation of division (A) of this section,~~ 7725
~~whoever violates division (A) of this section shall be fined not~~ 7726
~~less than twenty-five nor more than fifty dollars.~~ 7727

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 7728
motorcycle, and all-purpose vehicle required to be registered 7729
under section 4519.02 of the Revised Code shall file an 7730
application for registration with the registrar of motor vehicles 7731
or a deputy registrar, on blanks furnished by the registrar for 7732
that purpose and containing all of the following information: 7733

(1) A brief description of the snowmobile, off-highway 7734
motorcycle, or all-purpose vehicle, including the year, make, 7735
model, and the vehicle identification number; 7736

(2) The name, residence, and business address of the owner; 7737

(3) A statement that the snowmobile, off-highway motorcycle, 7738
or all-purpose vehicle is equipped as required by section 4519.20 7739
of the Revised Code and any rule adopted under that section. The 7740
statement shall include a check list of the required equipment 7741
items in the form the registrar shall prescribe. 7742

The application shall be signed by the owner of the 7743
snowmobile, off-highway motorcycle, or all-purpose vehicle and 7744
shall be accompanied by a fee as provided in division (C) of 7745
section 4519.04 of the Revised Code. 7746

If the application is not in proper form, or if the vehicle 7747
for which registration is sought does not appear to be equipped as 7748
required by section 4519.20 of the Revised Code or any rule 7749
adopted under that section, the registration shall be refused, and 7750
no registration sticker, license plate, or validation sticker 7751
shall be issued. 7752

(B) On and after July 1, 1999, no certificate of registration 7753
or renewal of a certificate of registration shall be issued for an 7754
off-highway motorcycle or all-purpose vehicle required to be 7755
registered under section 4519.02 of the Revised Code, and no 7756
certificate of registration issued under this chapter for an 7757
off-highway motorcycle or all-purpose vehicle that is sold or 7758
otherwise transferred shall be transferred to the new owner of the 7759
off-highway motorcycle or all-purpose vehicle as permitted by 7760
division (B) of section 4519.05 of the Revised Code, unless a 7761
certificate of title has been issued under this chapter for the 7762
motorcycle or vehicle, and the owner or new owner, as the case may 7763
be, presents a physical certificate of title or memorandum 7764
certificate of title for inspection at the time the owner or new 7765
owner first submits a registration application, registration 7766
renewal application, or registration transfer application for the 7767
motorcycle or vehicle on or after July 1, 1999, if a physical 7768
certificate of title or memorandum certificate has been issued by 7769
a clerk of a court of common pleas. If, under sections 4519.512 7770
and 4519.58 of the Revised Code, a clerk instead has issued an 7771
electronic certificate of title for the applicant's off-highway 7772
motorcycle or all-purpose vehicle, that certificate may be 7773
presented for inspection at the time of first registration in a 7774

manner prescribed by rules adopted by the registrar. 7775

(C) When the owner of an off-highway motorcycle or 7776
all-purpose vehicle first registers it in the owner's name, and a 7777
certificate of title has been issued for the motorcycle or 7778
vehicle, the owner shall present for inspection a physical 7779
certificate of title or memorandum certificate of title showing 7780
title to the off-highway motorcycle or all-purpose vehicle in the 7781
name of the owner if a physical certificate of title or memorandum 7782
certificate has been issued by a clerk of a court of common pleas. 7783
If, under sections 4519.512 and 4519.58 of the Revised Code, a 7784
clerk instead has issued an electronic certificate of title for 7785
the applicant's off-highway motorcycle or all-purpose vehicle, 7786
that certificate may be presented for inspection at the time of 7787
first registration in a manner prescribed by rules adopted by the 7788
registrar. If, when the owner of such an off-highway motorcycle or 7789
all-purpose vehicle first makes application to register it in the 7790
owner's name, the application is not in proper form or the 7791
certificate of title or memorandum certificate of title does not 7792
accompany the registration or, in the case of an electronic 7793
certificate of title, is not presented in a manner prescribed by 7794
the registrar, the registration shall be refused, and neither a 7795
certificate of registration nor a registration sticker, license 7796
plate, or validation sticker shall be issued. When a certificate 7797
of registration and registration sticker, license plate, or 7798
validation sticker are issued upon the first registration of an 7799
off-highway motorcycle or all-purpose vehicle by or on behalf of 7800
the owner, the official issuing them shall indicate the issuance 7801
with a stamp on the certificate of title or memorandum certificate 7802
of title or, in the case of an electronic certificate of title, an 7803
electronic stamp or other notation as specified in rules adopted 7804
by the registrar. 7805

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 7806

~~dollars and seventy five cents commencing on July 1, 2001, three~~ 7807
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 7808
~~three dollars and fifty cents commencing on January 1, 2004,~~ 7809
for each application or renewal application received by the deputy 7810
registrar, which shall be for the purpose of compensating the 7811
deputy registrar for services, and office and rental expense, as 7812
may be necessary for the proper discharge of the deputy 7813
registrar's duties in the receiving of applications and the 7814
issuing of certificates of registration. 7815

Each deputy registrar, upon receipt of any application for 7816
registration, together with the registration fee, shall transmit 7817
the fee, together with the original and duplicate copy of the 7818
application, to the registrar in the manner and at the times the 7819
registrar, subject to the approval of the director of public 7820
safety and the treasurer of state, shall prescribe by rule. 7821

Sec. 4519.04. (A) Upon the filing of an application for 7822
registration of a snowmobile, off-highway motorcycle, or 7823
all-purpose vehicle and the payment of the tax therefor, the 7824
registrar of motor vehicles or a deputy registrar shall assign to 7825
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 7826
distinctive number and issue and deliver to the owner in such 7827
manner as the registrar may select, a certificate of registration, 7828
in such form as the registrar shall prescribe. Any number so 7829
assigned to a snowmobile, off-highway motorcycle, or all-purpose 7830
vehicle shall be a permanent number, and shall not be issued to 7831
any other snowmobile, off-highway motorcycle, or all-purpose 7832
vehicle. 7833

(B)(1) In addition to the certificate of registration, the 7834
registrar or deputy registrar also shall issue to the owner of ~~the~~ 7835
~~a snowmobile, or off-highway motorcycle, or all-purpose vehicle~~ a 7836
registration sticker. The registrar shall prescribe the color and 7837

size of the sticker, the combination of numerals and letters 7838
displayed on it, and placement of the sticker on the snowmobile, 7839
or off-highway motorcycle, or all-purpose vehicle. 7840

~~(B)~~ Upon receipt of a certificate of registration for a 7841
snowmobile, the owner shall paint or otherwise attach upon each 7842
side of the forward cowl of the snowmobile the identifying 7843
registration number, in block characters of not less than two 7844
inches in height and of such color as to be distinctly visible and 7845
legible. 7846

(2) The registrar or deputy registrar also shall issue to the 7847
owner of an all-purpose vehicle, in addition to the certificate of 7848
registration, one license plate and a validation sticker, or a 7849
validation sticker alone when applicable upon a registration 7850
renewal. The license plate and validation sticker shall be 7851
displayed on the all-purpose vehicle so that they are distinctly 7852
visible, in accordance with such rules as the registrar adopts. 7853
The validation sticker shall indicate the expiration date of the 7854
registration period of the all-purpose vehicle. During each 7855
succeeding registration period following the issuance of the 7856
license plate and validation sticker, upon the filing of an 7857
application for registration and payment of the fee specified in 7858
division (C) of this section, a validation sticker alone shall be 7859
issued. 7860

(C) Unless previously canceled, each certificate of 7861
registration issued for a snowmobile, off-highway motorcycle, or 7862
all-purpose vehicle expires upon the thirty-first day of December 7863
in the third year after the date it is issued. Application for 7864
renewal of a certificate may be made not earlier than ninety days 7865
preceding the expiration date, and shall be accompanied by a fee 7866
of ~~five~~ thirty-one dollars and twenty-five cents. 7867

Notwithstanding section 4519.11 of the Revised Code, of each 7868
thirty-one dollar and twenty-five-cent fee collected for the 7869

registration of an all-purpose vehicle, the registrar shall retain 7870
not more than five dollars to pay for the licensing and 7871
registration costs the bureau of motor vehicles incurs in 7872
registering the all-purpose vehicle. The remainder of the fee 7873
shall be deposited into the state treasury to the credit of the 7874
state recreational vehicle fund created by section 4519.11 of the 7875
Revised Code. 7876

Sec. 4519.08. Any snowmobile, off-highway motorcycle, or 7877
all-purpose vehicle owned or leased by the state, by any of its 7878
political subdivisions, or by any volunteer organization that uses 7879
such vehicles exclusively for emergency purposes shall be 7880
registered free of charge. The registration number and 7881
registration sticker assigned to each such snowmobile, or 7882
off-highway motorcycle, ~~or~~ and the license plate and validation 7883
sticker assigned to such an all-purpose vehicle, shall be 7884
displayed as required by section 4519.04 of the Revised Code. 7885

Sec. 4519.09. Every owner or operator of a snowmobile, 7886
off-highway motorcycle, or all-purpose vehicle who is a resident 7887
of a state not having a registration law similar to this chapter, 7888
and who expects to use the snowmobile, off-highway motorcycle, or 7889
all-purpose vehicle in Ohio, shall apply to the registrar of motor 7890
vehicles or a deputy registrar for a temporary operating permit. 7891
The temporary operating permit shall be issued for a period not to 7892
exceed ~~fifteen days~~ one year from the date of issuance, shall be 7893
in such form as the registrar determines, shall include the name 7894
and address of the owner and operator of the snowmobile, 7895
off-highway motorcycle, or all-purpose vehicle, and any other 7896
information as the registrar considers necessary, and shall be 7897
issued upon payment of a fee of ~~five~~ eleven dollars and 7898
twenty-five cents. Every owner or operator receiving a temporary 7899
operating permit shall display it upon the reasonable request of 7900

any law enforcement officer or other person as authorized by 7901
sections 4519.42 and 4519.43 of the Revised Code. 7902

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle 7903
or all-purpose vehicle, upon application and proof of purchase, 7904
may obtain a temporary license placard for it. The application for 7905
such a placard shall be signed by the purchaser of the off-highway 7906
motorcycle or all-purpose vehicle. The temporary license placard 7907
shall be issued only for the applicant's use of the off-highway 7908
motorcycle or all-purpose vehicle to enable the applicant to 7909
operate it legally while proper title and a registration sticker 7910
or license plate and validation sticker are being obtained and 7911
shall be displayed on no other off-highway motorcycle or 7912
all-purpose vehicle. A temporary license placard issued under this 7913
section shall be in a form prescribed by the registrar of motor 7914
vehicles, shall differ in some distinctive manner from a placard 7915
issued under section 4503.182 of the Revised Code, shall be valid 7916
for a period of thirty days from the date of issuance, and shall 7917
not be transferable or renewable. The placard either shall consist 7918
of or be coated with such material as will enable it to remain 7919
legible and relatively intact despite the environmental conditions 7920
to which the placard is likely to be exposed during the thirty-day 7921
period for which it is valid. The purchaser of an off-highway 7922
motorcycle or all-purpose vehicle shall attach the temporary 7923
license placard to it, in a manner prescribed by rules the 7924
registrar shall adopt, so that the placard numerals or letters are 7925
clearly visible. 7926

The fee for a temporary license placard issued under this 7927
section shall be two dollars. If the placard is issued by a deputy 7928
registrar, the deputy registrar shall charge an additional fee of 7929
~~two dollars and seventy five cents commencing on July 1, 2001,~~ 7930
~~three dollars and twenty five cents commencing on January 1, 2003,~~ 7931
~~and three dollars and fifty cents commencing on January 1, 2004,~~ 7932

which the deputy registrar shall retain. The deputy registrar 7933
shall transmit each two-dollar fee received by the deputy 7934
registrar under this section to the registrar, who shall pay the 7935
two dollars to the treasurer of state for deposit into the state 7936
bureau of motor vehicles fund established by section 4501.25 of 7937
the Revised Code. 7938

(B) The registrar may issue temporary license placards to a 7939
dealer to be issued to purchasers for use on vehicles sold by the 7940
dealer, in accordance with rules prescribed by the registrar. The 7941
dealer shall notify the registrar within forty-eight hours of 7942
proof of issuance on a form prescribed by the registrar. 7943

The fee for each such placard issued by the registrar to a 7944
dealer shall be two dollars plus a fee of ~~two dollars and~~ 7945
~~seventy five cents commencing on July 1, 2001, three dollars and~~ 7946
~~twenty five cents commencing on January 1, 2003, and three dollars~~ 7947
and fifty cents ~~commencing on January 1, 2004.~~ 7948

Sec. 4519.44. (A) No person who does not hold a valid, 7949
current motor vehicle driver's or commercial driver's license, 7950
motorcycle operator's endorsement, or probationary license, issued 7951
under Chapter 4506. or 4507. of the Revised Code or a valid, 7952
current driver's license issued by another jurisdiction, shall 7953
operate a snowmobile, off-highway motorcycle, or all-purpose 7954
vehicle on any street or highway in this state, on any portion of 7955
the right-of-way thereof, or on any public land or waters. 7956

(B) No person who is less than sixteen years of age shall 7957
operate a snowmobile, off-highway motorcycle, or all-purpose 7958
vehicle on any land or waters other than private property or 7959
waters owned by or leased to the person's parent or guardian, 7960
unless accompanied by another person who is eighteen years of age, 7961
or older, and who holds a license as provided in division (A) of 7962
this section, except that the department of natural resources may 7963

permit such operation on state controlled land under its 7964
jurisdiction when such person is less than sixteen years of age, 7965
but is twelve years of age or older and is accompanied by a parent 7966
or guardian who is a licensed driver eighteen years of age or 7967
older. 7968

(C) Whoever violates this section shall be fined not less 7969
than fifty nor more than five hundred dollars, imprisoned not less 7970
than three nor more than thirty days, or both. 7971

Sec. 4519.47. (A) Whenever a person is found guilty of 7972
operating a snowmobile, off-highway motorcycle, or all-purpose 7973
vehicle in violation of any rule authorized to be adopted under 7974
section 4519.21 or 4519.42 of the Revised Code, the trial judge of 7975
any court of record, in addition to or independent of any other 7976
penalties provided by law, may impound for not less than sixty 7977
days the certificate of registration and license plate, if 7978
applicable, of that snowmobile, off-highway motorcycle, or 7979
all-purpose vehicle. The court shall send the impounded 7980
certificate of registration and license plate, if applicable, to 7981
the registrar of motor vehicles, who shall retain the certificate 7982
of registration and license plate, if applicable, until the 7983
expiration of the period of impoundment. 7984

(B) If a court impounds the certificate of registration and 7985
license plate of an all-purpose vehicle pursuant to section 7986
2911.21 of the Revised Code, the court shall send the impounded 7987
certificate of registration and license plate to the registrar, 7988
who shall retain them until the expiration of the period of 7989
impoundment. 7990

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 7991
shall charge ~~a fee of five~~ and retain fees as follows: 7992

(a) Fifteen dollars for each certificate of title, or 7993

duplicate certificate of title, including the issuance of a 7994
memorandum certificate of title, authorization to print a 7995
non-negotiable evidence of ownership described in division (D) of 7996
section 4519.58 of the Revised Code, non-negotiable evidence of 7997
ownership printed by the clerk under division (E) of that section, 7998
and notation of any lien on a certificate of title that is applied 7999
for at the same time as the certificate of title. The clerk shall 8000
retain ~~two~~ eleven dollars and ~~twenty five~~ fifty cents of ~~the~~ that 8001
~~fee charged for each certificate of title, four dollars and~~ 8002
~~seventy five cents of the fee charged for each duplicate~~ 8003
~~certificate of title, all of the fees charged for each memorandum~~ 8004
~~certificate, authorization to print a non negotiable evidence of~~ 8005
~~ownership, or non negotiable evidence of ownership printed by the~~ 8006
~~clerk, and four dollars and twenty five cents of the fee charged~~ 8007
~~for each notation of a lien.~~ 8008

(b) Five dollars for each certificate of title with no 8009
security interest noted that is issued to a licensed motor vehicle 8010
dealer for resale purposes. The clerk shall retain two dollars and 8011
twenty-five cents of that fee. 8012

(c) Five dollars for each memorandum certificate of title or 8013
non-negotiable evidence of ownership that is applied for 8014
separately. The clerk shall retain that entire fee. 8015

(2) The remaining two dollars and seventy five cents charged 8016
for the certificate of title, the remaining twenty five cents 8017
charged for the duplicate certificate of title, and the remaining 8018
seventy five cents charged for the notation of any lien on a 8019
certificate of title fees that are not retained by the clerk shall 8020
be paid to the registrar of motor vehicles by monthly returns, 8021
which shall be forwarded to the registrar not later than the fifth 8022
day of the month next succeeding that in which the certificate is 8023
forwarded or that in which the registrar is notified of a lien or 8024
cancellation of a lien. 8025

(B)(1) The registrar shall pay twenty-five cents of the 8026
amount received for each certificate of title ~~and all of the~~ 8027
~~amounts received for each notation of any lien and each duplicate~~ 8028
~~certificate~~ that is issued to a motor vehicle dealer for resale 8029
and one dollar for all other certificates of title issued into the 8030
state bureau of motor vehicles fund established in section 4501.25 8031
of the Revised Code. 8032

(2) Fifty cents of the amount received for each certificate 8033
of title shall be paid by the registrar as follows: 8034

(a) Four cents shall be paid into the state treasury to the 8035
credit of the motor vehicle dealers board fund created in section 8036
4505.09 of the Revised Code, for use as described in division 8037
(B)(2)(a) of that section. 8038

(b) Twenty-one cents shall be paid into the highway operating 8039
fund. 8040

(c) Twenty-five cents shall be paid into the state treasury 8041
to the credit of the motor vehicle sales audit fund created in 8042
section 4505.09 of the Revised Code, for use as described in 8043
division (B)(2)(c) of that section. 8044

(3) Two dollars of the amount received by the registrar for 8045
each certificate of title shall be paid into the state treasury to 8046
the credit of the automated title processing fund created in 8047
section 4505.09 of the Revised Code, for use as described in 8048
divisions (B)(3)(a) and (c) of that section. 8049

Sec. 4561.17. (A) To provide revenue for administering 8050
sections 4561.17 to 4561.22 of the Revised Code relative to the 8051
registration of aircraft, for the surveying of and the 8052
establishment, checking, maintenance, and repair of aviation air 8053
marking and of air navigation facilities, for the acquiring, 8054
maintaining, and repairing of equipment necessary for those 8055

purposes, and for the cost of creating and distributing Ohio 8056
aeronautical charts and Ohio airport and landing field 8057
directories, an annual license tax is hereby levied upon all 8058
aircraft based in this state for which an aircraft worthiness 8059
certificate issued by the federal aviation administration is in 8060
effect except the following: 8061

(1) Aircraft owned by the United States or any territory of 8062
the United States; 8063

(2) Aircraft owned by any foreign government; 8064

(3) Aircraft owned by any state or any political subdivision 8065
of a state; 8066

~~(4) Aircraft operated under a certificate of convenience and 8067
necessity issued by the civil aeronautics board or any successor 8068
to that board; 8069~~

~~(5)~~ Aircraft owned by aircraft manufacturers or aircraft 8070
engine manufacturers and operated only for purposes of testing, 8071
delivery, or demonstration; 8072

~~(6)~~(5) Aircraft operated for hire over regularly scheduled 8073
routes within the state. 8074

(B) The license tax this section requires shall be at the 8075
rates specified in section 4561.18 of the Revised Code, and shall 8076
be paid to and collected by the director of transportation at the 8077
time of making application as provided in that section. 8078

Sec. 4561.18. (A) The owner of any aircraft that is based in 8079
this state and that is not of a type specified in divisions (A)(1) 8080
to ~~(6)~~(5) of section 4561.17 of the Revised Code, shall register 8081
that aircraft with the department of transportation pursuant to 8082
this section. 8083

(B) Applications for the licensing and registration of 8084
aircraft shall be made and signed by the owner on forms the 8085

department of transportation prepares. The forms shall contain a 8086
description of the aircraft, including its federal registration 8087
number, the airport or other place at which the aircraft is based, 8088
and any other information the department requires. 8089

(C)(1) Registration forms shall be filed with the director of 8090
transportation annually at the time the director specifies and 8091
shall be renewed according to the standard renewal procedure of 8092
sections 4745.01 to 4745.03 of the Revised Code. If the airport or 8093
other place at which the aircraft usually is based changes, the 8094
owner shall update the registration by filing a new form with the 8095
office of aviation. 8096

(2) An application for the registration of any aircraft not 8097
previously registered in this state that is acquired or becomes 8098
subject to the license tax subsequent to the last day of January 8099
in any year, shall be made for the balance of the year in which 8100
the aircraft is acquired, within thirty days after the acquisition 8101
or after becoming subject to the license tax. 8102

(D)(1) Each registration form shall be accompanied by the 8103
proper license tax, which, for all aircraft other than those 8104
described in ~~divisions~~ division (D)(2) ~~and (3)~~ of this section, 8105
shall be at the annual rate of fifteen dollars per seat, based on 8106
the manufacturer's maximum listed seating capacity. 8107

(2) The license tax for gliders and balloons shall be fifteen 8108
dollars annually. 8109

~~(3) The annual license tax for commercial cargo aircraft 8110
shall be seven hundred fifty dollars per aircraft. 8111~~

(E) The department of transportation shall maintain all 8112
registrations filed with it under this section and shall develop a 8113
program to track and enforce the registration of aircraft based in 8114
this state. 8115

(F) The taxes this section requires are in lieu of all other 8116

taxes on or with respect to ownership of an aircraft. 8117

(G) The director of transportation shall impose a fine 8118
pursuant to section 4561.22 of the Revised Code for each aircraft 8119
that an owner fails to register as this section requires and shall 8120
require the owner to register the aircraft within the time the 8121
director specifies. The director may impose a separate fine for 8122
each registration period during which the owner fails to register 8123
the aircraft. 8124

~~(H) As used in this section, "commercial cargo aircraft"~~ 8125
~~means any aircraft used in connection with an all cargo operation,~~ 8126
~~as defined in 14 C.F.R. 119.3.~~ 8127

Sec. 4561.21. (A) The director of transportation shall 8128
deposit all aircraft transfer fees in the state treasury to the 8129
credit of the general fund. 8130

(B) The director shall deposit all aircraft license taxes and 8131
fines in the state treasury to the credit of the airport 8132
assistance fund, which is hereby created. Money in the fund shall 8133
be used for maintenance and capital improvements to publicly owned 8134
airports, and the director shall distribute the money to eligible 8135
recipients in accordance with such procedures, guidelines, and 8136
criteria as the director shall establish. 8137

Sec. 4740.14. (A) There is hereby created within the 8138
department of commerce the residential construction advisory 8139
committee consisting of nine persons the director of commerce 8140
appoints. ~~Of the advisory committee's members, three~~ The advisory 8141
committee shall consist of the following members: 8142

(1) Three shall be general contractors who have recognized 8143
ability and experience in the construction of residential 8144
buildings, ~~two;~~ 8145

(2) Two shall be building officials who have experience 8146

administering and enforcing a residential building code,~~one,~~ 8147
~~chosen from a list of three names the Ohio fire chief's~~ 8148
~~association submits,;~~ 8149

(3) One shall be from the fire service certified as a fire 8150
safety inspector who has at least ten years of experience 8151
enforcing fire or building codes,~~one;~~ 8152

(4) One shall be a residential contractor who has recognized 8153
ability and experience in the remodeling and construction of 8154
residential buildings,~~one;~~ 8155

(5) One shall be an architect registered pursuant to Chapter 8156
4703. of the Revised Code, with recognized ability and experience 8157
in the architecture of residential buildings,~~and one, chosen from~~ 8158
~~a list of three names the Ohio municipal league submits to the~~ 8159
~~director,;~~ 8160

(6) One shall be a mayor of a municipal corporation in which 8161
the Ohio residential building code is being enforced in the 8162
municipal corporation by a certified building department. 8163

(B) ~~The director shall make appointments to the advisory~~ 8164
~~committee within ninety days after May 27, 2005. The members~~ 8165
described in divisions (A)(1) and (4) of this section shall be 8166
chosen from a list of seven names the Ohio home builders 8167
association submits to the director. The members described in 8168
division (A)(2) of this section shall be chosen from a list of 8169
five names the Ohio building officials association submits to the 8170
director. The member described in division (A)(3) of this section 8171
shall be chosen from a list of three names the Ohio fire chief's 8172
association submits to the director. The member described in 8173
division (A)(6) of this section shall be chosen from a list of 8174
three names the Ohio municipal league submits to the director. 8175

(C) Terms of office shall be for three years, with each term 8176
ending on the date three years after the date of appointment. Each 8177

member shall hold office from the date of appointment until the 8178
end of the term for which the member was appointed. The director 8179
shall fill a vacancy in the manner provided for initial 8180
appointments. Any member appointed to fill a vacancy in an 8181
unexpired term shall hold office for the remainder of that term. 8182

~~(C)~~(D) The advisory committee shall do all of the following: 8183

(1) Recommend to the board of building standards a building 8184
code for residential buildings. The committee shall recommend a 8185
code that it ~~models~~ may model on a residential building code a 8186
national model code organization issues, with adaptations 8187
necessary to implement the code in this state. If the board of 8188
building standards decides not to adopt a code the committee 8189
recommends, the committee shall revise the code and resubmit it 8190
until the board adopts a code the committee recommends as the 8191
state residential building code; 8192

(2) Provide the board with any rule the committee recommends 8193
to update or amend the state residential building code or to 8194
update or amend rules that the board adopts pursuant to division 8195
(E) of section 3781.10 of the Revised Code that relate to the 8196
certification of entities that enforce the state residential 8197
building code; 8198

(3) Advise the board regarding the establishment of standards 8199
for certification of building officials who enforce the state 8200
residential building code; 8201

~~(3)~~(4) Assist the board in providing information and guidance 8202
to residential contractors and building officials who enforce the 8203
state residential building code; 8204

~~(4)~~(5) Advise the board regarding the interpretation of the 8205
state residential building code; 8206

~~(5)~~(6) Provide other assistance the committee considers 8207
necessary.; 8208

~~(D) In making (7) Provide the board with a written report of~~ 8209
~~the committee's findings for each consideration required by~~ 8210
~~division (E) of this section;~~ 8211

(8) Provide the board with any rule the committee recommends 8212
regarding the state residential building code or relating to the 8213
certification of entities that enforce the state residential 8214
building code after receiving a petition as described in division 8215
(A)(2) of section 3781.12 of the Revised Code. 8216

(E) The committee shall not make its recommendation to the 8217
board pursuant to ~~division (C)(1)~~ divisions (D)(1), (2), (3), (5), 8218
and (8) of this section, until the advisory committee ~~shall~~ 8219
~~consider~~ has considered all of the following: 8220

(1) The impact that the state residential building code may 8221
have upon the health, safety, and welfare of the public; 8222

(2) The economic reasonableness of the residential building 8223
code; 8224

(3) The technical feasibility of the residential building 8225
code; 8226

(4) The financial impact that the residential building code 8227
may have on the public's ability to purchase affordable housing. 8228

~~(E)~~ (F) Members of the advisory committee shall receive no 8229
salary for the performance of their duties as members, but shall 8230
receive reimbursement for their actual and necessary expenses 8231
incurred in the performance of their duties as members of the 8232
advisory committee ~~and shall receive a per diem for each day in~~ 8233
~~attendance at an official meeting of the committee, to be paid~~ 8234
~~from the industrial compliance operating fund in the state~~ 8235
~~treasury, using fees collected in connection with residential~~ 8236
~~buildings pursuant to division (F)(2) of section 3781.102 of the~~ 8237
~~Revised Code and deposited in that fund, including travel~~ 8238
expenses. 8239

~~(F)~~(G) The advisory committee is not subject to divisions (A) 8240
and (B) of section 101.84 of the Revised Code. 8241

Sec. 4765.37. (A) An emergency medical technician-basic shall 8242
perform the emergency medical services described in this section 8243
in accordance with this chapter and any rules adopted under it by 8244
the state board of emergency medical services. 8245

(B) An emergency medical technician-basic may operate, or be 8246
responsible for operation of, an ambulance and may provide 8247
emergency medical services to patients. In an emergency, an 8248
EMT-basic may determine the nature and extent of illness or injury 8249
and establish priority for required emergency medical services. An 8250
EMT-basic may render emergency medical services such as opening 8251
and maintaining an airway, giving positive pressure ventilation, 8252
cardiac resuscitation, electrical interventions with automated 8253
defibrillators to support or correct the cardiac function and 8254
other methods determined by the board, controlling of hemorrhage, 8255
treatment of shock, immobilization of fractures, bandaging, 8256
assisting in childbirth, management of mentally disturbed 8257
patients, initial care of poison and burn patients, and 8258
determining triage of adult and pediatric trauma victims. Where 8259
patients must in an emergency be extricated from entrapment, an 8260
EMT-basic may assess the extent of injury and render all possible 8261
emergency medical services and protection to the entrapped 8262
patient; provide light rescue services if an ambulance has not 8263
been accompanied by a specialized unit; and after extrication, 8264
provide additional care in sorting of the injured in accordance 8265
with standard emergency procedures. 8266

(C) An EMT-basic may perform any other emergency medical 8267
services approved pursuant to rules adopted under section 4765.11 8268
of the Revised Code. The board shall determine whether the nature 8269
of any such service requires that an EMT-basic receive 8270

authorization prior to performing the service. 8271

(D)(1) Except as provided in division (D)(2) of this section, 8272
if the board determines under division (C) of this section that a 8273
service requires prior authorization, the service shall be 8274
performed only pursuant to the written or verbal authorization of 8275
a physician or of the cooperating physician advisory board, or 8276
pursuant to an authorization transmitted through a direct 8277
communication device by a physician or registered nurse designated 8278
by a physician. 8279

(2) If communications fail during an emergency situation or 8280
the required response time prohibits communication, an EMT-basic 8281
may perform services subject to this division, if, in the judgment 8282
of the EMT-basic, the life of the patient is in immediate danger. 8283
Services performed under these circumstances shall be performed in 8284
accordance with the protocols for triage of adult and pediatric 8285
trauma victims established in rules adopted under sections 4765.11 8286
and 4765.40 of the Revised Code and any applicable protocols 8287
adopted by the emergency medical service organization with which 8288
the EMT-basic is affiliated. 8289

(E) In addition to providing emergency medical services, an 8290
EMT-basic may withdraw blood as provided under sections 1547.11, 8291
4506.17, and 4511.19 of the Revised Code. An EMT-basic shall 8292
withdraw blood in accordance with this chapter and any rules 8293
adopted under it by the state board of emergency medical services. 8294
8295

Sec. 4765.38. (A) An emergency medical 8296
technician-intermediate shall perform the emergency medical 8297
services described in this section in accordance with this chapter 8298
and any rules adopted under it. 8299

(B) An EMT-I may do any of the following: 8300

(1) Establish and maintain an intravenous lifeline that has 8301
been approved by a cooperating physician or physician advisory 8302
board; 8303

(2) Perform cardiac monitoring; 8304

(3) Perform electrical interventions to support or correct 8305
the cardiac function; 8306

(4) Administer epinephrine; 8307

(5) Determine triage of adult and pediatric trauma victims; 8308

(6) Perform any other emergency medical services approved 8309
pursuant to rules adopted under section 4765.11 of the Revised 8310
Code. 8311

(C)(1) Except as provided in division (C)(2) of this section, 8312
the services described in division (B) of this section shall be 8313
performed by an EMT-I only pursuant to the written or verbal 8314
authorization of a physician or of the cooperating physician 8315
advisory board, or pursuant to an authorization transmitted 8316
through a direct communication device by a physician or registered 8317
nurse designated by a physician. 8318

(2) If communications fail during an emergency situation or 8319
the required response time prohibits communication, an EMT-I may 8320
perform any of the services described in division (B) of this 8321
section, if, in the judgment of the EMT-I, the life of the patient 8322
is in immediate danger. Services performed under these 8323
circumstances shall be performed in accordance with the protocols 8324
for triage of adult and pediatric trauma victims established in 8325
rules adopted under sections 4765.11 and 4765.40 of the Revised 8326
Code and any applicable protocols adopted by the emergency medical 8327
service organization with which the EMT-I is affiliated. 8328

(D) In addition to providing emergency medical services, an 8329
EMT-I may withdraw blood as provided under sections 1547.11, 8330

4506.17, and 4511.19 of the Revised Code. An EMT-I shall withdraw 8331
blood in accordance with this chapter and any rules adopted under 8332
it by the state board of emergency medical services. 8333

Sec. 4765.39. (A) An emergency medical technician-paramedic 8334
shall perform the emergency medical services described in this 8335
section in accordance with this chapter and any rules adopted 8336
under it. 8337

(B) A paramedic may do any of the following: 8338

(1) Perform cardiac monitoring; 8339

(2) Perform electrical interventions to support or correct 8340
the cardiac function; 8341

(3) Perform airway procedures; 8342

(4) Perform relief of pneumothorax; 8343

(5) Administer appropriate drugs and intravenous fluids; 8344

(6) Determine triage of adult and pediatric trauma victims; 8345

(7) Perform any other emergency medical services, including 8346
life support or intensive care techniques, approved pursuant to 8347
rules adopted under section 4765.11 of the Revised Code. 8348

(C)(1) Except as provided in division (C)(2) of this section, 8349
the services described in division (B) of this section shall be 8350
performed by a paramedic only pursuant to the written or verbal 8351
authorization of a physician or of the cooperating physician 8352
advisory board, or pursuant to an authorization transmitted 8353
through a direct communication device by a physician or registered 8354
nurse designated by a physician. 8355

(2) If communications fail during an emergency situation or 8356
the required response time prohibits communication, a paramedic 8357
may perform any of the services described in division (B) of this 8358
section, if, in the paramedic's judgment, the life of the patient 8359

is in immediate danger. Services performed under these 8360
circumstances shall be performed in accordance with the protocols 8361
for triage of adult and pediatric trauma victims established in 8362
rules adopted under sections 4765.11 and 4765.40 of the Revised 8363
Code and any applicable protocols adopted by the emergency medical 8364
service organization with which the paramedic is affiliated. 8365

(D) In addition to providing emergency medical services, a 8366
paramedic may withdraw blood as provided under sections 1547.11, 8367
4506.17, and 4511.19 of the Revised Code. An paramedic shall 8368
withdraw blood in accordance with this chapter and any rules 8369
adopted under it by the state board of emergency medical services. 8370
8371

Sec. 4928.64. (A)(1) As used in sections 4928.64 and 4928.65 8372
of the Revised Code, "alternative energy resource" means an 8373
advanced energy resource or renewable energy resource, as defined 8374
in section 4928.01 of the Revised Code that has a 8375
placed-in-service date of January 1, 1998, or after; a renewable 8376
energy resource created on or after January 1, 1998, by the 8377
modification or retrofit of any facility placed in service prior 8378
to January 1, 1998; or a mercantile customer-sited ~~advance~~ 8379
advanced energy resource or renewable energy resource, whether new 8380
or existing, that the mercantile customer commits for integration 8381
into the electric distribution utility's demand-response, energy 8382
efficiency, or peak demand reduction programs as provided under 8383
division ~~(B)~~(A)(2)~~(b)~~(c) of section 4928.66 of the Revised Code, 8384
including, but not limited to, any of the following: 8385

(a) A resource that has the effect of improving the 8387
relationship between real and reactive power; 8388

(b) A resource that makes efficient use of waste heat or 8389
other thermal capabilities owned or controlled by a mercantile 8390

customer; 8391

(c) Storage technology that allows a mercantile customer more 8392
flexibility to modify its demand or load and usage 8393
characteristics; 8394

(d) Electric generation equipment owned or controlled by a 8395
mercantile customer that uses an advanced energy resource or 8396
renewable energy resource; 8397

(e) Any advanced energy resource or renewable energy resource 8398
of the mercantile customer that can be utilized effectively as 8399
part of any advanced energy resource plan of an electric 8400
distribution utility and would otherwise qualify as an alternative 8401
energy resource if it were utilized directly by an electric 8402
distribution utility. 8403

(2) For the purpose of this section and as it considers 8404
appropriate, the public utilities commission may classify any new 8405
technology as such an advanced energy resource or a renewable 8406
energy resource. 8407

(B) By 2025 and thereafter, an electric distribution utility 8408
shall provide from alternative energy resources, including, at its 8409
discretion, alternative energy resources obtained pursuant to an 8410
electricity supply contract, a portion of the electricity supply 8411
required for its standard service offer under section 4928.141 of 8412
the Revised Code, and an electric services company shall provide a 8413
portion of its electricity supply for retail consumers in this 8414
state from alternative energy resources, including, at its 8415
discretion, alternative energy resources obtained pursuant to an 8416
electricity supply contract. That portion shall equal twenty-five 8417
per cent of the total number of kilowatt hours of electricity sold 8418
by the subject utility or company to any and all retail electric 8419
consumers whose electric load centers are served by that utility 8420
and are located within the utility's certified territory or, in 8421

the case of an electric services company, are served by the 8422
company and are located within this state. However, nothing in 8423
this section precludes a utility or company from providing a 8424
greater percentage. The baseline for a utility's or company's 8425
compliance with the alternative energy resource requirements of 8426
this section shall be the average of such total kilowatt hours it 8427
sold in the preceding three calendar years, except that the 8428
commission may reduce a utility's or company's baseline to adjust 8429
for new economic growth in the utility's certified territory or, 8430
in the case of an electric services company, in the company's 8431
service area in this state. 8432

8433

Of the alternative energy resources implemented by the 8434
subject utility or company by 2025 and thereafter: 8435

(1) Half may be generated from advanced energy resources; 8436

(2) At least half shall be generated from renewable energy 8437
resources, including one-half per cent from solar energy 8438
resources, in accordance with the following benchmarks: 8439

By end of year	Renewable energy resources	Solar energy resources	8440
2009	0.25%	0.004%	8441
2010	0.50%	0.010%	8442
2011	1%	0.030%	8443
2012	1.5%	0.060%	8444
2013	2%	0.090%	8445
2014	2.5%	0.12%	8446
2015	3.5%	0.15%	8447
2016	4.5%	0.18%	8448
2017	5.5%	0.22%	8449
2018	6.5%	0.26%	8450
2019	7.5%	0.3%	8451
2020	8.5%	0.34%	8452

2021	9.5%	0.38%	8453
2022	10.5%	0.42%	8454
2023	11.5%	0.46%	8455
2024 and each calendar year thereafter	12.5%	0.5%	8456

(3) At least one-half of the renewable energy resources 8457
implemented by the utility or company shall be met through 8458
facilities located in this state; the remainder shall be met with 8459
resources that can be shown to be deliverable into this state. 8460

(C)(1) The commission annually shall review an electric 8461
distribution utility's or electric services company's compliance 8462
with the most recent applicable benchmark under division (B)(2) of 8463
this section and, in the course of that review, shall identify any 8464
undercompliance or noncompliance of the utility or company that it 8465
determines is weather-related, related to equipment or resource 8466
shortages for advanced energy or renewable energy resources as 8467
applicable, or is otherwise outside the utility's or company's 8468
control. 8469

(2) Subject to the cost cap provisions of division (C)(3) of 8470
this section, if the commission determines, after notice and 8471
opportunity for hearing, and based upon its findings in that 8472
review regarding avoidable undercompliance or noncompliance, but 8473
subject to division (C)(4) of this section, that the utility or 8474
company has failed to comply with any such benchmark, the 8475
commission shall impose a renewable energy compliance payment on 8476
the utility or company. 8477

(a) The compliance payment pertaining to the solar energy 8478
resource benchmarks under division (B)(2) of this section shall be 8479
an amount per megawatt hour of undercompliance or noncompliance in 8480
the period under review, starting at four hundred fifty dollars 8481
for 2009, four hundred dollars for 2010 and 2011, and similarly 8482
reduced every two years thereafter through 2024 by fifty dollars, 8483

to a minimum of fifty dollars. 8484

(b) The compliance payment pertaining to the renewable energy 8485
resource benchmarks under division (B)(2) of this section shall 8486
equal the number of additional renewable energy resource credits 8487
that the electric distribution utility or electric services 8488
company would have needed to comply with the applicable benchmark 8489
in the period under review times an amount that shall begin at 8490
forty-five dollars and shall be adjusted annually by the 8491
commission to reflect any change in the consumer price index as 8492
defined in section 101.27 of the Revised Code, but shall not be 8493
less than forty-five dollars. 8494

(c) The compliance payment shall not be passed through by the 8495
electric distribution utility or electric services company to 8496
consumers. The compliance payment shall be remitted to the 8497
commission, for deposit to the credit of the advanced energy fund 8498
created under section 4928.61 of the Revised Code. Payment of the 8499
compliance payment shall be subject to such collection and 8500
enforcement procedures as apply to the collection of a forfeiture 8501
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 8502
8503

(3) An electric distribution utility or an electric services 8504
company need not comply with a benchmark under division (B)(1) or 8505
(2) of this section to the extent that its reasonably expected 8506
cost of that compliance exceeds its reasonably expected cost of 8507
otherwise producing or acquiring the requisite electricity by 8508
three per cent or more. 8509

(4)(a) An electric distribution utility or electric services 8510
company may request the commission to make a force majeure 8511
determination pursuant to this division regarding all or part of 8512
the utility's or company's compliance with any minimum benchmark 8513
under division (B)(2) of this section during the period of review 8514
occurring pursuant to division (C)(2) of this section. The 8515

commission may require the electric distribution utility or 8516
electric services company to make solicitations for renewable 8517
energy resource credits as part of its default service before the 8518
utility's or company's request of force majeure under this 8519
division can be made. 8520

(b) Within ninety days after the filing of a request by an 8521
electric distribution utility or electric services company under 8522
division (C)(4)(a) of this section, the commission shall determine 8523
if renewable energy resources are reasonably available in the 8524
marketplace in sufficient quantities for the utility or company to 8525
comply with the subject minimum benchmark during the review 8526
period. In making this determination, the commission shall 8527
consider whether the electric distribution utility or electric 8528
services company has made a good faith effort to acquire 8529
sufficient renewable energy or, as applicable, solar energy 8530
resources to so comply, including, but not limited to, by banking 8531
or seeking renewable energy resource credits or by seeking the 8532
resources through long-term contracts. Additionally, the 8533
commission shall consider the availability of renewable energy or 8534
solar energy resources in this state and other jurisdictions in 8535
the PJM interconnection regional transmission organization or its 8536
successor and the midwest system operator or its successor. 8537

(c) If, pursuant to division (C)(4)(b) of this section, the 8538
commission determines that renewable energy or solar energy 8539
resources are not reasonably available to permit the electric 8540
distribution utility or electric services company to comply, 8541
during the period of review, with the subject minimum benchmark 8542
prescribed under division (B)(2) of this section, the commission 8543
shall modify that compliance obligation of the utility or company 8544
as it determines appropriate to accommodate the finding. 8545
Commission modification shall not automatically reduce the 8546
obligation for the electric distribution utility's or electric 8547

services company's compliance in subsequent years. If it modifies 8548
the electric distribution utility or electric services company 8549
obligation under division (C)(4)(c) of this section, the 8550
commission may require the utility or company, if sufficient 8551
renewable energy resource credits exist in the marketplace, to 8552
acquire additional renewable energy resource credits in subsequent 8553
years equivalent to the utility's or company's modified obligation 8554
under division (C)(4)(c) of this section. 8555

(5) The commission shall establish a process to provide for 8556
at least an annual review of the alternative energy resource 8557
market in this state and in the service territories of the 8558
regional transmission organizations that manage transmission 8559
systems located in this state. The commission shall use the 8560
results of this study to identify any needed changes to the amount 8561
of the renewable energy compliance payment specified under 8562
divisions (C)(2)(a) and (b) of this section. Specifically, the 8563
commission may increase the amount to ensure that payment of 8564
compliance payments is not used to achieve compliance with this 8565
section in lieu of actually acquiring or realizing energy derived 8566
from renewable energy resources. However, if the commission finds 8567
that the amount of the compliance payment should be otherwise 8568
changed, the commission shall present this finding to the general 8569
assembly for legislative enactment. 8570

8571

(D)(1) The commission annually shall submit to the general 8572
assembly in accordance with section 101.68 of the Revised Code a 8573
report describing the compliance of electric distribution 8574
utilities and electric services companies with division (B) of 8575
this section and any strategy for utility and company compliance 8576
or for encouraging the use of alternative energy resources in 8577
supplying this state's electricity needs in a manner that 8578
considers available technology, costs, job creation, and economic 8579

impacts. The commission shall allow and consider public comments 8580
on the report prior to its submission to the general assembly. 8581
Nothing in the report shall be binding on any person, including 8582
any utility or company for the purpose of its compliance with any 8583
benchmark under division (B) of this section, or the enforcement 8584
of that provision under division (C) of this section. 8585

8586

(2) The governor, in consultation with the commission 8587
chairperson, shall appoint an alternative energy advisory 8588
committee. The committee shall examine available technology for 8589
and related timetables, goals, and costs of the alternative energy 8590
resource requirements under division (B) of this section and shall 8591
submit to the commission a semiannual report of its 8592
recommendations. 8593

(E) All costs incurred by an electric distribution utility in 8594
complying with the requirements of this section shall be 8595
bypassable by any consumer that has exercised choice of supplier 8596
under section 4928.03 of the Revised Code. 8597

Sec. 4928.65. An electric distribution utility or electric 8598
services company may use renewable energy resource credits any 8599
time in the five calendar years following the date of their 8600
purchase or acquisition from any entity, including, but not 8601
limited to, a mercantile customer or an owner or operator of a 8602
hydroelectric generating facility that is located at a dam on a 8603
river, or on any water discharged to a river, that is within or 8604
bordering this state or within or bordering an adjoining state, 8605
for the purpose of complying with the renewable energy and solar 8606
energy resource requirements of division (B)(2) of section 4928.64 8607
of the Revised Code. The public utilities commission shall adopt 8608
rules specifying that one unit of credit shall equal one megawatt 8609
hour of electricity derived from renewable energy resources. 8610

except that, for a generating facility of seventy-five megawatts 8611
or greater that is situated within this state and has committed by 8612
December 31, 2009, to modify or retrofit its generating unit or 8613
units to enable the facility to generate principally from biomass 8614
energy by June 30, 2013, each megawatt hour of electricity 8615
generated principally from that biomass energy shall equal, in 8616
units of credit, the product obtained by multiplying the actual 8617
percentage of biomass feedstock heat input used to generate such 8618
megawatt hour by the quotient obtained by dividing the then 8619
existing unit dollar amount used to determine a renewable energy 8620
compliance payment as provided under division (C)(2)(b) of section 8621
4928.64 of the Revised Code by the then existing market value of 8622
one renewable energy credit, but such megawatt hour shall not 8623
equal less than one unit of credit. The rules also shall provide 8624
for this state a system of registering renewable energy resource 8625
credits by specifying which of any generally available registries 8626
shall be used for that purpose and not by creating a registry. 8627
That selected system of registering renewable energy credits shall 8628
allow a hydroelectric generating facility to be eligible for 8629
obtaining renewable energy credits and shall allow customer-sited 8630
projects or actions the broadest opportunities to be eligible for 8631
obtaining renewable energy credits. 8632

8633

8634

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 8635
of the Revised Code the director of transportation may lease or 8636
lease-purchase all or any part of a transportation facility to or 8637
from one or more persons, one or more governmental agencies, a 8638
transportation improvement district, or any combination thereof, 8639
and, ~~in conjunction therewith,~~ may grant leases, easements, or 8640
licenses for lands under the control of the department of 8641
transportation. The director may adopt rules necessary to give 8642

effect to this section. 8643

(B) Plans and specifications for the construction of a 8644
transportation facility under a lease or lease-purchase agreement 8645
are subject to approval of the director and must meet or exceed 8646
all applicable standards of the department. 8647

(C) Any lease or lease-purchase agreement under which the 8648
department is the lessee shall be for a period not exceeding the 8649
then current two-year period for which appropriations have been 8650
made by the general assembly to the department, and such agreement 8651
may contain such other terms as the department and the other 8652
parties thereto agree, notwithstanding any other provision of law, 8653
including provisions that rental payments in amounts sufficient to 8654
pay bond service charges payable during the current two-year lease 8655
term shall be an absolute and unconditional obligation of the 8656
department independent of all other duties under the agreement 8657
without set-off or deduction or any other similar rights or 8658
defenses. Any such agreement may provide for renewal of the 8659
agreement at the end of each term for another term, not exceeding 8660
two years, provided that no renewal shall be effective until the 8661
effective date of an appropriation enacted by the general assembly 8662
from which the department may lawfully pay rentals under such 8663
agreement. Any such agreement may include, without limitation, any 8664
agreement by the department with respect to any costs of 8665
transportation facilities to be included prior to acquisition and 8666
construction of such transportation facilities. Any such agreement 8667
shall not constitute a debt or pledge of the faith and credit of 8668
the state, or of any political subdivision of the state, and the 8669
lessor shall have no right to have taxes or excises levied by the 8670
general assembly, or the taxing authority of any political 8671
subdivision of the state, for the payment of rentals thereunder. 8672
Any such agreement shall contain a statement to that effect. 8673

(D) A municipal corporation, township, or county may use 8674

service payments in lieu of taxes credited to special funds or 8675
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 8676
Revised Code to provide its contribution to the cost of a 8677
transportation facility, provided such facility was among the 8678
purposes for which such service payments were authorized. The 8679
contribution may be in the form of a lump sum or periodic 8680
payments. 8681

(E) Pursuant to ~~47 U.S.C. 332,~~" the "Telecommunications Act 8682
of ~~1966~~ 1996," 110 Stat. 152, 47 U.S.C. 332 note, the director may 8683
grant a lease, easement, or license in a transportation facility 8684
to a telecommunications service provider for construction, 8685
placement, or operation of a telecommunications facility. An 8686
interest granted under this ~~section~~ division is subject to all of 8687
the following conditions: 8688

(1) The transportation facility is owned in fee simple or 8689
easement by this state at the time the lease, easement, or license 8690
is granted to the telecommunications provider. 8691

(2) The lease, easement, or license shall be granted on a 8692
competitive basis in accordance with policies and procedures to be 8693
determined by the director. The policies and procedures may 8694
include provisions for master leases for multiple sites. 8695

(3) The telecommunications facility shall be designed to 8696
accommodate the state's multi-agency radio communication system, 8697
the intelligent transportation system, and the department's 8698
communication system as the director may determine is necessary 8699
for highway or other departmental purposes. 8700

(4) The telecommunications facility shall be designed to 8701
accommodate such additional telecommunications equipment as may 8702
feasibly be co-located thereon as determined in the discretion of 8703
the director. 8704

(5) The telecommunications service providers awarded the 8705

lease, easement, or license, agree to permit other 8706
telecommunications service providers to co-locate on the 8707
telecommunications facility, and agree to the terms and conditions 8708
of the co-location as determined in the discretion of the 8709
director. 8710

(6) The director shall require indemnity agreements in favor 8711
of the department as a condition of any lease, easement, or 8712
license granted under this division. Each indemnity agreement 8713
shall secure this state and its agents from liability for damages 8714
arising out of safety hazards, zoning, and any other matter of 8715
public interest the director considers necessary. 8716

(7) The telecommunications service provider fully complies 8717
with any permit issued under section 5515.01 of the Revised Code 8718
pertaining to land that is the subject of the lease, easement, or 8719
license. 8720

(8) All plans and specifications shall meet with the 8721
director's approval. 8722

(9) Any other conditions the director determines necessary. 8723

(F) Money received by the department under division (E) of 8724
this section shall be deposited to the credit of the highway 8725
operating fund. 8726

(G) A lease, easement, or license granted under division (E) 8727
of this section, and any telecommunications facility relating to 8728
such interest in a transportation facility, is hereby deemed to 8729
further the essential highway purpose of building and maintaining 8730
a safe, efficient, and accessible transportation system. 8731
8732

Sec. 5501.51. (A) The state shall reimburse a utility for the 8733
cost of relocation of utility facilities necessitated by the 8734
construction of a highway project only in the event that the 8735

utility can evidence a vested interest in the nature of a fee 8736
interest, an easement interest, or a lesser estate in the real 8737
property it occupies in the event that the utility possesses a 8738
vested interest in such property. The utility shall present 8739
evidence satisfactory to the state substantiating the cost of 8740
relocation. The director may audit all financial records which the 8741
director determines necessary to verify such actual costs. 8742

(B) Notwithstanding division (A) of this section or any other 8743
provision of the Revised Code, if relocation of utility facilities 8744
or any parts thereof is directed by the state or a county, 8745
township, or municipal corporation and is necessitated by the 8746
construction, reconstruction, improvement, maintenance, or repair 8747
of a road, highway, or bridge that is financed in whole or in part 8748
by federal funds provided as part of or as a result of "The 8749
American Recovery and Reinvestment Act of 2009," Pub. L. No. 8750
111-5, 123 Stat. 115, the state, county, township, or municipal 8751
corporation shall reimburse the utility for the cost of the 8752
relocation. 8753

(C) The director of transportation may establish and enforce 8754
such rules and procedures as ~~he~~ the director may determine to be 8755
necessary to assure consistency governing any and all aspects of 8756
the cost of utility relocations. The director may adopt such 8757
amendments to such rules as are necessary and within the 8758
guidelines of this section. 8759

~~(C)(D)(1)~~ As used in division (A) of this section: 8760

~~(1)~~ "Utility", "utility" includes publicly, privately, and 8761
cooperatively owned utilities that are subject to the authority of 8762
the public utilities commission of Ohio. 8763

(2) As used in division (B) of this section, "utility" 8764
includes publicly, privately, and cooperatively owned utilities 8765
that are subject to the authority of the public utilities 8766

commission of Ohio, and a cable operator as defined in the "Cable 8767
Communications Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, 8768
as amended by the "Telecommunications Act of 1996," 110 Stat. 56, 8769
and includes the provision of other information or 8770
telecommunications services, or both. 8771

~~(2)~~(3) As used in this section, "Cost cost of relocation" 8772
includes the actual cost paid by a utility directly attributable 8773
to relocation after deducting any increase in the value of the new 8774
facility and any salvage value derived from the old facility. 8775

Sec. 5501.60. The department of transportation shall not 8776
erect a guardrail or any other barrier that blocks or otherwise 8777
interferes in any manner with the only right-of-way to a parcel of 8778
real property. If the department erects a guardrail or other 8779
barrier that blocks or otherwise interferes in any manner with the 8780
only right-of-way to a parcel of real property, the department 8781
shall remove the guardrail or other barrier promptly. If the 8782
department fails to remove such a guardrail or other barrier, the 8783
owner or occupier of the parcel of real property may remove or 8784
cause the removal of the guardrail or other barrier and the 8785
department shall reimburse fully the owner or occupier of the 8786
parcel of real property for the actual cost to the owner or 8787
occupier of the parcel of real property of the removal. 8788

Sec. 5502.67. There is hereby created in the state treasury 8789
the justice program services fund. The fund shall consist of the 8790
court costs designated for the fund pursuant to section 2949.094 8791
of the Revised Code and all money collected by the division of 8792
criminal justice services for nonfederal purposes, including 8793
subscription fees for participating in the Ohio incident-based 8794
reporting system under division (C) of section 5502.62 of the 8795
Revised Code, unless otherwise designated by law. The justice 8796
program services fund shall be used to pay costs of administering 8797

the operations of the division of criminal justice services. 8798
8799

Sec. 5502.68. (A) There is hereby created in the state 8800
treasury the drug law enforcement fund. Three Ninety-seven per 8801
cent of three dollars and fifty cents out of each ten-dollar court 8802
cost imposed pursuant to section 2949.094 of the Revised Code 8803
shall be credited to the fund. Money in the fund shall be used 8804
only in accordance with this section to award grants to counties, 8805
municipal corporations, townships, township police districts, and 8806
joint township police districts to defray the expenses that a drug 8807
task force organized in the county, or in the county in which the 8808
municipal corporation, township, or district is located, incurs in 8809
performing its functions related to the enforcement of the state's 8810
drug laws and other state laws related to illegal drug activity. 8811
8812

The division of criminal justice services shall administer 8813
all money deposited into the drug law enforcement fund and, by 8814
rule adopted under Chapter 119. of the Revised Code, shall 8815
establish procedures for a county, municipal corporation, 8816
township, township police district, or joint township police 8817
district to apply for money from the fund to defray the expenses 8818
that a drug task force organized in the county, or in the county 8819
in which the municipal corporation, township, or district is 8820
located, incurs in performing its functions related to the 8821
enforcement of the state's drug laws and other state laws related 8822
to illegal drug activity, procedures and criteria for determining 8823
eligibility of applicants to be provided money from the fund, and 8824
procedures and criteria for determining the amount of money to be 8825
provided out of the fund to eligible applicants. 8826

(B) The procedures and criteria established under division 8827
(A) of this section for applying for money from the fund shall 8828

include, but shall not be limited to, a provision requiring a 8829
county, municipal corporation, township, township police district, 8830
or joint township police district that applies for money from the 8831
fund to specify in its application the amount of money desired 8832
from the fund, provided that the cumulative amount requested in 8833
all applications submitted for any single drug task force may not 8834
exceed more than two hundred fifty thousand dollars in any 8835
calendar year for that task force. 8836

(C) The procedures and criteria established under division 8837
(A) of this section for determining eligibility of applicants to 8838
be provided money from the fund and for determining the amount of 8839
money to be provided out of the fund to eligible applicants shall 8840
include, but not be limited to, all of the following: 8841

(1) Provisions requiring that, in order to be eligible to be 8842
provided money from the fund, a drug task force that applies for 8843
money from the fund must provide evidence that the drug task force 8844
will receive a local funding match of at least twenty-five per 8845
cent of the task force's projected operating costs in the period 8846
of time covered by the grant; 8847

(2) Provisions requiring that money from the fund be 8848
allocated and provided to drug task forces that apply for money 8849
from the fund in accordance with the following priorities: 8850

(a) Drug task forces that apply, that are in existence on the 8851
date of the application, and that are determined to be eligible 8852
applicants, and to which either of the following applies shall be 8853
given first priority to be provided money from the fund: 8854

(i) Drug task forces that received funding through the 8855
division of criminal justice services in calendar year 2007; 8856

(ii) Drug task forces in a county that has a population that 8857
exceeds seven hundred fifty thousand. 8858

(b) If any moneys remain in the fund after all drug task 8859

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

application being made to the director, grant a permit to any 8891
individual, firm, or corporation to use or occupy such portion of 8892
a road or highway on the state highway system as will not 8893
incommode the traveling public. Such permits, when granted, shall 8894
be upon the following conditions: 8895

(A) ~~The occupancy of such roads or highways shall be in the~~ 8896
~~location as prescribed by the director~~ may issue a permit to any 8897
individual, firm, or corporation for any use of a road or highway 8898
on the state highway system that is consistent with applicable 8899
federal law or federal regulations. 8900

(B) Such location shall be changed as prescribed by the 8901
director when the director deems such change necessary for the 8902
convenience of the traveling public, or in connection with or 8903
contemplation of the construction, reconstruction, improvement, 8904
relocating, maintenance, or repair of such road or highway. 8905

(C) The placing of objects or things shall be at a grade and 8906
in accordance with such plans, specifications, or both, as shall 8907
be first approved by the director. 8908

(D) The road or highway in all respects shall be fully 8909
restored to its former condition of usefulness and at the expense 8910
of such individual, firm, or corporation. 8911

(E) Such individual, firm, or corporation shall maintain all 8912
objects and things in a proper manner, promptly repair all damages 8913
resulting to such road or highway on account thereof, and in event 8914
of failure to so repair such road or highway to pay to the state 8915
all costs and expenses which may be expended by the director in 8916
repairing any damage. 8917

(F) Such other conditions as may seem reasonable to the 8918
director, but no condition shall be prescribed which imposes the 8919
payment of a money consideration for the privilege granted. 8920
Nothing in this division prohibits the director from requiring 8921

payment of money consideration for a lease, easement, license, or 8922
other interest in a transportation facility under control of the 8923
department of transportation. 8924

(G) Permits may be revoked by the director at any time for a 8925
noncompliance with the conditions imposed. 8926

(H) As a condition precedent to the issuance of a permit to a 8927
telecommunications service provider, the director shall require 8928
the applicant to provide proof it is party to a lease, easement, 8929
or license for the construction, placement, or operation of a 8930
telecommunications facility in or on a transportation facility. 8931

Except as otherwise provided in this section and section 8932
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 8933
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 8934
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 8935
telegraph, telephone, and electric light and power companies from 8936
constructing, maintaining, and using telegraph, telephone, or 8937
electric light and power lines along and upon such roads or 8938
highways under sections 4931.19, 4933.14, or other sections of the 8939
Revised Code, or to affect existing rights of any such companies, 8940
or to require such companies to obtain a permit from the director, 8941
except with respect to the location of poles, wires, conduits, and 8942
other equipment comprising lines on or beneath the surface of such 8943
road or highways. 8944

This section does not prohibit steam or electric railroad 8945
companies from constructing tracks across such roads or highways, 8946
nor authorize the director to grant permission to any company 8947
owning, operating, controlling, or managing a steam railroad or 8948
interurban railway in this state to build a new line of railroad, 8949
or to change or alter the location of existing tracks across any 8950
road or highway on the state highway system at grade. No such 8951
company shall change the elevation of any of its tracks across 8952
such road or highway except in accordance with plans and 8953

specifications first approved by the director. 8954

This section does not relieve any individual, firm, or 8955
corporation from the obligation of satisfying any claim or demand 8956
of an owner of lands abutting on such road or highway on the state 8957
highway system on account of placing in such road or highway a 8958
burden in addition to public travel. 8959

Sec. 5515.07. (A) The director of transportation, in 8960
accordance with Chapter 119. of the Revised Code, shall adopt 8961
rules consistent with the safety of the traveling public and 8962
consistent with the national policy to govern the use and control 8963
of rest areas within the limits of the right-of-way of interstate 8964
highways and other state highways and in other areas within the 8965
limits of the right-of-way of interstate highways. 8966

(B) Except as provided in division (C) of this section or as 8967
otherwise authorized by applicable federal law or federal 8968
regulations, no person shall engage in selling or offering for 8969
sale or exhibiting for purposes of sale, goods, products, 8970
merchandise, or services within the bounds of rest areas within 8971
the limits of the right-of-way of interstate highways and other 8972
state highways, or in other areas within the limits of the 8973
right-of-way of interstate highways, unless the director issues a 8974
permit in accordance with section 5515.01 of the Revised Code. 8975
Notwithstanding any rules adopted by the director to the contrary 8976
or any other policy changes proposed by the director, each 8977
district deputy director of the department of transportation shall 8978
continue to implement any program allowing organizations to 8979
dispense free coffee or similar items after obtaining a permit 8980
that operated within the district prior to January 1, 1997. Each 8981
district deputy director shall operate such program within the 8982
district in the same manner as the program was operated prior to 8983
that date. 8984

(C) In accordance with rules adopted under division (A) of 8985
this section, the director may cause vending machines to be placed 8986
within each rest area that is able to accommodate the machines. 8987
The vending machines shall dispense food, drink, and other 8988
appropriate articles. 8989

(D) This section does not apply to the sale of goods, 8990
products, merchandise, or services required for the emergency 8991
repair of motor vehicles or emergency medical treatment, or to the 8992
department of transportation as provided in section 5515.08 of the 8993
Revised Code. 8994

Sec. 5517.011. Notwithstanding section 5517.01 of the Revised 8995
Code, the director of transportation may establish a program to 8996
expedite the sale and construction of special projects by 8997
combining the design and construction elements of a highway or 8998
bridge project into a single contract. The director shall prepare 8999
and distribute a scope of work document upon which the bidders 9000
shall base their bids. Except in regard to those requirements 9001
relating to providing plans, the director shall award contracts 9002
under this section in accordance with Chapter 5525. of the Revised 9003
Code. 9004

~~For~~ On the effective date of this amendment and until July 1, 9005
2011, the total dollar value of contracts made under this section 9006
shall not exceed one billion dollars. On and after July 1, 2011, 9007
for each biennium, the total dollar value of contracts made under 9008
this section shall not exceed two hundred fifty million dollars 9009
unless otherwise authorized by the general assembly. 9010

Sec. 5525.15. The director of transportation may provide that 9011
the estimate of cost of any project to be constructed by the 9012
department by the taking of bids and awarding of contracts shall 9013
be confidential information and so remain until after all bids on 9014

the project have been received. The total amount of the estimate 9015
then shall be ~~publicly read prior to the opening of the bids of~~ 9016
~~the subject~~ published. 9017

When the director exercises the authority conferred by this 9018
section, all information with respect to the total estimate of 9019
cost of the project to be built by contract and with respect to 9020
the estimate of cost of any particular item of work involved 9021
therein shall be kept and regarded by the director and all the 9022
director's subordinates as confidential, and shall not be revealed 9023
to any person not employed in the department, or by the United 9024
States department of transportation in the case of projects 9025
financed in whole or part by federal funds, until after the bids 9026
on the project have been opened and ~~read~~ published. Section 9027
5517.01 of the Revised Code with respect to the public inspection 9028
of estimates of cost prior to the opening of bids and with respect 9029
to filing estimates of cost in the office of the district deputy 9030
director of transportation does not apply when the authority 9031
conferred by this section is exercised. This section does not 9032
prohibit the department from furnishing estimates of cost to 9033
counties, municipal corporations, or other local political 9034
subdivisions or to railroad or railway companies proposing to pay 9035
any portion of the cost of an improvement. 9036

Section 5525.10 of the Revised Code, which provides that no 9037
contract for any improvement shall be awarded for a greater sum 9038
than the estimated cost thereof plus five per cent, does not apply 9039
in the case of any project with respect to which the authority 9040
conferred by this section is exercised. In cases in which the 9041
authority conferred by this section is exercised and in which the 9042
bid of the successful bidder exceeds the estimate, the director, 9043
before entering into a contract, shall determine that the bid of 9044
the successful bidder is fair and reasonable, and as long as the 9045
federal government imposes regulation on prices charged for 9046

construction service, shall require the successful bidder to 9047
certify that the bidder's bid does not exceed the maximum 9048
permitted by such federal regulation. 9049

Sec. 5531.09. (A) The state infrastructure bank shall consist 9050
of the highway and transit infrastructure bank fund, the aviation 9051
infrastructure bank fund, the rail infrastructure bank fund, and 9052
the infrastructure bank obligations fund, which are hereby created 9053
as funds of the state treasury, to be administered by the director 9054
of transportation and used for the purposes described in division 9055
(B) of this section. The highway and transit infrastructure bank 9056
fund, the aviation infrastructure bank fund, and the rail 9057
infrastructure bank fund shall consist of federal grants and 9058
awards or other assistance received by the state and eligible for 9059
deposit therein under applicable federal law, payments received by 9060
the department in connection with providing financial assistance 9061
for qualifying projects under division (B) of this section, and 9062
such other amounts as may be provided by law. The infrastructure 9063
bank obligations fund shall consist of such amounts of the 9064
proceeds of obligations issued under section 5531.10 of the 9065
Revised Code as the director of transportation determines with the 9066
advice of the director of budget and management; and such other 9067
amounts as may be provided by law. The director of budget and 9068
management, upon the request of the director of transportation, 9069
may transfer amounts between the funds created in this division, 9070
except the infrastructure bank obligations fund. The investment 9071
earnings of each fund created by this division shall be credited 9072
to such fund. 9073

(B) The director of transportation shall use the state 9074
infrastructure bank to encourage public and private investment in 9075
transportation facilities that contribute to the multi-modal and 9076
intermodal transportation capabilities of the state, develop a 9077
variety of financing techniques designed to expand the 9078

availability of funding resources and to reduce direct state 9079
costs, maximize private and local participation in financing 9080
projects, and improve the efficiency of the state transportation 9081
system by using and developing the particular advantages of each 9082
transportation mode to the fullest extent. In furtherance of these 9083
purposes, the director shall use the state infrastructure bank to 9084
provide financial assistance to public or private entities for 9085
qualified projects. Such assistance shall be in the form of loans, 9086
loan guarantees, letters of credit, leases, lease-purchase 9087
agreements, interest rate subsidies, debt service reserves, and 9088
such other forms as the director determines to be appropriate. All 9089
fees, charges, rates of interest, payment schedules, security for, 9090
and other terms and conditions relating to such assistance shall 9091
be determined by the director. ~~The highway and transit 9092~~
~~infrastructure bank fund, the aviation infrastructure bank fund, 9093~~
~~and the rail infrastructure bank fund may be used to pay debt 9094~~
~~service on obligations whose proceeds have been deposited into the 9095~~
~~infrastructure bank obligations fund. 9096~~

9097

(C) The director of transportation shall adopt rules 9098
establishing guidelines necessary for the implementation and 9099
exercise of the authority granted by this section, including rules 9100
for receiving, reviewing, evaluating, and selecting projects for 9101
which financial assistance may be approved. 9102

(D) As used in this section and in section 5531.10 of the 9103
Revised Code, "qualified project" means any public or private 9104
transportation project as determined by the director of 9105
transportation, including, without limitation, planning, 9106
environmental impact studies, engineering, construction, 9107
reconstruction, resurfacing, restoring, rehabilitation, or 9108
replacement of public or private transportation facilities within 9109
the state, studying the feasibility thereof, and the acquisition 9110

of real or personal property or interests therein; any highway, 9111
public transit, aviation, rail, or other transportation project 9112
eligible for financing or aid under any federal or state program; 9113
and any project involving the maintaining, repairing, improving, 9114
or construction of any public or private highway, road, street, 9115
parkway, public transit, aviation, or rail project, and any 9116
related rights-of-way, bridges, tunnels, railroad-highway 9117
crossings, drainage structures, signs, guardrails, or protective 9118
structures. 9119

(E) The general assembly finds that state infrastructure 9120
projects, as defined in division (A)(8) of section 5531.10 of the 9121
Revised Code, and the state infrastructure bank, will materially 9122
contribute to the economic revitalization of areas of the state 9123
and result in improving the economic welfare of all the people of 9124
the state. Accordingly, it is declared to be the public purpose of 9125
the state, through operations under sections 5531.09 and 5531.10 9126
of the Revised Code, and other applicable laws adopted pursuant to 9127
Section 13 of Article VIII, Ohio Constitution, and other authority 9128
vested in the general assembly, to assist in and facilitate the 9129
purposes set forth in division (B) of section 5531.10 of the 9130
Revised Code, and to assist and cooperate with any governmental 9131
agency in achieving such purposes. 9132

Sec. 5533.93. The interchange of interstate route 9133
seventy-seven and Shuffel street, northwest, located in Jackson 9134
township in Stark county, shall be known as the "Fred Krum 9135
Memorial Interchange." 9136

The director of transportation may erect suitable markers at 9137
the interchange indicating its name. 9138

Sec. 5537.07. (A) When the cost to the Ohio turnpike 9139
commission under any contract with a person other than a 9140

governmental agency involves an expenditure of more than fifty 9141
thousand dollars, the commission shall make a written contract 9142
with the lowest responsive and responsible bidder in accordance 9143
with section 9.312 of the Revised Code after advertisement for not 9144
less than two consecutive weeks in a newspaper of general 9145
circulation in Franklin county, and in such other publications as 9146
the commission determines, which notice shall state the general 9147
character of the work and the general character of the materials 9148
to be furnished, the place where plans and specifications therefor 9149
may be examined, and the time and place of receiving bids. The 9150
commission may require that the cost estimate for the 9151
construction, demolition, alteration, repair, improvement, 9152
renovation, or reconstruction of roadways and bridges for which 9153
the commission is required to receive bids be kept confidential 9154
and remain confidential until after all bids for the public 9155
improvement have been received or the deadline for receiving bids 9156
has passed. Thereafter, and before opening the bids submitted for 9157
the roadways and bridges, the commission shall make the cost 9158
estimate public knowledge by reading the cost estimate in a public 9159
place. The commission may reject any and all bids. The 9160
requirements of this division do not apply to contracts for the 9161
acquisition of real property or compensation for professional or 9162
other personal services. 9163

(B) Each bid for a contract for construction, demolition, 9164
alteration, repair, improvement, renovation, or reconstruction 9165
shall contain the full name of every person interested in it and 9166
shall meet the requirements of section 153.54 of the Revised Code. 9167

(C) ~~Each bid for a contract, other~~ Other than for a contract 9168
referred to in division (B) of this section, each bid for a 9169
contract that involves an expenditure in excess of one hundred 9170
fifty thousand dollars or any contract with a service facility 9171
operator shall contain the full name of every person interested in 9172

it and shall be accompanied by a sufficient bond or certified 9173
check on a solvent bank that if the bid is accepted a contract 9174
will be entered into and the performance of its proposal secured. 9175

(D) A Other than a contract referred to in division (B) of 9176
this section, a bond with good and sufficient surety, in a form as 9177
prescribed and approved by the commission, shall be required of 9178
every contractor awarded a contract, other than a contract 9179
referred to in division (B) of this section, that involves an 9180
expenditure in excess of one hundred fifty thousand dollars or any 9181
contract with a service facility operator. The bond shall be in an 9182
amount equal to at least fifty per cent of the contract price, and 9183
shall be conditioned upon the faithful performance of the 9184
contract. 9185

(E) Notwithstanding any other provisions of this section, the 9186
commission may establish a program to expedite special projects by 9187
combining the design and construction elements of any public 9188
improvement project into a single contract. The commission shall 9189
prepare and distribute a scope of work document upon which the 9190
bidders shall base their bids. At a minimum, bidders shall meet 9191
the requirements of section 4733.161 of the Revised Code. Except 9192
in regard to those requirements relating to providing plans, the 9193
commission shall award contracts following the requirements set 9194
forth in divisions (A), (B), (C), and (D) of this section. 9195

Sec. 5537.30. (A) Not later than December 31, 2009, the Ohio 9196
turnpike commission, in accordance with 23 U.S.C.A. 109(d), 9197
131(f), and 315, as amended, shall establish a program for the 9198
placement of business logos for identification purposes on 9199
directional signs within the turnpike right-of-way. 9200

(B)(1) The commission shall establish, and may revise at any 9201
time, a fee for participation in the business logo sign program. 9202
All direct and indirect costs of the business logo sign program 9203

established pursuant to this section shall be fully paid by the 9204
businesses applying for participation in the program. The direct 9205
and indirect costs of the program shall include, but not be 9206
limited to, the cost of capital, directional signs, blanks, posts, 9207
logos, installation, repair, engineering, design, insurance, 9208
removal, replacement, and administration. 9209

(2) Money generated from participating businesses in excess 9210
of the direct and indirect costs and any reasonable profit earned 9211
by a person awarded a contract under division (C) of this section 9212
shall be remitted to the commission. 9213

(3) If the commission operates such a program and does not 9214
contract with a private person to operate it, all money collected 9215
from participating businesses shall be retained by the commission. 9216
9217

(C) The commission, in accordance with rules adopted pursuant 9218
to Chapter 119. of the Revised Code, may contract with any private 9219
person to operate, maintain, or market the business logo sign 9220
program. The contract may allow for a reasonable profit to be 9221
earned by the successful applicant. In awarding the contract, the 9222
commission shall consider the skill, expertise, prior experience, 9223
and other qualifications of each applicant. 9224

(D) The program shall permit the business logo signs of a 9225
seller of motor vehicle fuel to include on the seller's signs a 9226
marking or symbol indicating that the seller sells one or more 9227
types of alternative fuel so long as the seller in fact sells that 9228
fuel. As used in this division, "alternative fuel" has the same 9229
meaning as in section 125.831 of the Revised Code. 9230

Sec. 5537.99. (A) Except as provided in division (B) of this 9231
section, whoever violates division (C) of section 5537.16 of the 9232
Revised Code is guilty of a minor misdemeanor on a first offense; 9233
on each subsequent offense such person is guilty of a misdemeanor 9234

of the fourth degree. 9235

(B)(1) Whoever violates division (C) of section 5537.16 of 9236
the Revised Code when the violation is a civil violation for 9237
failure to comply with toll collection rules is subject to a fee 9238
or charge established by the commission by rule. 9239

(2) Whoever violates division (C) of section 5537.16 of the 9240
Revised Code in regard to allowable axle or vehicle loads shall be 9241
fined in accordance with division (A) of section 5577.99 of the 9242
Revised Code. 9243

Sec. 5541.05. (A) Except as otherwise provided in division 9244
(D) of this section, a board of county commissioners by resolution 9245
may place a graveled or unimproved county road under its 9246
jurisdiction that is not passable year-round or any portion of 9247
such a road on nonmaintained status. Prior to adopting a 9248
resolution that places a road on nonmaintained status, the board, 9249
at special or regular meetings, shall hold at least two public 9250
hearings to allow for public comment on the proposed resolution. 9251
The board shall publicize the times and places of the hearings by 9252
causing a notice to be published in a newspaper of general 9253
circulation in the county in which the road is located at least 9254
ten days prior to the date of the first meeting. If the county 9255
maintains a web site on the internet, the same notice also shall 9256
be posted on the web site at least ten days prior to the date of 9257
the first meeting. Upon adoption of such a resolution, the board 9258
is not required to cause the road to be dragged at any time, or to 9259
cut, destroy, or remove any brush, weeds, briers, bushes, or 9260
thistles upon or along the road, or to remove snow from the road, 9261
or to maintain or repair the road in any manner. The board, in its 9262
discretion, may cause any of these actions to be performed on or 9263
to a road that it has placed on nonmaintained status. 9264
9265

(B) Prior to adopting a resolution under division (A) of this section, the board shall request the county engineer to issue an advisory opinion regarding the consequences of placing the road on nonmaintained status, including any impact such action would have on adjoining property owners. A board may adopt a resolution under division (A) of this section only after the county engineer issues the advisory opinion and the county engineer, in the advisory opinion, finds that placing the road on nonmaintained status will not unduly adversely affect the flow of motor vehicle traffic on that road or on any adjacent road.

(C)(1) A board may terminate the nonmaintained status of a county road by adopting a resolution to that effect. If the owner of land adjoining a road that has been placed on nonmaintained status requests the board to terminate the nonmaintained status of the road, the board, in its resolution that terminates that nonmaintained status, may require the owner to pay the costs of upgrading the road to locally adopted county standards.

(2) If the owner of land adjoining a road that has been placed on nonmaintained status upgrades the road to the standards most recently certified by the county engineer for the road, the board shall terminate the nonmaintained status of the road and then shall maintain and repair the road according to such standards. However, division (C)(2) of this section does not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board of county commissioners to the director of transportation in accordance with division (D) of section 4501.04 of the Revised Code as mileage in the county used by and maintained for the public.

(3) The owner of land adjoining a road that was placed on nonmaintained status prior to ~~the effective date of this amendment~~ April 7, 2009, or the owner of land whose only access to such a

road is by easement may petition the board for review of the 9298
nonmaintained status of the road if the road provides the 9299
exclusive means for obtaining access to the land. Upon receipt of 9300
a petition, the board shall review the status of the road and 9301
shall terminate the nonmaintained status if the board finds that 9302
the road provides such exclusive means for obtaining access to the 9303
land. After completing the review, the board shall adopt a 9304
resolution either retaining or terminating the nonmaintained 9305
status of the road. If the board terminates the nonmaintained 9306
status of a road under division (C)(3) of this section, the board 9307
shall not require the owner to pay the costs of upgrading, 9308
maintaining, or repairing the road. However, division (C)(3) of 9309
this section does not apply to a road or portion of a road that, 9310
prior to being placed on nonmaintained status, was not certified 9311
by the board of county commissioners to the director in accordance 9312
with division (D) of section 4501.04 of the Revised Code as 9313
mileage in the county used by and maintained for the public. 9314

(D) A graveled or unimproved road may not be placed on 9315
nonmaintained status if the road is the exclusive means for 9316
obtaining access to land that adjoins that road and the road is 9317
passable year-round. 9318

(E) For purposes of this section, a road is passable 9319
year-round if a four-wheeled, two-wheel drive passenger motor 9320
vehicle can be driven on the road year-round, apart from seasonal 9321
conditions caused by weather-related events. 9322

Sec. 5571.20. (A) Except as otherwise provided in division 9323
(D) of this section, a board of township trustees by resolution 9324
may place a graveled or unimproved township road under its 9325
jurisdiction that is not passable year-round or any portion of 9326
such a road on nonmaintained status. Prior to adopting a 9327
resolution that places a road on nonmaintained status, the board 9328

shall hold at least two public hearings to allow for public 9329
comment on the proposed resolution. The board, at special or 9330
regular meetings, shall publicize the times and places of the 9331
hearings by causing a notice to be published in a newspaper of 9332
general circulation in the county in which the road is located at 9333
least ten days prior to the date of the first meeting. If the 9334
township maintains a web site on the internet, the same notice 9335
also shall be posted on the web site at least ten days prior to 9336
the date of the first meeting. Upon adoption of such a resolution, 9337
the board is not required to cause the road to be dragged at any 9338
time, or to cut, destroy, or remove any brush, weeds, briers, 9339
bushes, or thistles upon or along the road, or to remove snow from 9340
the road, or to maintain or repair the road in any manner. The 9341
board, in its discretion, may cause any of these actions to be 9342
performed on or to a road that it has placed on nonmaintained 9343
status. 9344

(B) Prior to adopting a resolution under division (A) of this 9345
section, the board shall request the county engineer to issue an 9346
advisory opinion regarding the consequences of placing the road on 9347
nonmaintained status, including any impact such action would have 9348
on adjoining property owners. A board may adopt a resolution under 9349
division (A) of this section only after the county engineer issues 9350
the advisory opinion and the county engineer, in the advisory 9351
opinion, finds that placing the road on nonmaintained status will 9352
not unduly adversely affect the flow of motor vehicle traffic on 9353
that road or on any adjacent road. 9354

(C)(1) A board may terminate the nonmaintained status of a 9355
township road by adopting a resolution to that effect. If the 9356
owner of land adjoining a road that has been placed on 9357
nonmaintained status requests the board to terminate the 9358
nonmaintained status of the road, the board, in its resolution 9359
that terminates that nonmaintained status, may require the owner 9360

to pay the costs of upgrading the road to locally adopted township standards. 9361
9362

(2) If the owner of land adjoining a road that has been 9363
placed on nonmaintained status upgrades the road to the standards 9364
most recently certified by the county engineer for the road, the 9365
board shall terminate the nonmaintained status of the road and 9366
then shall maintain and repair the road according to such 9367
standards. However, division (C)(2) of this section does not apply 9368
to a road or portion of a road that, prior to being placed on 9369
nonmaintained status, was not certified by the board of township 9370
trustees to the director of transportation in accordance with 9371
division (E) of section 4501.04 of the Revised Code as mileage in 9372
the township used by and maintained for the public. 9373

(3) The owner of land adjoining a road that was placed on 9374
nonmaintained status prior to ~~the effective date of this amendment~~ 9375
April 7, 2009, or land owner of land whose only access to such a 9376
road is by easement may petition the board for review of the 9377
nonmaintained status of the road if the road provides the 9378
exclusive means for obtaining access to the land. Upon receipt of 9379
a petition, the board shall review the status of the road and 9380
shall terminate the nonmaintained status if the board finds that 9381
the road provides such exclusive means for obtaining access to the 9382
land. After completing the review, the board shall adopt a 9383
resolution either retaining or terminating the nonmaintained 9384
status of the road. If the board terminates the nonmaintained 9385
status of a road under division (C)(3) of this section, the board 9386
shall not require the owner to pay the costs of upgrading, 9387
maintaining, or repairing the road. However, division (C)(3) of 9388
this section does not apply to a road or portion of a road that, 9389
prior to being placed on nonmaintained status, was not certified 9390
by the board of township trustees to the director in accordance 9391
with division (E) of section 4501.04 of the Revised Code as 9392

mileage in the township used by and maintained for the public. 9393

(D) A graveled or unimproved road may not be placed on 9394
nonmaintained status if the road is the exclusive means for 9395
obtaining access to land that adjoins that road and the road is 9396
passable year-round. 9397

(E) For purposes of this section, a road is passable 9398
year-round if a four-wheeled, two-wheel drive passenger motor 9399
vehicle can be driven on the road year-round, apart from seasonal 9400
conditions caused by weather-related events. 9401

Sec. 5577.042. (A) As used in this section: 9402

(1) "Farm machinery" has the same meaning as in section 9403
4501.01 of the Revised Code. 9404

(2) "Farm commodities" includes livestock, bulk milk, corn, 9405
soybeans, tobacco, and wheat. 9406

(3) "Farm truck" means a truck used in the transportation 9407
from a farm of farm commodities when the truck is operated in 9408
accordance with this section. 9409

(4) "Log truck" means a truck used in the transportation of 9410
timber from the site of its cutting when the truck is operated in 9411
accordance with this section. 9412

(5) "Coal truck" means a truck transporting coal from the 9413
site where it is mined when the truck is operated in accordance 9414
with this section. 9415

(6) "Solid waste" has the same meaning as in section 3734.01 9416
of the Revised Code. 9417

(7) "Solid waste haul vehicle" means a vehicle hauling solid 9418
waste for which a bill of lading has not been issued. 9419

(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the 9420
Revised Code, ~~a coal truck transporting coal, a farm truck or farm~~ 9421

~~machinery transporting farm commodities, a log truck transporting 9422~~
~~timber, or a solid waste haul vehicle hauling solid waste, from 9423~~
~~the place of production to the first point of delivery where the 9424~~
~~commodities are weighed and title to the commodities, coal, or 9425~~
~~timber is transferred, or, in the case of solid waste, from the 9426~~
~~place of production to the first point of delivery where the solid 9427~~
~~waste is disposed of or title to the solid waste is transferred, 9428~~
~~the following vehicles under the described conditions may exceed 9429~~
by no more than seven and one-half per cent the weight provisions 9430
of sections 5577.01 to 5577.09 of the Revised Code and no penalty 9431
prescribed in section 5577.99 of the Revised Code shall be 9432
imposed: 9433

(a) A coal truck transporting coal, from the place of 9434
production to the first point of delivery where title to the coal 9435
is transferred; 9436

(b) A farm truck or farm machinery transporting farm 9437
commodities, from the place of production to the first point of 9438
delivery where the commodities are weighed and title to the 9439
commodities is transferred; 9440

(c) A log truck transporting timber, from the place of 9441
production to the first point of delivery where title to the 9442
timber is transferred; 9443

(d) A solid waste haul vehicle hauling solid waste, from the 9444
place of production to the first point of delivery where the solid 9445
waste is disposed of or title to the solid waste is transferred; 9446

(e) A concrete transport truck transporting and mixing 9447
concrete, from the place of production to the point of delivery 9448
where the concrete is discharged. If 9449

(2) If a coal truck so transporting coal, a farm truck or 9450
farm machinery so transporting farm commodities, a timber truck so 9451
transporting timber, ~~or~~ a solid waste haul vehicle hauling solid 9452

waste, or a concrete truck transporting and mixing concrete, 9453
exceeds by more than seven and one-half per cent the weight 9454
provisions of those sections, both of the following apply without 9455
regard to the seven and one-half per cent allowance provided by 9456
this division: 9457

~~(1)~~(a) The applicable penalty prescribed in section 5577.99 9458
of the Revised Code; 9459

~~(2)~~(b) The civil liability imposed by section 5577.12 of the 9460
Revised Code. 9461

(C)(1) Division (B) of this section does not apply to the 9462
operation of a farm truck, log truck, or farm machinery 9463
transporting farm commodities during the months of February and 9464
March. 9465

(2) Regardless of when the operation occurs, division (B)(1) 9466
of this section does not apply to the operation of a coal truck, a 9467
farm truck, a log truck, a solid waste haul vehicle, a concrete 9468
truck transporting and mixing concrete, or farm machinery 9469
transporting farm commodities on either of the following: 9470

(a) A highway that is part of the interstate system; 9471

(b) A highway, road, or bridge that is subject to reduced 9472
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 9473
5577.09, or 5591.42 of the Revised Code. 9474

Section 101.02. That existing sections 121.51, 133.52, 9475
151.01, 151.09, 151.40, 955.201, 1345.52, 1547.11, 1548.10, 9476
1751.53, 2911.21, 2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 9477
3905.423, 3923.38, 4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 9478
4503.103, 4503.191, 4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 9479
4507.06, 4507.13, 4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 9480
4511.191, 4511.21, 4511.213, 4513.34, 4517.021, 4519.02, 4519.03, 9481
4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 9482

4561.17, 4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 4765.39, 9483
4928.64, 4928.65, 5501.311, 5501.51, 5502.67, 5502.68, 5515.01, 9484
5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5541.05, 9485
5571.20, and 5577.042 of the Revised Code are hereby repealed. 9486
9487

Section 105.01. That sections 955.202 and 5902.09 of the 9488
Revised Code are hereby repealed. 9489

Section 105.05. Section 121.53 of the Revised Code is hereby 9490
repealed, effective September 30, 2013. 9491

Section 115.01. That sections 1751.53 and 3923.38 of the 9492
Revised Code be amended to read as follows: 9493

Sec. 1751.53. (A) As used in this section: 9494

(1) "Group contract" means a group health insuring 9495
corporation contract covering employees that meets either of the 9496
following conditions: 9497

(a) The contract was issued by an entity that, on June 4, 9498
1997, holds a certificate of authority or license to operate under 9499
Chapter 1738. or 1742. of the Revised Code, and covers an employee 9500
at the time the employee's employment is terminated. 9501

(b) The contract is delivered, issued for delivery, or 9502
renewed in this state after June 4, 1997, and covers an employee 9503
at the time the employee's employment is terminated. 9504

(2) "Eligible employee" means an employee to whom all of the 9505
following apply: 9506

(a) The employee has been continuously covered under a group 9507
contract or under the contract and any prior similar group 9508
coverage replaced by the contract, during the entire three-month 9509
period preceding the termination of the employee's employment. 9510

(b) ~~The employee did not voluntarily terminate the employee's~~ 9511
~~employment and the termination of employment is not a result of~~ 9512
~~any gross misconduct on the part of the employee~~ The employee is 9513
entitled, at the time of the termination of this employment, to 9514
unemployment compensation benefits under Chapter 4141. of the 9515
Revised Code. 9516

(c) The employee is not, and does not become, covered by or 9517
eligible for coverage by medicare. 9518

(d) The employee is not, and does not become, covered by or 9519
eligible for coverage by any other insured or uninsured 9520
arrangement that provides hospital, surgical, or medical coverage 9521
for individuals in a group and under which the employee was not 9522
covered immediately prior to the termination of employment. A 9523
person eligible for continuation of coverage under this section, 9524
who is also eligible for coverage under section 3923.123 of the 9525
Revised Code, may elect either coverage, but not both. A person 9526
who elects continuation of coverage may elect any coverage 9527
available under section 3923.123 of the Revised Code upon the 9528
termination of the continuation of coverage. 9529

(B) A group contract shall provide that any eligible employee 9530
may continue the coverage under the contract, for the employee and 9531
the employee's eligible dependents, for a period of ~~twelve~~ six 9532
months after the date that the group coverage would otherwise 9533
terminate by reason of the termination of the employee's 9534
employment. Each certificate of coverage issued to employees under 9535
the contract shall include a notice of the employee's privilege of 9536
continuation. 9537

(C) All of the following apply to the continuation of group 9538
coverage required under division (B) of this section: 9539

(1) Continuation need not include any supplemental health 9540
care services benefits or specialty health care services benefits 9541

provided by the group contract. 9542

(2) The employer shall notify the employee of the right of 9543
continuation at the time the employer notifies the employee of the 9544
termination of employment. The notice shall inform the employee of 9545
the amount of contribution required by the employer under division 9546
(C)(4) of this section. 9547

(3) The employee shall file a written election of 9548
continuation with the employer and pay the employer the first 9549
contribution required under division (C)(4) of this section. The 9550
request and payment must be received by the employer no later than 9551
the earlier of any of the following dates: 9552

(a) Thirty-one days after the date on which the employee's 9553
coverage would otherwise terminate; 9554

(b) Ten days after the date on which the employee's coverage 9555
would otherwise terminate, if the employer has notified the 9556
employee of the right of continuation prior to this date; 9557

(c) Ten days after the employer notifies the employee of the 9558
right of continuation, if the notice is given after the date on 9559
which the employee's coverage would otherwise terminate. 9560

(4) The employee must pay to the employer, on a monthly 9561
basis, in advance, the amount of contribution required by the 9562
employer. The amount required shall not exceed the group rate for 9563
the insurance being continued under the policy on the due date of 9564
each payment. 9565

(5) The employee's privilege to continue coverage and the 9566
coverage under any continuation ceases if any of the following 9567
occurs: 9568

(a) The employee ceases to be an eligible employee under 9569
division (A)(2)(c) or (d) of this section; 9570

(b) A period of ~~twelve~~ six months expires after the date that 9571

the employee's coverage under the group contract would otherwise 9572
have terminated because of the termination of employment; 9573

(c) The employee fails to make a timely payment of a required 9574
contribution, in which event the coverage shall cease at the end 9575
of the coverage for which contributions were made; 9576

(d) The group contract is terminated, or the employer 9577
terminates participation under the contract, unless the employer 9578
replaces the coverage by similar coverage under another contract 9579
or other group health arrangement. If the employer replaces the 9580
contract with similar group health coverage, all of the following 9581
apply: 9582

(i) The member shall be covered under the replacement 9583
coverage, for the balance of the period that the member would have 9584
remained covered under the terminated coverage if it had not been 9585
terminated. 9586

(ii) The minimum level of benefits under the replacement 9587
coverage shall be the applicable level of benefits of the contract 9588
replaced reduced by any benefits payable under the contract 9589
replaced. 9590

(iii) The contract replaced shall continue to provide 9591
benefits to the extent of its accrued liabilities and extensions 9592
of benefits as if the replacement had not occurred. 9593

(D) This section does not apply to any group contract 9594
offering only supplemental health care services or specialty 9595
health care services. 9596

~~(E) An employee shall notify the health insuring corporation 9597
if the employee elects continuation of coverage under this 9598
section. The health insuring corporation may require the employer 9599
to provide documentation if the employee elects continuation of 9600
coverage and is seeking premium assistance for the continuation of 9601
coverage under the "American Recovery and Investment Act of 2009," 9602~~

~~Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall~~ 9603
~~publish guidance for employers and health insuring corporations~~ 9604
~~regarding the contents of such documentation.~~ 9605

Sec. 3923.38. (A) As used in this section: 9606

(1) "Group policy" includes any group sickness and accident 9607
policy or contract delivered, issued for delivery, or renewed in 9608
this state on or after June 28, 1984, and any private or public 9609
employer self-insurance plan or other plan that provides, or 9610
provides payment for, health care benefits for employees resident 9611
in this state other than through an insurer or health insuring 9612
corporation, to which both of the following apply: 9613

(a) The policy insures employees for hospital, surgical, or 9614
major medical insurance on an expense incurred or service basis, 9615
other than for specified diseases or for accidental injuries only. 9616

(b) The policy is in effect and covers an eligible employee 9617
at the time the employee's employment is terminated. 9618

(2) "Eligible employee" includes only an employee to whom all 9619
of the following apply: 9620

(a) The employee has been continuously insured under a group 9621
policy or under the policy and any prior similar group coverage 9622
replaced by the policy, during the entire three-month period 9623
preceding the termination of the employee's employment. 9624

~~(b) The employee did not voluntarily terminate the employee's~~ 9625
~~employment and the termination of employment is not a result of~~ 9626
~~any gross misconduct on the part of the employee~~ The employee is 9627
entitled, at the time of the termination of the employee's 9628
employment, to unemployment compensation benefits under Chapter 9629
4141. of the Revised Code. 9630

(c) The employee is not, and does not become, covered by or 9631
eligible for coverage by medicare under Title XVIII of the Social 9632

Security Act, as amended. 9633

(d) The employee is not, and does not become, covered by or 9634
eligible for coverage by any other insured or uninsured 9635
arrangement that provides hospital, surgical, or medical coverage 9636
for individuals in a group and under which the person was not 9637
covered immediately prior to such termination. A person eligible 9638
for continuation of coverage under this section, who is also 9639
eligible for coverage under section 3923.123 of the Revised Code, 9640
may elect either coverage, but not both. A person who elects 9641
continuation of coverage may elect any coverage available under 9642
section 3923.123 of the Revised Code upon the termination of the 9643
continuation of coverage. 9644

(3) "Group rate" means, in the case of an employer 9645
self-insurance or other health benefits plan, the average monthly 9646
cost per employee, over a period of at least twelve months, of the 9647
operation of the plan that would represent a group insurance rate 9648
if the same coverage had been provided under a group sickness and 9649
accident insurance policy. 9650

(B) A group policy shall provide that any eligible employee 9651
may continue the employee's hospital, surgical, and medical 9652
insurance under the policy, for the employee and the employee's 9653
eligible dependents, for a period of ~~twelve~~ six months after the 9654
date that the insurance coverage would otherwise terminate by 9655
reason of the termination of the employee's employment. Each 9656
certificate of coverage, or other notice of coverage, issued to 9657
employees under the policy shall include a notice of the 9658
employee's privilege of continuation. 9659

(C) All of the following apply to the continuation of 9660
coverage required under division (B) of this section: 9661

(1) Continuation need not include dental, vision care, 9662
prescription drug benefits, or any other benefits provided under 9663

the policy in addition to its hospital, surgical, or major medical 9664
benefits. 9665

(2) The employer shall notify the employee of the right of 9666
continuation at the time the employer notifies the employee of the 9667
termination of employment. The notice shall inform the employee of 9668
the amount of contribution required by the employer under division 9669
(C)(4) of this section. 9670

(3) The employee shall file a written election of 9671
continuation with the employer and pay the employer the first 9672
contribution required under division (C)(4) of this section. The 9673
request and payment must be received by the employer no later than 9674
the earlier of any of the following dates: 9675

(a) Thirty-one days after the date on which the employee's 9676
coverage would otherwise terminate; 9677

(b) Ten days after the date on which the employee's coverage 9678
would otherwise terminate, if the employer has notified the 9679
employee of the right of continuation prior to such date; 9680

(c) Ten days after the employer notifies the employee of the 9681
right of continuation, if the notice is given after the date on 9682
which the employee's coverage would otherwise terminate. 9683

(4) The employee must pay to the employer, on a monthly 9684
basis, in advance, the amount of contribution required by the 9685
employer. The amount required shall not exceed the group rate for 9686
the insurance being continued under the policy on the due date of 9687
each payment. 9688

(5) The employee's privilege to continue coverage and the 9689
coverage under any continuation ceases if any of the following 9690
occurs: 9691

(a) The employee ceases to be an eligible employee under 9692
division (A)(2)(c) or (d) of this section; 9693

(b) A period of ~~twelve~~ six months expires after the date that 9694
the employee's insurance under the policy would otherwise have 9695
terminated because of the termination of employment; 9696

(c) The employee fails to make a timely payment of a required 9697
contribution, in which event the coverage shall cease at the end 9698
of the coverage for which contributions were made; 9699

(d) The policy is terminated, or the employer terminates 9700
participation under the policy, unless the employer replaces the 9701
coverage by similar coverage under another group policy or other 9702
group health arrangement. 9703

If the employer replaces the policy with similar group health 9704
coverage, all of the following apply: 9705

(i) The member shall be covered under the replacement 9706
coverage, for the balance of the period that the member would have 9707
remained covered under the terminated coverage if it had not been 9708
terminated. 9709

(ii) The minimum level of benefits under the replacement 9710
coverage shall be the applicable level of benefits of the policy 9711
replaced reduced by any benefits payable under the policy 9712
replaced. 9713

(iii) The policy replaced shall continue to provide benefits 9714
to the extent of its accrued liabilities and extensions of 9715
benefits as if the replacement had not occurred. 9716

(D) This section does not apply to an employer's 9717
self-insurance plan if federal law supersedes, preempts, 9718
prohibits, or otherwise precludes its application to such plans. 9719

~~(E) An employee shall notify the insurer if the employee 9720
elects continuation of coverage under this section. The insurer 9721
may require the employer to provide documentation if the employee 9722
elects continuation of coverage and is seeking premium assistance 9723~~

~~for the continuation of coverage under the "American Recovery and 9724~~
~~Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The 9725~~
~~director of insurance shall publish guidance for employers and 9726~~
~~insurers regarding the contents of such documentation. 9727~~

Section 115.02. That existing sections 1751.53 and 3923.38 of 9728
the Revised Code are hereby repealed. 9729

Section 115.03. Sections 115.01 and 115.02 take effect 9730
January 1, 2010. 9731

Section 201.10. Except as otherwise provided, all 9732
appropriation items in this act are hereby appropriated out of any 9733
moneys in the state treasury to the credit of the designated fund 9734
that are not otherwise appropriated. For all appropriations made 9735
in this act, the amounts in the first column are for fiscal year 9736
2010 and the amounts in the second column are for fiscal year 9737
2011. 9738

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 9739

FUND	TITLE	FY 2010	FY 2011	
	Highway Operating Fund Group			9741
2120 772426	Highway	\$ 4,018,649	\$ 4,018,649	9742
	Infrastructure Bank -			
	Federal			
2120 772427	Highway	\$ 10,209,272	\$ 10,209,272	9743
	Infrastructure Bank -			
	State			
2120 772429	Highway	\$ 11,499,999	\$ 11,499,999	9744
	Infrastructure Bank -			
	Local			
2120 772430	Infrastructure Debt	\$ 1,500,000	\$ 1,500,000	9745
	Reserve Title 23-49			

2120	775408	Transit	\$	812,685	\$	812,685	9746
		Infrastructure Bank -					
		Local					
2120	775455	Title 49	\$	312,795	\$	312,795	9747
		Infrastructure - Bank					
		- State					
2130	772431	Roadway	\$	1,000,000	\$	1,000,000	9748
		Infrastructure Bank -					
		State					
2130	772432	Roadway	\$	6,000,000	\$	6,000,000	9749
		Infrastructure Bank -					
		Local					
2130	772433	Infrastructure Debt	\$	2,000,000	\$	2,000,000	9750
		Reserve - State					
2130	775457	Transit	\$	312,082	\$	312,082	9751
		Infrastructure Bank -					
		State					
2130	775460	Transit	\$	1,000,000	\$	1,000,000	9752
		Infrastructure Bank -					
		Local					
2130	777477	Aviation	\$	3,500,000	\$	3,500,000	9753
		Infrastructure Bank -					
		State					
2130	777478	Aviation	\$	6,000,000	\$	6,000,000	9754
		Infrastructure Bank -					
		Local					
2160	772439	New Generation	\$	50,000,000	\$	0	9755
		Highway Loan					
2160	772440	New Generation	\$	50,000,000	\$	0	9756
		Highway Bond					
2180	775461	New Generation Multi	\$	120,000,000	\$	0	9757
		Modal Loan					
2180	775462	New Generation Multi	\$	120,000,000	\$	0	9758

		Modal Bond				
7002	770003	Administration -	\$	3,415,700	\$	1,821,000 9759
		State - Debt Service				
7002	771411	Planning and Research	\$	21,044,516	\$	21,463,169 9760
		- State				
7002	771412	Planning and Research	\$	23,970,770	\$	24,214,310 9761
		- Federal				
7002	772421	Highway Construction	\$	542,801,332	\$	517,419,558 9762
		- State				
7002	772422	Highway Construction	\$	1,091,378,700	\$	1,065,737,629 9763
		- Federal				
7002	772424	Highway Construction	\$	121,377,011	\$	109,694,836 9764
		- Other				
7002	772437	GARVEE Debt Service -	\$	21,778,200	\$	27,547,900 9765
		State				
7002	772438	GARVEE Debt Service -	\$	131,814,700	\$	136,513,200 9766
		Federal				
7002	773431	Highway Maintenance -	\$	405,633,542	\$	425,329,858 9767
		State				
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785 9768
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 9769
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 9770
		Special Equipment				
7002	776462	Grade Crossings -	\$	15,000,000	\$	15,000,000 9771
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 9772
		- Federal				
7002	777475	Aviation	\$	4,945,697	\$	5,186,959 9773
		Administration				
7002	779491	Administration -	\$	131,087,437	\$	134,889,042 9774
		State				

TOTAL HOF Highway Operating				9775
Fund Group		\$ 2,936,108,872	\$ 2,566,678,728	9776
State Special Revenue Fund Group				9777
4N40 776663 Panhandle Lease	\$	762,600	\$ 764,300	9778
Reserve Payments				
4N40 776664 Rail Transportation -	\$	2,111,500	\$ 2,111,500	9779
Other				
5W90 777615 County Airport	\$	620,000	\$ 620,000	9780
Maintenance				
TOTAL SSR State Special Revenue				9781
Fund Group	\$	3,494,100	\$ 3,495,800	9782
Infrastructure Bank Obligations Fund Group				9783
7045 772428 Highway	\$	71,000,000	\$ 65,000,000	9784
Infrastructure Bank -				
Bonds				
TOTAL 045 Infrastructure Bank				9785
Obligations Fund Group	\$	71,000,000	\$ 65,000,000	9786
Highway Capital Improvement Fund Group				9787
7042 772723 Highway Construction	\$	194,000,000	\$ 163,000,000	9788
- Bonds				
TOTAL 042 Highway Capital				9789
Improvement Fund Group	\$	194,000,000	\$ 163,000,000	9790
TOTAL ALL BUDGET FUND GROUPS	\$	3,204,602,972	\$ 2,798,174,528	9791

Section 203.11. PUBLIC ACCESS ROADS FOR DNR FACILITIES 9793

Of the foregoing appropriation item 772421, Highway 9794
Construction - State, \$5,000,000 shall be used in each fiscal year 9795
for the construction, reconstruction, or maintenance of public 9796
access roads, including support features, to and within state 9797
facilities owned or operated by the Department of Natural 9798
Resources. 9799

Section 203.12. PUBLIC ACCESS ROADS FOR PARKS AND EXPOSITIONS 9800
COMMISSION FACILITIES 9801

Notwithstanding section 5511.06 of the Revised Code, of the 9802
foregoing appropriation item 772421, Highway Construction - State, 9803
\$2,228,000 in each fiscal year shall be used for the construction, 9804
reconstruction, or maintenance of park drives or park roads within 9805
the boundaries of metropolitan parks. 9806

The Department of Transportation may use the foregoing 9807
appropriation item 772421, Highway Construction - State, to 9808
perform related road work on behalf of the Ohio Expositions 9809
Commission at the state fairgrounds, including reconstruction or 9810
maintenance of public access roads and support features to and 9811
within fairground facilities, as requested by the Commission and 9812
approved by the Director of Transportation. 9813

Section 203.13. DIRECT INVESTMENT IN PUBLIC TRANSIT 9814

Of the foregoing appropriation item 772422, Highway 9815
Construction - Federal, \$7,500,000 shall be used in each fiscal 9816
year to provide grants to local transit authorities to purchase or 9817
improve public transit vehicles. To provide for a cleaner 9818
environment, new transit vehicles purchased and improvements made 9819
to a local transit authority's existing fleet of vehicles with 9820
funds provided under this section must foster the goals of 9821
increasing fuel efficiency, reducing emissions, and using 9822
alternative fuels, as appropriate. 9823

Section 203.20. ISSUANCE OF BONDS 9824

The Treasurer of State, upon the request of the Director of 9825
Transportation, is authorized to issue and sell, in accordance 9826
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9827
151. and particularly sections 151.01 and 151.06 of the Revised 9828

Code, obligations, including bonds and notes, in the aggregate 9829
amount of \$352,000,000 in addition to the original issuance of 9830
obligations authorized by prior acts of the General Assembly. 9831

The obligations shall be dated, issued, and sold from time to 9832
time in amounts necessary to provide sufficient moneys to the 9833
credit of the Highway Capital Improvement Fund (Fund 7042) created 9834
by section 5528.53 of the Revised Code to pay costs charged to the 9835
fund when due as estimated by the Director of Transportation, 9836
provided, however, that such obligations shall be issued and sold 9837
at such time or times so that not more than \$220,000,000 original 9838
principal amount of obligations, plus the principal amount of 9839
obligations that in prior fiscal years could have been, but were 9840
not, issued within the \$220,000,000 limit, may be issued in any 9841
fiscal year, and not more than \$1,200,000,000 original principal 9842
amount of such obligations are outstanding at any one time. 9843

Section 203.30. TRANSFER OF HIGHWAY OPERATING FUND (FUND 9844
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9845
HIGHWAY MAINTENANCE, RAIL, AVIATION, AND ADMINISTRATION 9846
9847

The Director of Budget and Management may approve requests 9848
from the Director of Transportation for transfer of Highway 9849
Operating Fund (Fund 7002) appropriations for highway planning and 9850
research (appropriation items 771411 and 771412), highway 9851
construction (appropriation items 772421, 772422, 772424, 772437, 9852
and 772438), highway maintenance (appropriation item 773431), rail 9853
grade crossings (appropriation item 776462), aviation 9854
(appropriation item 777475), and administration (appropriation 9855
item 779491). The Director of Budget and Management may not make 9856
transfers out of debt service appropriation items unless the 9857
Director determines that the appropriated amounts exceed the 9858
actual and projected debt service requirements. Transfers of 9859

appropriations may be made upon the written request of the 9860
Director of Transportation and with the approval of the Director 9861
of Budget and Management. The transfers shall be reported to the 9862
Controlling Board at the next regularly scheduled meeting of the 9863
board. 9864

This transfer authority is intended to provide for emergency 9865
situations and flexibility to meet unforeseen conditions that 9866
could arise during the budget period. It also is intended to allow 9867
the department to optimize the use of available resources and 9868
adjust to circumstances affecting the obligation and expenditure 9869
of federal funds. 9870

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL AND 9871
LOCAL TRANSIT 9872

The Director of Budget and Management may approve written 9873
requests from the Director of Transportation for the transfer of 9874
appropriations between appropriation items 772422, Highway 9875
Construction - Federal, 775452, Public Transportation - Federal, 9876
775454, Public Transportation - Other, and 775459, Elderly and 9877
Disabled Special Equipment, based upon transit capital projects 9878
meeting Federal Highway Administration and Federal Transit 9879
Administration funding guidelines. The transfers shall be reported 9880
to the Controlling Board at its next regularly scheduled meeting. 9881

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 9882
BANK 9883

The Director of Budget and Management may approve requests 9884
from the Director of Transportation for transfer of appropriations 9885
and cash of the Infrastructure Bank funds created in section 9886
5531.09 of the Revised Code, including transfers between fiscal 9887
years 2010 and 2011. The transfers shall be reported to the 9888
Controlling Board at its next regularly scheduled meeting. 9889

The Director of Budget and Management may approve requests 9890

from the Director of Transportation for transfer of appropriations 9891
and cash from the Highway Operating Fund (Fund 7002) to the 9892
Infrastructure Bank funds created in section 5531.09 of the 9893
Revised Code. The Director of Budget and Management may transfer 9894
from the Infrastructure Bank funds to the Highway Operating Fund 9895
up to the amounts originally transferred to the Infrastructure 9896
Bank funds under this section. However, the Director may not make 9897
transfers between modes or transfers between different funding 9898
sources. The transfers shall be reported to the Controlling Board 9899
at its next regularly scheduled meeting. 9900

INCREASING APPROPRIATIONS: STATE FUNDS 9901

In the event that receipts or unexpended balances credited to 9902
the Highway Operating Fund (Fund 7002) exceed the estimates upon 9903
which the appropriations have been made in this act, upon the 9904
request of the Director of Transportation, the Controlling Board 9905
may increase those appropriations in the manner prescribed in 9906
section 131.35 of the Revised Code. 9907

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 9908

In the event that receipts or unexpended balances credited to 9909
the Highway Operating Fund (Fund 7002) or apportionments or 9910
allocations made available from the federal and local government 9911
exceed the estimates upon which the appropriations have been made 9912
in this act, upon the request of the Director of Transportation, 9913
the Controlling Board may increase those appropriations in the 9914
manner prescribed in section 131.35 of the Revised Code. 9915

REAPPROPRIATIONS 9916

Upon approval of the Director of Budget and Management, all 9917
appropriations of the Highway Operating Fund (Fund 7002), the 9918
Highway Capital Improvement Fund (Fund 7042), and the 9919
Infrastructure Bank funds created in section 5531.09 of the 9920
Revised Code remaining unencumbered on June 30, 2009, are hereby 9921

reappropriated for the same purpose in fiscal year 2010. 9922

Upon approval of the Director of Budget and Management, all 9923
appropriations of the Highway Operating Fund (Fund 7002), the 9924
Highway Capital Improvement Fund (Fund 7042), and the 9925
Infrastructure Bank funds created in section 5531.09 of the 9926
Revised Code remaining unencumbered on June 30, 2010, are hereby 9927
reappropriated for the same purpose in fiscal year 2011. 9928

Any balances of prior years' appropriations to the Highway 9929
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 9930
(Fund 7042), and the Infrastructure Bank funds created in section 9931
5531.09 of the Revised Code that are unencumbered on June 30, 9932
2009, subject to the availability of revenue as determined by the 9933
Director of Transportation, are hereby reappropriated for the same 9934
purpose in fiscal year 2010 upon the request of the Director of 9935
Transportation and with the approval of the Director of Budget and 9936
Management. The reappropriations shall be reported to the 9937
Controlling Board. 9938

Any balances of prior years' appropriations to the Highway 9939
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 9940
(Fund 7042), and the Infrastructure Bank funds created in section 9941
5531.09 of the Revised Code that are unencumbered on June 30, 9942
2010, subject to the availability of revenue as determined by the 9943
Director of Transportation, are hereby reappropriated for the same 9944
purpose in fiscal year 2011 upon the request of the Director of 9945
Transportation and with the approval of the Director of Budget and 9946
Management. The reappropriations shall be reported to the 9947
Controlling Board. 9948

LIQUIDATION OF UNFORESEEN LIABILITIES 9949

Any appropriation made from the Highway Operating Fund (Fund 9950
7002) not otherwise restricted by law is available to liquidate 9951
unforeseen liabilities arising from contractual agreements of 9952

prior years when the prior year encumbrance is insufficient. 9953

Section 203.40. MAINTENANCE INTERSTATE HIGHWAYS 9954

The Director of Transportation may remove snow and ice and 9955
maintain, repair, improve, or provide lighting upon interstate 9956
highways that are located within the boundaries of municipal 9957
corporations, adequate to meet the requirements of federal law. 9958
When agreed in writing by the Director of Transportation and the 9959
legislative authority of a municipal corporation and 9960
notwithstanding sections 125.01 and 125.11 of the Revised Code, 9961
the Department of Transportation may reimburse a municipal 9962
corporation for all or any part of the costs, as provided by such 9963
agreement, incurred by the municipal corporation in maintaining, 9964
repairing, lighting, and removing snow and ice from the interstate 9965
system. 9966

Section 203.50. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9967

The Director of Transportation may use revenues from the 9968
state motor vehicle fuel tax to match approved federal grants 9969
awarded to the Department of Transportation, regional transit 9970
authorities, or eligible public transportation systems, for public 9971
transportation highway purposes, or to support local or state 9972
funded projects for public transportation highway purposes. Public 9973
transportation highway purposes include: the construction or 9974
repair of high-occupancy vehicle traffic lanes, the acquisition or 9975
construction of park-and-ride facilities, the acquisition or 9976
construction of public transportation vehicle loops, the 9977
construction or repair of bridges used by public transportation 9978
vehicles or that are the responsibility of a regional transit 9979
authority or other public transportation system, or other similar 9980
construction that is designated as an eligible public 9981
transportation highway purpose. Motor vehicle fuel tax revenues 9982

may not be used for operating assistance or for the purchase of 9983
vehicles, equipment, or maintenance facilities. 9984

Section 203.60. RENTAL PAYMENTS - OBA 9985

The foregoing appropriation item 770003, Administration - 9986
State - Debt Service, shall be used to pay rent to the Ohio 9987
Building Authority for the period July 1, 2009, to June 30, 2011, 9988
under the primary leases and agreements for various transportation 9989
related capital facilities financed by obligations issued under 9990
Chapter 152. of the Revised Code. The rental payments shall be 9991
made from revenues received from the motor vehicle fuel tax. The 9992
amounts of any bonds and notes to finance such capital facilities 9993
shall be at the request of the Director of Transportation. 9994
Notwithstanding section 152.24 of the Revised Code, the Ohio 9995
Building Authority may, with approval of the Office of Budget and 9996
Management, lease capital facilities to the Department of 9997
Transportation. 9998

The Director of Transportation shall hold title to any land 9999
purchased and any resulting structures that are attributable to 10000
appropriation item 770003. Notwithstanding section 152.18 of the 10001
Revised Code, the Director of Transportation shall administer any 10002
purchase of land and any contract for construction, 10003
reconstruction, and rehabilitation of facilities as a result of 10004
this appropriation. 10005

Should the appropriation and any reappropriations from prior 10006
years in appropriation item 770003 exceed the rental payments for 10007
fiscal year 2010 or 2011, then prior to June 30, 2011, the balance 10008
may be transferred to appropriation item 772421, Highway 10009
Construction - State, 773431, Highway Maintenance - State, or 10010
779491, Administration - State, upon the written request of the 10011
Director of Transportation and with the approval of the Director 10012
of Budget and Management. The transfer shall be reported to the 10013

Controlling Board at its next regularly scheduled meeting. 10014

Section 207.10. DEV DEPARTMENT OF DEVELOPMENT 10015

State Special Revenue Fund Group 10016

4W00 195629 Roadwork Development \$ 18,699,900 \$ 18,699,900 10017

TOTAL SSR State Special Revenue 10018

Fund Group \$ 18,699,900 \$ 18,699,900 10019

TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 10020

ROADWORK DEVELOPMENT FUND 10021

The Roadwork Development Fund shall be used for road 10022

improvements associated with economic development opportunities 10023

that will retain or attract businesses for Ohio. "Road 10024

improvements" are improvements to public roadway facilities 10025

located on, or serving or capable of serving, a project site. 10026

The Department of Transportation, under the direction of the 10027

Department of Development, shall provide these funds in accordance 10028

with all guidelines and requirements established for Department of 10029

Development appropriation item 195412, Business Development, 10030

including Controlling Board review and approval as well as the 10031

requirements for usage of gas tax revenue prescribed in Section 5a 10032

of Article XII, Ohio Constitution. Should the Department of 10033

Development require the assistance of the Department of 10034

Transportation to bring a project to completion, the Department of 10035

Transportation shall use its authority under Title LV of the 10036

Revised Code to provide such assistance and may enter into 10037

contracts on behalf of the Department of Development. In addition, 10038

these funds may be used in conjunction with appropriation item 10039

195412, Business Development, or any other state funds 10040

appropriated for infrastructure improvements. 10041

The Director of Budget and Management, pursuant to a plan 10042

submitted by the Director of Development or as otherwise 10043

determined by the Director of Budget and Management, shall set a 10044
cash transfer schedule to meet the cash needs of the Department of 10045
Development's Roadwork Development Fund (Fund 4W00), less any 10046
other available cash. The Director shall transfer to the Roadwork 10047
Development Fund from the Highway Operating Fund (Fund 7002), 10048
established in section 5735.291 of the Revised Code, such amounts 10049
at such times as determined by the transfer schedule. 10050

TRANSPORTATION IMPROVEMENT DISTRICTS 10051

Notwithstanding section 5540.151 of the Revised Code and any 10052
other restrictions that apply to the distribution of Roadwork 10053
Development Grants, of the foregoing appropriation item 195629, 10054
Roadwork Development, \$250,000 in each fiscal year shall be 10055
distributed by the Director of Development to each of the 10056
Transportation Improvement Districts in Belmont, Butler, Clermont, 10057
Hamilton, Lorain, Medina, Montgomery, Muskingum, and Stark 10058
counties, and to the Rossford Transportation Improvement District 10059
in Wood County. 10060

Section 209.10. PWC PUBLIC WORKS COMMISSION 10061

Local Transportation Improvements Fund Group 10062

7052 150402 Local Transportation \$ 299,001 \$ 306,178 10063

Improvement Program -

Operating

7052 150701 Local Transportation \$ 67,317,000 \$ 67,400,000 10064

Improvement Program

TOTAL 052 Local Transportation 10065

Improvements Fund Group \$ 67,616,001 \$ 67,706,178 10066

Local Infrastructure Improvements Fund Group 10067

7038 150321 State Capital \$ 897,383 \$ 918,912 10068

Improvements Program

- Operating Expenses

TOTAL LIF Local Infrastructure				10069	
Improvements Fund Group	\$	897,383	\$	918,912	10070
TOTAL ALL BUDGET FUND GROUPS	\$	68,513,384	\$	68,625,090	10071

DISTRICT ADMINISTRATION COSTS 10072

The Director of the Public Works Commission is authorized to 10073
create a District Administration Costs Program from interest 10074
earnings of the Capital Improvements Fund and Local Transportation 10075
Improvement Program Fund proceeds. The program shall be used to 10076
provide for the direct costs of district administration of the 10077
nineteen public works districts. Districts choosing to participate 10078
in the program shall only expend State Capital Improvements Fund 10079
moneys for State Capital Improvements Fund costs and Local 10080
Transportation Improvement Program Fund moneys for Local 10081
Transportation Improvement Program Fund costs. The account shall 10082
not exceed \$1,235,000 per fiscal year. Each public works district 10083
may be eligible for up to \$65,000 per fiscal year from its 10084
district allocation as provided in sections 164.08 and 164.14 of 10085
the Revised Code. 10086

The Director, by rule, shall define allowable and 10087
nonallowable costs for the purpose of the District Administration 10088
Costs Program. Nonallowable costs include indirect costs, elected 10089
official salaries and benefits, and project-specific costs. No 10090
district public works committee may participate in the District 10091
Administration Costs Program without the approval of those costs 10092
by the district public works committee under section 164.04 of the 10093
Revised Code. 10094

REAPPROPRIATIONS 10095

All capital appropriations from the Local Transportation 10096
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 67 of the 10097
127th General Assembly remaining unencumbered as of June 30, 2009, 10098
are reappropriated for use during the period July 1, 2009, through 10099
June 30, 2010, for the same purpose. 10100

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 7052) in this act remaining unencumbered as of June 30, 2010, are reappropriated for use during the period July 1, 2010, through June 30, 2011, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

Section 301.10. For all appropriations made in Sections 303.10, 305.10, 307.10, 309.10, 311.10, 313.10, 315.10, 317.10, 317.20, 319.10, 321.10, and 325.10 of this act, those in the first column are for fiscal year 2008 and those in the second column are for fiscal year 2009. The appropriations made in these sections are in addition to any other appropriations made for fiscal years 2008 and 2009.

Section 303.10. The federal payments made to the state for the 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 Federal Supportive Services Fund (Fund 3M40).

The federal payments made to the state for the senior community service employment program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Federal Aging Grants Fund (Fund 3220).

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

AGE DEPARTMENT OF AGING

Federal Special Revenue Fund Group				10130
3220 490618 Federal Aging Grants	\$	0	\$ 5,278,000	10131
3M40 490612 Federal Supportive	\$	0	\$ 2,991,000	10132
Services				
TOTAL FED Federal Special Revenue	\$	0	\$ 8,269,000	10133
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 8,269,000	10134

The foregoing appropriation items 490618, Federal Aging 10135
Grants, and 490612, Federal Supportive Services, shall be used in 10136
accordance with the requirements of the American Recovery and 10137
Reinvestment Act of 2009 that apply to the money appropriated. 10138

Section 305.10. The federal payments made to the state for 10139
crime victims assistance grants under Title II of Division A of 10140
the American Recovery and Reinvestment Act of 2009 shall be 10141
deposited to the credit of the Crime Victims Assistance Fund (Fund 10142
3830). 10143

The federal payments made to the state for crime victims 10144
compensation under Title II of Division A of the American Recovery 10145
and Reinvestment Act of 2009 shall be deposited to the credit of 10146
the Reparations Fund (Fund 4020). 10147

The items in this section are appropriated as designated out 10148
of any moneys in the state treasury to the credit of their 10149
respective funds that are not otherwise appropriated. 10150

Appropriations

AGO ATTORNEY GENERAL				10151
Federal Special Revenue Fund Group				10152
3830 055634 Crime Victims	\$	0	\$ 1,271,000	10153
Assistance				
TOTAL FED Federal Special Revenue	\$	0	\$ 1,271,000	10154
Fund Group				

State Special Revenue Fund Group				10155
4020 055616 Victims of Crime	\$	0	\$ 2,061,000	10156
TOTAL SSR State Special Revenue Fund Group	\$	0	\$ 2,061,000	10157
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 3,332,000	10158

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				10171
Federal Special Revenue Fund Group				10172
3480 800624 Leaking Underground Storage Tank	\$	0	\$ 10,000,000	10173
TOTAL FED Federal Special Revenue Fund Group	\$	0	\$ 10,000,000	10174
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 10,000,000	10175

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

the Weatherization Assistance Program and the State Energy Grant 10181
Program under Title IV of Division A of the American Recovery and 10182
Reinvestment Act of 2009 shall be deposited to the credit of the 10183
Federal Special Revenue Fund (Fund 3080). 10184

The federal payments made to the state for the Energy Star 10185
Rebate Program under the American Recovery and Reinvestment Act of 10186
2009 shall be deposited to the credit of the Energy Star Rebate 10187
Program Fund (Fund 3DA0), which is hereby created in the state 10188
treasury. 10189

The federal payments made to the state for the Energy 10190
Efficiency and Conservation Block Grants Program under Title IV of 10191
Division A of the American Recovery and Reinvestment Act of 2009 10192
shall be deposited to the credit of the Energy Efficiency and 10193
Conservation Block Grants Fund (Fund 3DB0), which is hereby 10194
created in the state treasury. 10195

The federal payments made to the state for the Community 10196
Development Block Grant program under Title XII of Division A of 10197
the American Recovery and Reinvestment Act of 2009 shall be 10198
deposited to the credit of the Community Development Block Grant 10199
Fund (Fund 3K80). 10200

The federal payments made to the state for community services 10201
block grants under Title XII of Division A of the American 10202
Recovery and Reinvestment Act of 2009 shall be deposited to the 10203
credit of the Community Services Block Grant Fund (Fund 3L00). 10204
10205

The federal payments made to the state for the Home 10206
Investment Partnerships Program under Title XII of Division A of 10207
the American Recovery and Reinvestment Act of 2009 shall be 10208
deposited to the credit of the HOME Program Fund (Fund 3V10). 10209

The items in this division are appropriated as designated out 10210

of any moneys in the state treasury to the credit of their 10211
respective funds that are not otherwise appropriated. 10212

Appropriations

DEV DEPARTMENT OF DEVELOPMENT				10213
Federal Special Revenue Fund Group				10214
3080	195603	Housing and Urban Development	\$ 0 \$ 26,205,724	10215
3080	195605	Federal Projects	\$ 0 \$ 276,553,000	10216
3080	195618	Energy Federal Grants	\$ 0 \$ 122,604,000	10217
3DA0	195632	Federal Stimulus - Energy Star Rebate Program	\$ 0 \$ 11,000,000	10218
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$ 0 \$ 21,000,000	10219
3K80	195613	Community Development Block Grant	\$ 0 \$ 12,957,527	10220
3L00	195612	Community Services Block Grant	\$ 0 \$ 38,979,000	10221
3V10	195601	HOME Program	\$ 0 \$ 83,484,547	10222
TOTAL FED Federal Special Revenue Fund Group				10223
TOTAL ALL BUDGET FUND GROUPS				10224

The foregoing appropriation item 195605, Federal Projects, 10225
shall be used to carry out the Home Weatherization Assistance 10226
Program, subject to any requirements of the American Recovery and 10227
Reinvestment Act of 2009 that apply to the money appropriated. 10228

The foregoing appropriation items 195603, Housing and Urban 10229
Development, 195618, Energy Federal Grants, 195613, Community 10230
Development Block Grant, 195612, Community Services Block Grant, 10231
195601, HOME Program, 195632, Federal Stimulus - Energy Star 10232

Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 10233
and Conservation Block Grants, shall be used in accordance with 10234
the requirements of the American Recovery and Reinvestment Act of 10235
2009 that apply to the money appropriated. 10236

Section 311.10. The federal payments made to the state for 10237
the national school lunch program under Title VIII of Division A 10238
of the American Recovery and Reinvestment Act of 2009 shall be 10239
deposited to the credit of the Federal Stimulus School Lunch Fund 10240
(Fund 3DC0), which is hereby created in the state treasury. 10241

The federal payments made to the state for the Head Start 10242
program under Title VIII of Division A of the American Recovery 10243
and Reinvestment Act of 2009 shall be deposited to the credit of 10244
the Federal Stimulus Head Start Fund (Fund 3DD0), which is created 10245
in the state treasury. 10246

The federal payments made to the state for the McKinney-Vento 10247
Homeless Assistance Act under Title VIII of Division A of the 10248
American Recovery and Reinvestment Act of 2009 shall be deposited 10249
to the credit of the Consolidated Federal Grant Administration 10250
Fund (Fund 3Z30). 10251

The items in this section are appropriated as designated out 10252
of any moneys in the state treasury to the credit of their 10253
respective funds that are not otherwise appropriated. 10254

Appropriations

EDU DEPARTMENT OF EDUCATION 10255

Federal Special Revenue Fund Group 10256

3DC0 200625 Federal Stimulus - \$ 0 \$ 3,107,000 10257
School Lunch

3DD0 200629 Federal Stimulus - \$ 0 \$ 27,338,000 10258
Head Start

3Z30 200645 Consolidated Federal \$ 0 \$ 1,384,000 10259

Grant Administration

TOTAL FED Federal Special Revenue	\$	0	\$	31,829,000	10260
Fund Group					

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	31,829,000	10261
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The foregoing appropriation item 200645, Consolidated Federal 10262
Grant Administration, 200625, Federal Stimulus - School Lunch, and 10263
200629, Federal Stimulus - Head Start shall be used in accordance 10264
with the requirements of the American Recovery and Reinvestment 10265
Act of 2009 that apply to the money appropriated. 10266

Section 313.10. The federal payments made to the state for 10267
clean air under Title VII of Division A of the American Recovery 10268
and Reinvestment Act of 2009 shall be deposited to the credit of 10269
the Clean Air Fund (Fund 4K20). 10270

The item in this section is appropriated as designated out of 10271
any moneys in the state treasury to the credit of Fund 4K20 that 10272
are not otherwise appropriated. 10273

Appropriations

EPA ENVIRONMENTAL PROTECTION AGENCY	10274
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State Special Revenue Fund Group	10275
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4K20 715648 Clean Air Non-Title V	\$	0	\$	1,700,000	10276
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TOTAL SSR State Special Revenue	\$	0	\$	1,700,000	10277
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	1,700,000	10278
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The foregoing appropriation item 715648, Clean Air Non-Title 10279
V, shall be used in accordance with the requirements of the 10280
American Recovery and Reinvestment Act of 2009 that apply to the 10281
money appropriated. 10282

Section 315.10. The federal payments made to the state for 10283
the education technology program under Title VIII of Division A of 10284
the American Recovery and Reinvestment Act of 2009 shall be 10285

deposited to the credit of the Technology Literacy Challenge Fund 10286
(Fund 3S30). 10287

The item in this section is appropriated as designated out of 10288
any moneys in the state treasury to the credit of Fund 3S30 that 10289
are not otherwise appropriated. 10290

Appropriations

ETC ETECH OHIO 10291

Federal Special Revenue Fund Group 10292

3S30 935606 Enhancing Educational \$ 0 \$ 23,902,000 10293
Technology

TOTAL FED Federal Special Revenue \$ 0 \$ 23,902,000 10294
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 23,902,000 10295

The foregoing appropriation item 935606, Enhancing 10296
Educational Technology, shall be used in accordance with the 10297
requirements of the American Recovery and Reinvestment Act of 2009 10298
that apply to the money appropriated to make grants under Section 10299
315.11 of this act. 10300

Section 315.11. (A) The eTech Ohio Commission shall develop 10301
and implement the Twenty-First Century Learning Environments 10302
Technology Grant Program. Under the program, the Commission, in 10303
consultation with the Department of Education, shall award 10304
competitive grants to school districts for the purchase or lease 10305
of technology hardware, software, training, and support packages 10306
(education solution packages) that meet the specifications 10307
developed jointly by the Commission and the Department. 10308
Twenty-five per cent of any grant award shall be used for 10309
professional development that focuses on utilizing digital 10310
environments to enable new teaching methods, such as 10311
individualizing instruction and project-based learning. This 10312

professional development shall include at least one component of 10313
training in the classroom. The Commission shall limit the number 10314
of grants so that each grant recipient receives an amount that is 10315
sufficient to create large-scale learning environment changes that 10316
facilitate the goals expressed in division (D) of this section. 10317
The Commission shall award grants in a manner that ensures 10318
diversity among grant recipients according to geographical 10319
regions, economic scale, and school district size. 10320

(B) The Commission and the Department shall develop 10321
specifications for education solution packages that may be 10322
purchased or leased by school districts with a grant awarded under 10323
this section. The specification shall include at least the 10324
following components: 10325

(1) Hardware and software, including wireless laptop 10326
computers, for creating content, project-based learning, and 10327
student-centered collaborative learning practices; 10328

(2) Access to digital content through a statewide content 10329
repository; 10330

(3) Professional development that is supported by the 10331
integration of technology; 10332

(4) Technical support. 10333

(C) A school district that receives a grant award under this 10334
section may combine the funds under that award with other federal, 10335
state, or local funds to purchase or lease education solution 10336
packages that meet the specifications developed under division (B) 10337
of this section. 10338

The Commission and the Department shall assist schools and 10339
districts that do not receive grant awards under this section in 10340
applying those specifications to purchase or lease education 10341
solution packages using other federal, state, and local funds. 10342

(D) The goals of the Twenty-First Century Learning 10343
Environments Technology Grant Program are: 10344

(1) To facilitate innovative teaching and learning strategies 10345
that help accelerate achievement in core academic subject areas; 10346

(2) To help students develop twenty-first century skills 10347
including critical thinking and problem solving, communication and 10348
collaboration, media literacy, leadership and productivity, 10349
adaptability and accountability; 10350

(3) To demonstrate ways for schools to invest in learning 10351
environments that improve academic effectiveness and efficiencies, 10352
including ways for schools to use a portion of their base funding 10353
to invest in appropriate digital environments than enable proven 10354
practices; 10355

(4) To demonstrate ways that mobile technology can extend 10356
learning time, improve academic engagement, and accelerate 10357
achievement for low-performing students; 10358

(5) To demonstrate ways in which technology can enable 10359
innovative teaching formats, including project-based learning, 10360
interdisciplinary methods, relevance, and community service 10361
learning that lead to improved academic achievement; 10362

(6) To demonstrate how teachers and students can create and 10363
access multimedia content that is shared utilizing the "Ohio 10364
iTunes U" web site and other online distribution mechanisms. 10365

Section 317.10. The federal payments made to the state for 10366
the IDEA - Infants and Children Program under Title VIII of 10367
Division A of the American Recovery and Reinvestment Act of 2009 10368
shall be deposited to the credit of the Maternal Child Health 10369
Block Grant Fund (Fund 3200). 10370

The federal payments made to the state for the Immunization 10371
Program under Title VIII of Division A of the American Recovery 10372

and Reinvestment Act of 2009 shall be deposited to the credit of 10373
the Preventive Health Block Grant Fund (Fund 3870). 10374

The federal payments made to the state for the Special 10375
Supplemental Nutrition Program under Title VIII of Division A of 10376
the American Recovery and Reinvestment Act of 2009 shall be 10377
deposited to the credit of the Women, Infants, and Children Fund 10378
(Fund 3890). 10379

The items in this section are appropriated as designated out 10380
of any moneys in the state treasury to the credit of their 10381
respective funds that are not otherwise appropriated. 10382

Appropriations

DOH DEPARTMENT OF HEALTH 10383

Federal Special Revenue Fund Group 10384

3200 440601 Maternal Child Health \$ 0 \$ 14,410,000 10385
Block Grant

3870 440602 Preventive Health \$ 0 \$ 9,893,000 10386
Block Grant

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 10387
Children

TOTAL FED Federal Special Revenue \$ 0 \$ 26,303,000 10388
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 26,303,000 10389

The foregoing appropriation items 440601, Maternal Child 10390
Health Block Grant, 440602, Preventive Health Block Grant, and 10391
440604, Women, Infants, and Children, shall be used in accordance 10392
with the requirements of the American Recovery and Reinvestment 10393
Act of 2009 that apply to the money appropriated. 10394

Section 317.20. All items in this section are hereby 10395
appropriated as designated out of any moneys in the state treasury 10396
to the credit of the Deputy Inspector General for Funds Received 10397
through the American Recovery and Reinvestment Act of 2009 Fund 10398

(Fund 5GI0).				10399
			Appropriations	
IGO OFFICE OF THE INSPECTOR GENERAL				10400
General Services Fund Group				10401
5GI0 965605 Deputy Inspector	\$	0	\$ 150,000	10402
General for ARRA				
TOTAL GSF General Services Fund	\$	0	\$ 150,000	10403
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 150,000	10404
The foregoing appropriation item 965605, Deputy Inspector				10405
General for ARRA, shall be used to pay the operating expenses				10406
incurred by the Deputy Inspector General for Funds Received				10407
through the American Recovery and Reinvestment Act of 2009 in				10408
performing the duties specified in section 121.53 of the Revised				10409
Code.				10410
There is established in appropriation item 965605, Deputy				10411
Inspector General for ARRA, an appropriation of \$450,000 in fiscal				10412
year 2010 and of \$600,000 in fiscal year 2011 to pay the operating				10413
expenses incurred by the Deputy Inspector General for Funds				10414
Received through the American Recovery and Reinvestment Act of				10415
2009 in performing the duties specified in section 121.53 of the				10416
Revised Code. Any unencumbered and unexpended appropriations				10417
remaining on June 30, 2010, are reappropriated for the same				10418
purposes in fiscal year 2011.				10419
Section 319.10. The federal payments made to the state for				10420
the Supplemental Nutrition Assistance Program under Title VIII of				10421
Division A of the American Recovery and Reinvestment Act of 2009				10422
shall be deposited to the credit of the Food Stamps and State				10423
Administration Fund (Fund 3840).				10424
The federal payments made to the state for the Commodity				10425

Assistance Program under Title VIII of Division A of the American 10426
Recovery and Reinvestment Act of 2009 shall be deposited to the 10427
credit of the Emergency Food Distribution Fund (Fund 3A20). 10428

The federal payments made to the state for the Foster 10429
Care/Adoption Program under Title VIII of Division A of the 10430
American Recovery and Reinvestment Act of 2009 shall be deposited 10431
to the credit of the IV-E Foster Care Maintenance/Pass Through 10432
Fund (Fund 3N00). 10433

The federal payments made to the state for the Unemployment 10434
Insurance Program under Title VIII of Division A of the American 10435
Recovery and Reinvestment Act of 2009 shall be deposited to the 10436
credit of the Unemployment Compensation Review Commission Fund 10437
(Fund 3V40). 10438

The federal payments made to the state for the Medicaid 10439
disproportionate share hospitals under Title VIII of Division A of 10440
the American Recovery and Reinvestment Act of 2009 shall be 10441
deposited to the credit of the Medicaid Program Support Fund (Fund 10442
5C90). 10443

The items in this section are appropriated as designated out 10444
of any moneys in the state treasury to the credit of their 10445
respective funds that are not otherwise appropriated. 10446

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 10447

General Services Fund Group 10448

5C90 600671 Medicaid Program \$ 0 \$ 20,417,000 10449

Support

TOTAL GSF General Services Fund \$ 0 \$ 20,417,000 10450

Group

Federal Special Revenue Fund Group 10451

3840 600610 Food Assistance and \$ 0 \$ 11,200,000 10452

State Administration

3A20	600641	Emergency Food	\$	0	\$	4,254,000	10453
		Distribution					
3N00	600628	IV-E Foster Care	\$	0	\$	40,327,000	10454
		Maintenance					
3V40	600678	Federal Unemployment	\$	0	\$	25,545,000	10455
		Programs					
TOTAL FED	Federal Special Revenue		\$	0	\$	81,326,000	10456
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	101,743,000	10457

The foregoing appropriation items 600610, Food Assistance and 10458
State Administration, 600641, Emergency Food Distribution, 600628, 10459
IV-E Foster Care Maintenance, 600678, Federal Unemployment 10460
Programs, and 600671, Medicaid Program Support, shall be used in 10461
accordance with the requirements of the American Recovery and 10462
Reinvestment Act of 2009 that apply to the money appropriated. 10463

Section 321.10. The federal payments made to the state for 10464
the Vocational Rehabilitation Program under Title VIII of Division 10465
A of the American Recovery and Reinvestment Act of 2009 shall be 10466
deposited to the credit of the Consolidated Federal Fund (Fund 10467
3790). 10468

The federal payments made to the state for the Independent 10469
Living Program under Title VIII of Division A of the American 10470
Recovery and Reinvestment Act of 2009 shall be deposited to the 10471
credit of the Independent Living/Vocational Rehabilitation Fund 10472
(Fund 3L40). 10473

The items in this section are appropriated as designated out 10474
of any moneys in the state treasury to the credit of their 10475
respective funds that are not otherwise appropriated. 10476

Appropriations

RSC REHABILITATION SERVICES COMMISSION	10477
Federal Special Revenue Fund Group	10478

3790	415616	Federal - Vocational Rehabilitation	\$	0	\$	21,590,000	10479
3L40	415612	Federal Independent Living Centers or Services	\$	0	\$	509,000	10480
3L40	415617	Independent Living/Vocational Rehabilitation Programs	\$	0	\$	1,392,958	10481
TOTAL FED Federal Special Revenue Fund Group			\$	0	\$	23,491,958	10482
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	23,491,958	10483

The foregoing appropriation items 415616, Federal - 10484
Vocational Rehabilitation, 415612, Federal Independent Living 10485
Centers or Services, and 415617, Independent Living/Vocational 10486
Rehabilitation Programs, shall be used in accordance with the 10487
requirements of the American Recovery and Reinvestment Act of 2009 10488
that apply to the money appropriated. 10489

Section 323.10. Expenditures from the appropriations made in 10490
Sections 303.10, 305.10, 307.10, 309.10, 311.10, 313.10, 315.10, 10491
317.10, 319.10, 321.10, and 325.10 of this act shall be accounted 10492
for as though made in the relevant main operating appropriations 10493
act. The appropriations made in this division are subject to all 10494
provisions of the relevant main operating appropriations act that 10495
are generally applicable to the appropriations. 10496

Section 325.10. The federal payments made to the state for 10497
highway infrastructure under Title XII of Division A of the 10498
American Recovery and Reinvestment Act of 2009 shall be deposited 10499
to the credit of the Highway Operating Fund (Fund 7002), which is 10500
created in section 5735.291 of the Revised Code. 10501

The federal payments made to the state for transit agencies 10502

under Title XII of Division A of the American Recovery and 10503
Reinvestment Act of 2009 shall be deposited to the credit of the 10504
Highway Operating Fund (Fund 7002). 10505

The items in this division are appropriated as designated out 10506
of any moneys in the state treasury to the credit of their 10507
respective funds that are not otherwise appropriated. 10508

Appropriations

DOT DEPARTMENT OF TRANSPORTATION 10509
Highway Operating Fund Group 10510
7002 772422 Highway Construction \$ 0 \$ 935,677,000 10511
- Federal
7002 775463 Federal Stimulus - \$ 0 \$ 167,036,000 10512
Transit
TOTAL HOF Highway Operating Fund \$ 0 \$ 1,102,713,000 10513
Group
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 1,102,713,000 10514

Section 325.11. ALLOCATION OF FEDERAL STIMULUS TO DISTRICTS 10516

Of the foregoing appropriation item 772422, Highway 10517
Construction - Federal, not less than \$15,000,000 shall be 10518
allocated to each district of the Department of Transportation. 10519

TRANSFER OF APPROPRIATIONS 10520

The Director of Budget and Management may approve written 10521
requests from the Director of Transportation for the transfer of 10522
appropriations between appropriation items 771412, Planning and 10523
Research - Federal, 772422, Highway Construction - Federal, 10524
772424, Highway Construction - Other, 775452, Public 10525
Transportation - Federal, 776462, Grade Crossing - Federal, and 10526
777472, Airport Improvements - Federal, based upon the 10527
requirements of the American Recovery and Reinvestment Act of 2009 10528
that apply to the money appropriated. The transfers shall be 10529

reported to the Controlling Board at its next regularly scheduled 10530
meeting. 10531

Expenditures from appropriations made in this section shall 10532
be accounted for as though made in Am. Sub. H.B. 67 of the 127th 10533
General Assembly. However, law contained the relevant operating 10534
appropriations act that is generally applicable to the 10535
appropriations made in that act also is generally applicable to 10536
the appropriations made in Section 325.10 of this act. 10537

Section 327.10. The unexpended, unencumbered portions of the 10538
appropriation items made in Sections 303.10, 305.10, 307.10, 10539
309.10, 311.10, 313.10, 315.10, 317.10, 317.20, 319.10, 321.10, 10540
and 325.10 at the end of fiscal year 2009 are hereby 10541
reappropriated for the same purposes for fiscal year 2010. 10542

Section 503.20. PASSENGER RAIL 10543

The Ohio Rail Development Commission or the Director of 10544
Transportation may apply for federal funding for passenger rail 10545
made available through the federal American Recovery and 10546
Reinvestment Act of 2009. However, before any such funds for 10547
passenger rail are expended, they shall be specifically 10548
appropriated by the General Assembly. 10549

Section 503.30. It is the intent of the General Assembly to 10550
make appropriations for the Department of Public Safety in the 10551
main operating appropriations act of the 128th General Assembly. 10552

Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 10553
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 10554

The Director of Budget and Management shall initiate and 10555
process payments from lease rental payment appropriation items 10556
during the period from July 1, 2009, to June 30, 2011, pursuant to 10557

the lease agreements for bonds or notes issued under Section 2i of 10558
Article VIII of the Ohio Constitution and Chapter 152. of the 10559
Revised Code. Payments shall be made upon certification by the 10560
Ohio Building Authority of the dates and amounts due on those 10561
dates. 10562

Section 509.20. LEASE PAYMENTS TO OBA AND TREASURER 10563

Certain appropriations are in this act for the purpose of 10564
lease payments to the Ohio Building Authority or to the Treasurer 10565
of State under leases and agreements relating to bonds or notes 10566
issued by the Ohio Building Authority or the Treasurer of State 10567
under the Ohio Constitution and acts of the General Assembly. If 10568
it is determined that additional appropriations are necessary for 10569
this purpose, such amounts are hereby appropriated. 10570

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 10571
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND** 10572

Upon the request of the Director of Transportation, the 10573
Director of Budget and Management may transfer cash from the 10574
Highway Operating Fund (Fund 7002) to the Highway Capital 10575
Improvement Fund (Fund 7042) created in section 5528.53 of the 10576
Revised Code. The Director of Budget and Management may transfer 10577
from Fund 7042 to Fund 7002 up to the amounts previously 10578
transferred to Fund 7042 under this section. 10579

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 10580

The Director of Budget and Management shall transfer cash in 10581
equal monthly increments totaling \$183,493,000 in each fiscal year 10582
of the 2010-2011 biennium from the Highway Operating Fund, created 10583
in section 5735.291 of the Revised Code, to the Gasoline Excise 10584
Tax Fund created in division (A) of section 5735.27 of the Revised 10585
Code. The monthly amounts transferred under this section shall be 10586

distributed as follows: 42.86 per cent shall be distributed among 10587
the municipal corporations within the state under division (A)(2) 10588
of section 5735.27 of the Revised Code; 37.14 per cent shall be 10589
distributed among the counties within the state under division 10590
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 10591
shall be distributed among the townships within the state under 10592
division (A)(5)(b) of section 5735.27 of the Revised Code. 10593

Section 512.30. LOCAL TRANSPORTATION IMPROVEMENT PROGRAM 10594

The Director of Budget and Management is authorized, upon 10595
written request of the Director of the Public Works Commission, to 10596
make periodic transfers of cash from the Highway Operating Fund 10597
created in section 5735.291 of the Revised Code to the Local 10598
Transportation Improvement Program Fund created in section 164.14 10599
of the Revised Code. These periodic transfers must total 10600
\$100,000,000 in fiscal year 2010 and \$100,000,000 in fiscal year 10601
2011 and are intended to fulfill the purposes of Section 18 of Am. 10602
Sub. H.B. 554 of the 127th General Assembly. 10603

Section 512.40. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 10604

On July 1, 2009, and on January 1, 2010, respectively, or as 10605
soon as possible thereafter, the Director of Budget and Management 10606
shall transfer \$200,000 in cash, for each period, from the Highway 10607
Operating Fund (Fund 7002) to the Deputy Inspector General for 10608
ODOT Fund (Fund 5FA0). 10609

On July 1, 2010, and on January 1, 2011, or as soon as 10610
possible thereafter, respectively, the Director of Budget and 10611
Management shall transfer \$200,000 in cash, for each period, from 10612
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 10613
General for ODOT Fund (Fund 5FA0). 10614

Should additional amounts be necessary, the Inspector 10615
General, with the consent of the Director of Budget and 10616

Management, may seek Controlling Board approval for additional 10617
transfers of cash and to increase the amount appropriated from 10618
appropriation item 965603, Deputy Inspector General for ODOT, in 10619
the amount of the additional transfers. 10620

Section 512.41. DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED 10621
THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 10622

On the effective date of this section, and on July 1, 2009, 10623
or as soon as possible thereafter, respectively, the Director of 10624
Budget and Management shall transfer \$150,000 in cash, for each 10625
period, from the General Revenue Fund to the Deputy Inspector 10626
General for Funds Received through the American Recovery and 10627
Reinvestment Act of 2009 Fund (Fund 5GI0), which is created in 10628
section 121.53 of the Revised Code. 10629

On January 1, 2010, July 1, 2010, and January 1, 2011, or as 10630
soon as possible thereafter, respectively, the Director of Budget 10631
and Management shall transfer \$300,000 in cash, for each period, 10632
from the General Revenue Fund to the Deputy Inspector General for 10633
Funds Received through the American Recovery and Reinvestment Act 10634
of 2009 Fund (Fund 5GI0). 10635

Section 512.43. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 10636

There is established in the Highway Operating Fund (Fund 10637
7002) in the Department of Transportation a Diesel Emissions 10638
Reduction Grant Program. The Director of Development shall 10639
administer the program and shall solicit, evaluate, score, and 10640
select projects submitted by public entities, small business 10641
concerns as the concerns are defined in 13 C.F.R. 121, as amended, 10642
and disadvantaged business enterprises as they are defined in 49 10643
C.F.R. 26 that are eligible for the federal Congestion Mitigation 10644
and Air Quality (CMAQ) Program. The Director of Transportation 10645
shall process Federal Highway Administration-approved projects as 10646

recommended by the Director of Development. 10647

In addition to the allowable expenditures set forth in 10648
section 122.861 of the Revised Code, Diesel Emissions Reduction 10649
Grant Program funds also may be used to fund projects involving 10650
the purchase or use of hybrid and alternative fuel vehicles that 10651
are allowed under guidance developed by the Federal Highway 10652
Administration for the CMAQ Program. 10653

Public entities eligible to receive funds under section 10654
122.861 of the Revised Code and CMAQ shall be reimbursed from the 10655
Department of Transportation's Diesel Emissions Reduction Grant 10656
Program. 10657

Small business concerns and disadvantaged business 10658
enterprises eligible to receive funds under section 122.861 of the 10659
Revised Code and CMAQ shall be reimbursed through transfers of 10660
cash from the Department of Transportation's Diesel Emissions 10661
Reduction Grant Program to the Diesel Emissions Reduction Grant 10662
Fund (Fund 3BD0) used by the Department of Development. Total 10663
expenditures between both the Departments of Development and 10664
Transportation shall not exceed the amounts appropriated in this 10665
section. 10666

Appropriation item 195697, Diesel Emissions Reduction Grants, 10667
is established with an appropriation of \$20,000,000 for fiscal 10668
year 2010. 10669

On or before June 30, 2010, any unencumbered balance of the 10670
foregoing appropriation item 195697, Diesel Emissions Reduction 10671
Grants, for fiscal year 2010 is appropriated for the same purposes 10672
in fiscal year 2011. 10673

Any cash transfers or allocations under this section 10674
represent CMAQ program moneys within the Department of 10675
Transportation for use by the Diesel Emissions Reduction Grant 10676
Program by the Department of Development. These allocations shall 10677

not reduce the amount of such moneys designated for metropolitan 10678
planning organizations. 10679

The Director of Development, in consultation with the 10680
Directors of Environmental Protection and Transportation, shall 10681
develop guidance for the distribution of funds and for the 10682
administration of the Diesel Emissions Reduction Grant Program. 10683
The guidance shall include a method of prioritization for 10684
projects, acceptable technologies, and procedures for awarding 10685
grants. 10686

Section 512.50. CASH TRANSFER TO GRF 10687

On July 1, 2009, or as soon as possible thereafter, the 10688
Director of Budget and Management shall transfer the cash balances 10689
of the ODOT Memorial Fund (Fund 4T50) and the Transportation 10690
Building Fund (Fund 7029), as of June 30, 2009, to the General 10691
Revenue Fund. Upon completion of the transfers, Funds 4T50 and 10692
7029 are abolished. 10693

**Section 512.60. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 10694
FUND TO TITLE DEFECT RECISION FUND** 10695

Notwithstanding any other provision of law to the contrary, 10696
on July 1, 2009, or as soon as possible thereafter, the Director 10697
of Budget and Management shall transfer \$1,000,000 in cash from 10698
the Automated Title Processing Fund (Fund 8490) to the Title 10699
Defect Recision Fund (Fund 4Y70). 10700

**Section 512.70. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMA 10701
SERVICE AND REIMBURSEMENT FUND** 10702

On July 1 of each fiscal year, or as soon as possible 10703
thereafter, the Director of Budget and Management shall transfer 10704
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 10705
the EMA Service and Reimbursement Fund (Fund 4V30) to be 10706

distributed to the Ohio Task Force One-Urban Search and Rescue 10707
Unit and other urban search and rescue programs around the state. 10708

Section 521.10. The federal payments that are made to the 10709
state from the Clean Water State Revolving Fund pursuant to Title 10710
VIII of the American Recovery and Reinvestment Act of 2009 shall 10711
be credited to the Water Pollution Control Loan Fund created in 10712
section 6111.036 of the Revised Code. Notwithstanding the 10713
requirements of section 6111.036 of the Revised Code, money 10714
credited to the Fund under this section shall be used and 10715
administered to provide financial assistance in any manner that is 10716
consistent with the requirements of the Federal Water Pollution 10717
Control Act or the American Recovery and Reinvestment Act of 2009. 10718

Notwithstanding the requirements of section 6111.036 of the 10719
Revised Code, rules adopted under it, and Chapter 3745-47 of the 10720
Administrative Code, the Director of Environmental Protection, for 10721
the purpose of obtaining federal payments pursuant to Title VIII 10722
of the American Recovery and Reinvestment Act of 2009, may impose 10723
alternative public comment procedures for the draft intended use 10724
plan, including alternative time frames for public notice and 10725
comment and the frequency of public meetings. 10726

Section 521.20. The federal payments that are made to the 10727
state from the Drinking Water State Revolving Fund pursuant to 10728
Title VIII of the American Recovery and Reinvestment Act of 2009 10729
shall be credited to the Drinking Water Assistance Fund created in 10730
section 6109.22 of the Revised Code. Notwithstanding the 10731
requirements of section 6109.22 of the Revised Code, money 10732
credited to the Fund under this section shall be used and 10733
administered to provide financial assistance in any manner that is 10734
consistent with the requirements of the Safe Drinking Water Act or 10735
the American Recovery and Reinvestment Act of 2009. 10736

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	10763
038 150-321 State Capital \$ 879,237 \$ 918,912	10764
Improvements Program -	
Operating Expenses	
TOTAL LIF Local Infrastructure	10765
Improvements Fund Group \$ 879,237 \$ 918,912	10766
TOTAL ALL BUDGET FUND GROUPS \$ 68,670,774 \$ 268,725,090	10767
CASH TRANSFER FROM THE BUDGET STABILIZATION FUND	10768
the Director of Budget and Management shall transfer	10769
\$200,000,000 in cash from the Budget Stabilization Fund to the	10770
Local Transportation Improvement Program Fund created in section	10771
164.14 of the Revised Code.	10772
DISTRICT ADMINISTRATION COSTS	10773
The Director of the Public Works Commission is authorized to	10774
create a District Administration Costs Program from interest	10775
earnings of the Capital Improvements Fund and Local Transportation	10776
Improvement Program Fund proceeds. The program shall be used to	10777
provide for the direct costs of district administration of the	10778
nineteen public works districts. Districts choosing to participate	10779
in the program shall only expend Capital Improvements Fund moneys	10780
for Capital Improvements Fund costs and Local Transportation	10781
Improvement Program Fund moneys for Local Transportation	10782
Improvement Program Fund costs. The account shall not exceed	10783
\$1,235,000 per fiscal year. Each public works district may be	10784
eligible for up to \$65,000 per fiscal year from its district	10785
allocation as provided in sections 164.08 and 164.14 of the	10786
Revised Code.	10787
The Director, by rule, shall define allowable and	10788
nonallowable costs for the purpose of the District Administration	10789
Costs Program. Nonallowable costs include indirect costs, elected	10790
official salaries and benefits, and project-specific costs. No	10791

district public works committee may participate in the District 10792
Administration Costs Program without the approval of those costs 10793
by the district public works committee under section 164.04 of the 10794
Revised Code. 10795

REAPPROPRIATIONS 10796

All capital appropriations from the Local Transportation 10797
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 68 of the 10798
126th General Assembly remaining unencumbered as of June 30, 2007, 10799
are reappropriated for use during the period July 1, 2007, through 10800
June 30, 2008, for the same purpose. 10801

Notwithstanding division (B) of section 127.14 of the Revised 10802
Code, all capital appropriations and reappropriations from the 10803
Local Transportation Improvement Program Fund (Fund 052) in ~~this~~ 10804
act Am. Sub. H.B. 67 of the 127th General Assembly remaining 10805
unencumbered as of June 30, 2008, are reappropriated for use 10806
during the period July 1, 2008, through June 30, 2009, for the 10807
same purposes, subject to the availability of revenue as 10808
determined by the Director of the Public Works Commission. 10809

Section 610.11. That existing Section 229.10 of Am. Sub. H.B. 10810
67 of the 127th General Assembly, as amended by Am. Sub. H.B. 554 10811
of the 127th General Assembly, is hereby repealed. 10812

Section 610.20. That Sections 217.10, 217.11, 239.10, 241.10, 10813
243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General 10814
Assembly be amended to read as follows: 10815

Sec. 217.10. The items set forth in this section are hereby 10816
appropriated out of any moneys in the state treasury to the credit 10817
of the Clean Ohio Revitalization Fund (Fund 7003) that are not 10818
otherwise appropriated: 10819

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			10820
C19500	Clean Ohio Revitalization	\$ 32,000,000	10821
		<u>80,000,000</u>	
C19501	Clean Ohio Assistance	\$ 8,000,000	10822
		<u>20,000,000</u>	
Total Department of Development		\$ 40,000,000	10823
		<u>100,000,000</u>	
TOTAL Clean Ohio Assistance Fund		\$ 40,000,000	10824
		<u>100,000,000</u>	

Sec. 217.11. CLEAN OHIO REVITALIZATION 10826

The Treasurer of State is hereby authorized to issue and 10827
sell, in accordance with Section 2o and 2q of Article VIII, Ohio 10828
Constitution, and pursuant to sections 151.01 and 151.40 of the 10829
Revised Code, original obligations in an aggregate principal 10830
amount not to exceed ~~\$40,000,000~~ \$100,000,000 in addition to the 10831
original issuance of obligations heretofore authorized by prior 10832
acts of the General Assembly. These authorized obligations shall 10833
be issued and sold from time to time, subject to applicable 10834
constitutional and statutory limitations, as needed to ensure 10835
sufficient moneys to the credit of the Clean Ohio Revitalization 10836
Fund (Fund 7003) to pay costs of revitalization projects. 10837

Sec. 239.10. The items set forth in this section are hereby 10838
appropriated out of any moneys in the state treasury to the credit 10839
of the Clean Ohio Conservation Fund (Fund 7056) that are not 10840
otherwise appropriated. 10841

Appropriations

PWC PUBLIC WORKS COMMISSION			10842
C15060	Clean Ohio Conservation	\$ 30,000,000	10843
		<u>75,000,000</u>	
Total Public Works Commission		\$ 30,000,000	10844
		<u>75,000,000</u>	

TOTAL Clean Ohio Conservation Fund	\$	30,000,000	10845
		<u>75,000,000</u>	

The foregoing appropriation item C15060, Clean Ohio	10846
Conservation, shall be used in accordance with sections 164.20 to	10847
164.27 of the Revised Code. If the Public Works Commission	10848
receives refunds due to project overpayments that are discovered	10849
during the post-project audit, the Director of the Public Works	10850
Commission may certify to the Director of Budget and Management	10851
that refunds have been received. If the Director of Budget and	10852
Management determines that the project refunds are available to	10853
support additional appropriations, such amounts are hereby	10854
appropriated.	10855

Sec. 241.10. The items set forth in this section are hereby	10856
appropriated out of any moneys in the state treasury to the credit	10857
of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are	10858
not otherwise appropriated.	10859

Appropriations

AGR DEPARTMENT OF AGRICULTURE		10860
C70009 Clean Ohio Agricultural Easements	\$	5,000,000
		<u>12,500,000</u>
Total Department of Agriculture	\$	5,000,000
		<u>12,500,000</u>
TOTAL Clean Ohio Agricultural Easement Fund	\$	5,000,000
		<u>12,500,000</u>

Sec. 243.10. The items set forth in this section are hereby	10865
appropriated out of any moneys in the state treasury to the credit	10866
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise	10867
appropriated.	10868

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES		10869
C72514 Clean Ohio Trail - Grants	\$	5,000,000

		<u>12,500,000</u>	
Total Department of Natural Resources	\$	5,000,000	10871
		<u>12,500,000</u>	
TOTAL Clean Ohio Trail Fund	\$	5,000,000	10872
		<u>12,500,000</u>	

Sec. 243.11. The Ohio Public Facilities Commission is hereby 10874
authorized to issue and sell, in accordance with Section 2o and 2g 10875
of Article VIII, Ohio Constitution, and pursuant to sections 10876
151.01 and 151.09 of the Revised Code, original obligations of the 10877
state in an aggregate principal amount not to exceed ~~\$40,000,000~~ 10878
\$100,000,000 in addition to the original issuance of obligations 10879
heretofore authorized by prior acts of the General Assembly. These 10880
authorized obligations shall be issued and sold from time to time, 10881
subject to applicable constitutional and statutory limitations, as 10882
needed to ensure sufficient moneys to the credit of the Clean Ohio 10883
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 10884
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 10885
7061) to pay costs of conservation projects. 10886
10887

Section 610.21. That existing Sections 217.10, 217.11, 10888
239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 10889
127th General Assembly are hereby repealed. 10890

Section 610.30. That Section 503.40 of Am. Sub. H.B. 562 of 10891
the 127th General Assembly be amended to read as follows: 10892

Sec. 503.40. All appropriation items in this section are 10893
appropriated out of the money in the state treasury to the credit 10894
of the designated fund. For all appropriations made in this 10895
section, the amounts in the first column are for fiscal year 2008 10896
and the amounts in the second column are for fiscal year 2009. 10897

LSC LEGISLATIVE SERVICE COMMISSION	10898
General Revenue Fund	10899
GRF 035-321 Operating Expenses \$ 0 \$ 200,000	10900
GRF 035-407 Legislative Taskforce \$ 0 \$ 750,000	10901
on Redistricting	
TOTAL GRF General Revenue Fund \$ 0 \$ 950,000	10902
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 950,000	10903
COMMISSION COMMISSIONS ON CUYAHOGA COUNTY GOVERNMENT REFORM	10904
<u>AND LOCAL GOVERNMENT REFORM AND COLLABORATION</u>	10905
The foregoing appropriation item 035-321, Operating Expenses,	10906
shall be used to support the Commission on Cuyahoga County	10907
Government Reform <u>and the Ohio Commission on Local Government</u>	10908
<u>Reform and Collaboration, both created in this act Am. Sub. H.B.</u>	10909
<u>562 of the 127th General Assembly.</u>	10910
<u>An amount equal to the unexpended, unencumbered portion of</u>	10911
<u>the foregoing appropriation item 035-321, Operating Expenses, at</u>	10912
<u>the end of fiscal year 2009, is hereby reappropriated for the same</u>	10913
<u>purpose for fiscal year 2010.</u>	10914
LEGISLATIVE TASKFORCE ON REDISTRICTING	10915
An amount equal to the unexpended, unencumbered portion of	10916
the foregoing appropriation item 035-407, Legislative Taskforce on	10917
Redistricting, at the end of fiscal year 2009 is hereby	10918
reappropriated to the Legislative Service Commission for the same	10919
purpose for fiscal year 2010.	10920
The appropriations made in this section are subject to all	10921
the provisions of Am. Sub. H.B. 119 of the 127th General Assembly	10922
that are generally applicable to such appropriations except for	10923
Section 809.03 of Am. Sub. H.B. 119 of the 127th General Assembly.	10924
Expenditures from appropriations contained in this section shall	10925
be accounted for as though made in Am. Sub. H.B. 119 of the 127th	10926
General Assembly.	10927

Section 610.31. That existing Section 503.40 of Am. Sub. H.B. 10928
562 of the 127th General Assembly is hereby repealed. 10929

Section 747.10. (A) The terms of the members of the 10930
Residential Construction Advisory Committee serving on the 10931
effective date of section 4740.14 of the Revised Code as amended 10932
by this act shall expire one hundred eighty days after the 10933
effective date of section 4740.14 of the Revised Code as amended 10934
by this act. 10935

(B) Upon the expiration of the terms of the members of the 10936
Residential Construction Advisory Committee serving on the 10937
effective date of section 4740.14 of the Revised Code as amended 10938
by this act, the members of the Residential Construction Advisory 10939
Committee shall be appointed as described in section 4740.14 of 10940
the Revised Code as amended by this act and such members' terms 10941
shall expire as follows: 10942

(1) The terms of the members described in divisions (A)(3), 10943
(A)(6), and one of the members described in division (A)(1) of 10944
section 4740.14 of the Revised Code as amended by this act shall 10945
expire on January 1, 2012. 10946

(2) The terms of the member described in division (A)(4), one 10947
of the members described in division (A)(1), and one of the 10948
members described in division (A)(2) of section 4740.14 of the 10949
Revised Code as amended by this act shall expire on January 1, 10950
2013. 10951

(3) The terms of the member described in division (A)(5), one 10952
of the members described in division (A)(1), and one of the 10953
members described in division (A)(2) of section 4740.14 of the 10954
Revised Code as amended by this act shall expire on January 1, 10955
2014. 10956

(C) The Board of Building Standards shall determine which of 10957

the members appointed pursuant to division (A)(1) of section 10958
4740.14 of the Revised Code as amended by this act will serve the 10959
term described in division (B)(1), which member will serve the 10960
term described in division (B)(2), and which member will serve the 10961
term described in division (B)(3) of this section, and shall 10962
determine which of the members appointed pursuant to division 10963
(A)(2) of section 4740.14 of the Revised Code as amended by this 10964
act will serve the term described in division (B)(2) and which 10965
member will serve the term described in division (B)(3) of this 10966
section. 10967

(D) Upon the expiration of the appointments to the 10968
Residential Construction Advisory Committee made by division (B) 10969
of this section, all successive terms shall last for the period 10970
described in division (C) of section 4740.14 of the Revised Code 10971
as amended by this act. 10972

Section 755.10. The Director of Transportation may enter into 10973
agreements as provided in this section with the United States or 10974
any department or agency of the United States, including, but not 10975
limited to, the United States Army Corps of Engineers, the United 10976
States Forest Service, the United States Environmental Protection 10977
Agency, and the United States Fish and Wildlife Service. An 10978
agreement entered into pursuant to this section shall be solely 10979
for the purpose of dedicating staff to the expeditious and timely 10980
review of environmentally related documents submitted by the 10981
Director of Transportation, as necessary for the approval of 10982
federal permits. The agreements may include provisions for advance 10983
payment by the Director of Transportation for labor and all other 10984
identifiable costs of the United States or any department or 10985
agency of the United States providing the services, as may be 10986
estimated by the United States, or the department or agency of the 10987
United States. The Director shall submit a request to the 10988
Controlling Board indicating the amount of the agreement, the 10989

services to be performed by the United States or the department or 10990
agency of the United States, and the circumstances giving rise to 10991
the agreement. 10992

Section 755.40. (A) The Department of Public Safety shall 10993
form a study group to conduct a study and make recommendations to 10994
improve services related to vehicle registrations, driver's 10995
license and identification card issuance, and vehicle title 10996
issuance. The study group shall include representatives from the 10997
Department of Public Safety, the Bureau of Motor Vehicles, the 10998
Office of Budget and Management, the Ohio Clerk of Courts 10999
Association, the County Auditors' Association, the Ohio Trucking 11000
Association, the Deputy Registrars' Association, the Ohio Auto 11001
Dealers' Association, the County Commissioners' Association, the 11002
Ohio Municipal League, and two members of the public, one of whom 11003
shall be appointed by the President of the Senate and one of whom 11004
shall be appointed by the Speaker of the House of Representatives. 11005

(B) In regard to services related to vehicle registrations, 11006
driver's license and identification card issuance, and vehicle 11007
title issuance, the study group shall do all of the following: 11008

(1) Evaluate ways to improve the efficient delivery of 11009
services; 11010

(2) Examine existing statutory authority governing the 11011
supporting processes and infrastructure systems and analyze 11012
methods to improve such processes and systems; 11013

(3) Review demographic data, conduct a financial assessment 11014
of existing procedures, and identify additional services that may 11015
be provided; 11016

(4) Review current business methods and identify new 11017
technology that may improve processes and procedures. 11018

(C) Not later than six months after the effective date of 11019

this section, the study group shall submit its report with 11020
recommendations to the Governor, the Speaker of the House of 11021
Representatives, the Minority Leader of the House of 11022
Representatives, the President of the Senate, and the Minority 11023
Leader of the Senate. Upon submitting its report, the study group 11024
shall cease to exist. 11025

Section 755.50. The Department of Transportation shall 11026
compile and produce a report on the financial and policy 11027
implications of the Department assuming primary responsibility for 11028
all state routes throughout Ohio regardless of local government 11029
jurisdiction. The report shall review the range of possible 11030
participation in the paving and maintenance of these routes by the 11031
Department. The Department shall submit the report to the Speaker 11032
of the House of Representatives, the Minority Leader of the House 11033
of Representatives, the President of the Senate, the Minority 11034
Leader of the Senate, and the Governor not later than December 15, 11035
2009. 11036

Section 755.60. The Ohio Turnpike Commission may conduct a 11037
study to examine ways to increase the application of green 11038
technology, including the reduction of diesel emissions, in the 11039
construction, maintenance, improvement, repair, and operation of 11040
Ohio Turnpike Commission facilities. Additionally, the study shall 11041
evaluate all opportunities to develop energy alternatives, 11042
including solar, geothermal, natural gas, and wind, in cooperation 11043
with the Power Siting Board and the Ohio Department of 11044
Transportation. *Provided*, That the Ohio Turnpike Commission shall 11045
not use any money derived from the Commission's operation of the 11046
Ohio Turnpike to conduct the study authorized by this section. 11047

If the Ohio Turnpike Commission conducts such a study, not 11048
later than six months after the effective date of this section, 11049
the Ohio Turnpike Commission shall report the results of its study 11050

to the Speaker and the Minority Leader of the House of 11051
Representatives, the President and the Minority Leader of the 11052
Senate, and the Governor. 11053

Section 755.70. Notwithstanding sections 4519.02, 4519.03, 11054
4519.04, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47 of the 11055
Revised Code as amended in Section 101.01 of this act, the Bureau 11056
of Motor Vehicles shall not be required to issue license plates 11057
and validation stickers to all-purpose vehicles until one year 11058
after the effective date of this section. 11059

Section 755.80. (A) There is established a MARCS Task Force 11060
to explore and issue recommendations on the organizational 11061
structure and operational and capital funding options for the 11062
long-term sustainability and more ubiquitous utilization of the 11063
MARCS System. 11064

The Task Force shall consist of seventeen members as follows: 11065
three members appointed by the Governor; three members appointed 11066
by the Speaker of the House of Representatives, not more than two 11067
from the same political party; three members appointed by the 11068
President of the Senate, not more than two from the same political 11069
party; one representative from the Department of Public Safety, 11070
appointed by the Director of Public Safety; one representative 11071
from the State Highway Patrol, appointed by the Director of Public 11072
Safety; one representative from the Buckeye State Sheriffs' 11073
Association, appointed by the Governor; one representative from 11074
the Ohio Association of Chiefs of Police, appointed by the 11075
Governor; one representative from the Ohio Fire Chiefs 11076
Association, appointed by the Governor; one representative from 11077
MARCS, appointed by the Director of Administrative Services; one 11078
representative of an emergency management agency, appointed by the 11079
Governor; and the Director of Administrative Services or the 11080
Director's designee. The appointed members shall be appointed not 11081

later than forty-five days after the effective date of this 11082
section. 11083

The Director of Administrative Services or the Director's 11084
designee shall serve as chairperson of the Task Force. 11085

Members of the Task Force shall receive no compensation or 11086
reimbursement for their services. 11087

(B) Not later than nine months after the effective date of 11088
this section, the Task Force shall submit a report to the 11089
Governor, the President of the Senate, and the Speaker of the 11090
House of Representatives. The report shall make recommendations on 11091
the matters outlined in the first paragraph of division (A) of 11092
this section for the MARCS System. 11093

Section 755.90. The Department of Transportation shall not 11094
impose the overweight or overdimension vehicle movement permit fee 11095
increases established in paragraphs (A)(2), (D)(2), (G), (H), (I), 11096
(J), and (K) of rule 5501:2-1-10 of the Administrative Code that 11097
are scheduled to take effect on July 1, 2009. Rather, the fees 11098
that took effect on March 1, 2009, shall apply. The Director of 11099
Transportation shall amend rule 5501:2-1-10 of the Administrative 11100
Code to comply with this section, but shall not subsequently 11101
increase the rates by rule until July 1, 2010. 11102

Section 756.10. (A) There is hereby established the Ohio 11103
Commercial Vehicle Weight Task Force, consisting of twelve members 11104
as follows: the Director of Transportation or the Director's 11105
designee, one member of the Senate appointed by the President of 11106
the Senate, one member of the Senate appointed by the Minority 11107
Leader of the Senate, one member of the House of Representatives 11108
appointed by the Speaker of the House of Representatives, one 11109
member of the House of Representatives appointed by the Minority 11110
Leader of the House of Representatives, one member who represents 11111

the Ohio Trucking Association, one member who represents the Ohio 11112
Contractors Association, one member appointed by the Governor to 11113
represent the railroad industry in this state, one member 11114
appointed by the Governor to represent a port authority located in 11115
this state, one member appointed by the President of the Senate to 11116
represent the public, one member appointed by the Speaker of the 11117
House of Representatives to represent the public, and one member 11118
appointed by the Governor to represent the public. The appointed 11119
members shall be appointed not later than forty-five days after 11120
the effective date of this section. 11121

The Director of Transportation or the Director's designee 11122
shall serve as chairperson of the Task Force. Members of the Task 11123
Force shall receive no compensation or reimbursement for their 11124
services. 11125

(B) The Task Force shall study the issues surrounding weight 11126
limits and commercial motor vehicles, especially those in the 11127
configuration of commercial tractor and trailer or semitrailer. 11128
The Task Force shall evaluate what actions can be taken to address 11129
those issues and shall formulate such recommendations as it 11130
considers advisable. The Task Force shall compile a written report 11131
that contains its findings and recommendations. 11132

(C) Not later than twelve months after the effective date of 11133
this section, the Task Force shall submit its report to the 11134
Governor, the President of the Senate, the Minority Leader of the 11135
Senate, the Speaker of the House of Representatives, and the 11136
Minority Leader of the House of Representatives. At that point, 11137
the Task Force shall cease to exist. 11138

Section 756.20. (A) There is hereby established the Ohio 11139
State Highway Patrol Mission Review Task Force, consisting of 11140
fourteen members as follows: the Director of Public Safety or the 11141

Director's designee, two members of the Senate appointed by the 11142
President of the Senate, one member of the Senate appointed by the 11143
Minority Leader of the Senate, two members of the House of 11144
Representatives appointed by the Speaker of the House of 11145
Representatives, one member of the House of Representatives 11146
appointed by the Minority Leader of the House of Representatives, 11147
one member who represents the Buckeye State Sheriffs Association, 11148
one member who represents the Fraternal Order of Police of Ohio, 11149
one member who represents the Ohio Association of Chiefs of 11150
Police, one member who is a State Highway Patrol trooper appointed 11151
by the Ohio State Troopers Association to represent the troopers 11152
of the State Highway Patrol, one member appointed by the President 11153
of the Senate to represent the public, one member appointed by the 11154
Speaker of the House of Representatives to represent the public, 11155
and one member appointed by the Governor to represent the public. 11156
The appointed members shall be appointed not later than forty-five 11157
days after the effective date of this section. 11158

The Director of Transportation or the Director's designee 11159
shall serve as chairperson of the Task Force. Members of the Task 11160
Force shall receive no compensation or reimbursement for their 11161
services. 11162

(B) The Task Force shall review the operations and functions 11163
of the State Highway Patrol as they relate to all other police 11164
entities in this state. The Task Force shall identify services of 11165
the State Highway Patrol that overlap with those of other police 11166
entities, opportunities to focus or consolidate current 11167
operations, and ways to improve operational efficiency. The Task 11168
Force shall formulate such recommendations as it considers 11169
advisable and shall compile a written report that contains its 11170
findings and recommendations. 11171

(C) Not later than twelve months after the effective date of 11172

this section, the Task Force shall submit its report to the 11173
Governor, the President of the Senate, the Minority Leader of the 11174
Senate, the Speaker of the House of Representatives, and the 11175
Minority Leader of the House of Representatives. At that point, 11176
the Task Force shall cease to exist. 11177

Section 756.30. The Department of Transportation shall erect 11178
and maintain one sign each in the rights-of-way of the northbound 11179
and southbound roadways of the State Route 33 bypass approaching 11180
each exit to the city of Lancaster that reads "Historic Downtown 11181
Lancaster Museum District" and the approximate distance. The signs 11182
shall conform to the provisions contained in the manual adopted by 11183
the Department pursuant to section 4511.09 of the Revised Code 11184
regarding the size, coloring, lettering, and installation 11185
locations of the signs. 11186

Section 756.40. (A) Notwithstanding any law to the contrary, 11187
the Director of Administrative Services shall ensure that a 11188
competitive selection process regarding a contract to operate a 11189
motor vehicle emissions inspection program in this state 11190
incorporates the following elements, which shall be included in 11191
the contract: 11192

(1) A requirement that the vendor selected to operate the 11193
program provide notification of the program's requirements to each 11194
owner of a motor vehicle that is required to be inspected under 11195
the program. The contract shall require the notification to be 11196
provided not later than sixty days prior to the date by which the 11197
owner of the motor vehicle is required to have the motor vehicle 11198
inspected. The Director of Environmental Protection and the vendor 11199
shall jointly agree on the content of the notice. However, the 11200
notice shall at a minimum include the locations of all inspection 11201
facilities within a specified distance of the address that is 11202
listed on the owner's motor vehicle registration. 11203

(2) A requirement that the vendor selected to operate the 11204
program spend not more than five hundred thousand dollars over the 11205
term of the contract for public education regarding the locations 11206
at which motor vehicle inspections will take place; 11207

(3) A requirement that the vendor selected to operate the 11208
program acquire all facilities that were previously utilized for 11209
motor vehicle emissions inspections via arm's-length transactions 11210
at the discretion of the interested parties if the vendor chooses 11211
to utilize those inspection facilities for purposes of the 11212
contract. The competitive selection process shall not include a 11213
requirement that a vendor pay book value for such facilities. 11214

(4) A requirement that the motor vehicle emissions inspection 11215
program utilize established local businesses, such as existing 11216
motor vehicle repair facilities, for the purpose of expanding the 11217
number of inspection facilities for consumer convenience and 11218
increased local business participation. 11219

(B) Any competitive selection process that is or has been 11220
initiated for purposes of a new contract to operate a motor 11221
vehicle emissions inspection program in this state shall comply 11222
with division (A) of this section. 11223

Section 803.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 11224
APPROPRIATIONS 11225

Law contained in the main operating appropriations act of the 11226
128th General Assembly that is generally applicable to the 11227
appropriations made in the main operating appropriations act also 11228
is generally applicable to the appropriations made in this act. 11229

Section 801.10. As used in the uncodified law of this act, 11230
"American Recovery and Reinvestment Act of 2009" means the 11231
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 11232
111-5, 123 Stat. 115. 11233

Section 806.10. The items of law contained in this act, and 11234
their applications, are severable. If any item of law contained in 11235
this act, or if any application of any item of law contained in 11236
this act, is held invalid, the invalidity does not affect other 11237
items of law contained in this act and their applications that can 11238
be given effect without the invalid item or application. 11239

Section 812.10. Except as otherwise provided in this act, the 11240
amendment, enactment, or repeal by this act of a section is 11241
subject to the referendum under Ohio Constitution, Article II, 11242
Section 1c and therefore takes effect on the ninety-first day 11243
after this act is filed with the Secretary of State or, if a later 11244
effective date is specified below, on that date. 11245

Section 812.20. In this section, an "appropriation" includes 11246
another provision of law in this act that relates to the subject 11247
of the appropriation. 11248

An appropriation of money made in this act is not subject to 11249
the referendum insofar as a contemplated expenditure authorized 11250
thereby is wholly to meet a current expense within the meaning of 11251
Ohio Constitution, Article II, Section 1d and section 1.471 of the 11252
Revised Code. To that extent, the appropriation takes effect 11253
immediately when this act becomes law. Conversely, the 11254
appropriation is subject to the referendum insofar as a 11255
contemplated expenditure authorized thereby is wholly or partly 11256
not to meet a current expense within the meaning of Ohio 11257
Constitution, Article II, Section 1d and section 1.471 of the 11258
Revised code. To that extent, the appropriation takes effect on 11259
the ninety-first day after this act is filed with the Secretary of 11260
State. 11261

Section 812.30. The amendment, enactment, or repeal by this 11262

act of the sections listed below is exempt from the referendum	11263
because it is or relates to an appropriation for current expenses	11264
within the meaning of Ohio Constitution, Article II, Section 1d	11265
and section 1.471 of the Revised Code, or defines a tax levy	11266
within the meaning of Ohio Constitution, Article II, Section 1d,	11267
and therefore takes effect immediately when this act becomes law	11268
or, if a later effective date is specified below, on that date.	11269
 R.C. 121.51 and 121.53	 11270
 Section 229.10 of Am. Sub. H.B. 67 of the 127th General	 11271
Assembly	11272
 Sections of this act prefixed with section numbers in the	 11273
300's, 500's, 600's, 700's, and 800's, except for Sections 509.10,	11274
610.20, 610.21, and 755.20 of this act.	11275
 Section 812.40. The sections that are listed in the left-hand	 11276
column of the following table combine amendments by this act that	11277
are and that are not exempt from the referendum under Ohio	11278
Constitution, Article II, Sections 1c and 1d and section 1.471 of	11279
the Revised Code.	11280
 The middle column identifies the amendments to the listed	 11281
sections that are subject to the referendum under Ohio	11282
Constitution, Article II, Section 1c and therefore take effect on	11283
the ninety-first day after this act is filed with the Secretary of	11284
State or, if a later effective date is specified, on that date.	11285
 The right-hand column identifies the amendments to the listed	 11286
sections that are exempt from the referendum because they are or	11287
relate to an appropriation for current expenses within the meaning	11288
of Ohio Constitution, Article II, Section 1d and section 1.471 of	11289
the Revised Code, or define a tax levy within the meaning of Ohio	11290
Constitution, Article II, Section 1d, and therefore take effect	11291
immediately when this act becomes law or, if a later effective	11292

as amended by Section 101.01 of this act, to Section 756.40 of
this act, and to this section. All other items in this act take
effect as otherwise provided in this act or the Ohio Constitution.

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Section 901.11. The amendment by this act of sections 1751.53
and 3923.38 of the Revised Code and the enactment of Section
756.40 of this act are hereby declared to be an emergency measure
necessary for the immediate preservation of the public peace,
health, and safety. The reason for such necessity lies in the
need, in these times of job losses and business defaults, to allow
people to maintain health insurance coverage and to expedite the
use of federal stimulation dollars for such purpose, and in the
need to clarify the parameters under which a contract to
administer a motor vehicle emissions inspection program is entered
into for the purpose of providing the most cost effective and
efficient service to Ohio's citizens. Therefore, the amendment and
enactment of these sections shall go into immediate effect.

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