



# Ohio Legislative Service Commission

## Bill Analysis

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and other LSC staff

### Sub. H.B. 2\*

128th General Assembly

(As Reported by S. Highways & Transportation)

**Reps.** Ujvagi, 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, B. Williams, S. Williams, Winburn, Yates, Yuko

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\* This analysis was prepared before the report of the Senate Highways and Transportation Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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## DEPARTMENT OF TRANSPORTATION

- Removes authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund (all within the State Infrastructure Bank) to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).
- Permits the Director to issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.
- Provides that goods or services may be sold within interstate highway rest areas as may be authorized by applicable federal law or federal regulations.
- Permits the Director of Transportation to enter into agreements with an agency of the United States government for the purpose of dedicating staff to the review of environmentally related documents submitted by ODOT that are necessary for the approval of federal permits, and requires the Director to submit a request to the



Controlling Board indicating the amount of the agreement, the services to be performed by the federal agency, and the circumstances giving rise to the agreement.

- Removes from codified law the requirement that OBM make periodic transfers to the Deputy Inspector General for ODOT Fund from ODOT's appropriation for general administrative purposes in favor of a general statement that the fund is to consist of money credited to the fund for the payment of costs incurred by the Deputy Inspector General for ODOT in performing the Deputy Director's duties.
- Replaces a requirement that ODOT's confidential cost estimate for a construction project be publicly read prior to the opening of the bids with a requirement that the total amount of such an estimate be published after all bids have been received.
- Through June 30, 2011, replaces the provision of law limiting the total dollar value of ODOT design-build contracts to \$250 million per biennium with an overall limit of one billion dollars for such contracts.
- Provides that the Director of Transportation may grant leases, easements, and licenses for lands under ODOT control independent of any lease or lease-purchase the Director may execute for all or part of a transportation facility.
- Requires ODOT to compile and produce a report on the financial and policy implications of the Department assuming primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction.
- Extends a 7.5% vehicle weight tolerance to concrete transport trucks transporting and mixing concrete from the point of production to the point of delivery where the concrete is discharged.
- Requires the Director of Transportation to include in rules the issuance of a continuing annual overweight vehicle permit.
- Requires aircraft registration fines to be deposited into the airport assistance fund.
- Removes from the listing of aircraft exempt from the annual aircraft license tax, a reference to aircraft "operated under a certificate of convenience and necessity issued by the civil aeronautics board" or its successor.
- Changes the annual aircraft license tax imposed on commercial cargo aircraft.
- Requires the Director of Transportation to establish a traffic generator sign program by rule.

- Increases from 55 miles per hour to 65 miles per hour the speed limit applicable to motor vehicles weighing more than 8,000 pounds when empty and to noncommercial buses on certain freeways and certain multi-lane highways on which other motor vehicles can be legally operated at 65 miles per hour.
- Requires the Director of Transportation, at any location on a state highway where the posted speed limit decreases by 20 or more miles per hour, to establish a speed transition zone consisting of at least the preceding 1,000 feet, and requires speed transition zones to be marked by appropriate signs.
- Prohibits ODOT from erecting a guardrail or any other barrier that blocks or otherwise interferes with the only right-of-way to a parcel of land; requires ODOT to remove promptly any such guardrail or other barrier; and provides that if ODOT fails to do so, the owner or occupier of the land may remove the guardrail or other barrier at ODOT's expense.
- Prohibits ODOT from imposing the overweight and overdimension permit fee increases that are scheduled to take effect July 1, 2009, and requires the fees that took effect March 1, 2009, to remain in effect until July 1, 2010, when ODOT is permitted to amend the administrative rule that contains those fees to increase the fees.
- Requires ODOT to erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the city of Lancaster that reads "Historic Downtown Lancaster Museum District" and the approximate distance.
- Establishes the Ohio Commercial Vehicle Weight Task Force to study the issues surrounding weight limits and commercial motor vehicles, and requires the Task Force to compile a written report that contains its findings and recommendations.

## **State Infrastructure Bank Funds**

(R.C. 5531.09)

Current law creates the State Infrastructure Bank (SIB) and authorizes the Director of Transportation to use the resources of the SIB for both financing state projects and providing financial assistance to local and private projects. The SIB consists of several funds: (1) the Highway and Transit Infrastructure Bank Fund, (2) the Aviation Infrastructure Bank Fund, (3) the Rail Infrastructure Bank Fund, and (4) the Infrastructure Bank Obligations Fund. These various funds within the SIB consist of federal grants and awards or other federal assistance received by the state, payments

received by ODOT in connection with providing financial assistance for qualifying projects, and the proceeds of obligations issued by the Treasurer of State.

The bill removes from current law the authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).

### **Issuance by ODOT of permits to use or occupy state roads**

(R.C. 5515.01)

Under current law, an individual, firm, or corporation may submit an application to the Director for a permit to use or occupy a portion of a road or highway that is part of the state highway system, so long as the use or occupation will not inconvenience the traveling public. A number of conditions apply to such permits, including the requirement that the occupancy of the road or highway be in the location that the Director prescribes. The bill eliminates this condition and provides that the Director may issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.

### **Commerce at interstate highway rest areas**

(R.C. 5515.07)

The Director of Transportation has adopted rules consistent with the safety of the traveling public and consistent with the national policy governing the use and control of rest areas within the rights of way of interstate highways and other state highways and in other areas within the rights of way of interstate highways. Generally, no person may sell, offer for sale, or exhibit for purposes of sale, goods, products, merchandise, or services within the bounds of rest areas within the rights of way of interstate highways and other state highways, or in other areas within the rights of way of interstate highways, unless the Director has issued the person the proper permit. The one exception to this provision is vending machines, which may be placed within each rest area that is able to accommodate the machines.

The bill provides that goods, products, merchandise, or services may be sold within the bounds of rest areas within the rights of way of interstate highways and other state highways, or in other areas within the rights of way of interstate highways, as may be authorized by applicable federal law or federal regulations; this could include sales by local authorities and private entities.

## **Agreements by ODOT with the federal government concerning the review of environmentally related documents**

(Section 755.10)

The bill allows the Director of Transportation to enter into agreements with the United States or any U.S. department or agency solely for the purpose of dedicating staff to the expeditious and timely review of environmentally related documents submitted by ODOT, as necessary for the approval of federal permits. Such an agreement may include provisions for advance payment by ODOT for labor and all other identifiable costs of providing services by the United States or any U.S. department or agency as may be estimated by the United States or the department or agency. The bill specifically includes the U.S. Army Corps of Engineers, the U.S. Forest Service, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service as federal agencies with which the Director may enter into agreements, but does not limit the Director's authority to those agencies. The Director must submit a request to the Controlling Board indicating the amount of the agreement, the services to be performed by the United States or the U.S. department or agency, and the circumstances giving rise to the agreement.

## **Financing the operations of the Deputy Inspector General for ODOT**

(R.C. 121.51; Section 512.40)

The Deputy Inspector General for ODOT investigates wrongful acts or omissions by employees of ODOT and conducts a program of random review of the processing of contracts associated with building and maintaining the state's infrastructure.

Currently the Inspector General is required to certify to the Director of Budget and Management the costs that the Inspector General expects the Deputy Inspector General to incur during the fiscal year or such lesser period for which the certification is made. The Director of Budget and Management is required then to transfer the certified amount into the Deputy Inspector General for ODOT Fund from the appropriation made to ODOT from which expenditures for general administrative purposes are made. The bill replaces these codified provisions for getting money into the fund with a general statement that the Deputy Inspector General for ODOT Fund is to consist of money credited to it for the payment of costs incurred by the Deputy Inspector General in performing the Deputy Inspector General's duties. (An uncodified section of the bill provides that, beginning October 1, 2009, money is to be transferred to the Deputy Inspector General for ODOT Fund, from the fund used by ODOT to pay the Department's administrative expenses, pursuant to quarterly bills submitted to ODOT

by the Inspector General that reflect costs incurred by the Deputy Inspector General during the preceding quarter.)

### **Publishing ODOT's confidential construction cost estimates**

(R.C. 5525.15)

Existing law allows the Director of Transportation to keep ODOT's cost estimate for a construction project confidential until after project bids have been received; once the bids have been received, ODOT's cost estimate must be publicly read prior to the opening of the bids. The bill replaces the requirement that the cost estimate be publicly read prior to the opening of the bids with a requirement that the total amount of such an estimate be published after all bids have been received.

### **Design-build authority of ODOT**

(R.C. 5517.011)

Current law authorizes the Director of Transportation to combine the design and construction elements of a highway or bridge project into a single contract in order to expedite the sale and construction of special projects. The director prepares and distributes a scope of work document upon which the bidders base their bids. Except in regard to those requirements relating to providing plans, the director must award these design-build contracts in accordance with ODOT's general competitive bidding law. For each biennium, the total dollar value of contracts made cannot exceed \$250 million.

Through June 30, 2011, the bill replaces the limit on the total dollar value of ODOT design-build contracts of \$250 million per biennium with a one billion dollar total limit on such contracts. After that date, the \$250 million per biennium limit is restored unless the General Assembly authorizes a different limit.

### **Granting of leases, easements, and licenses for lands under ODOT control**

(R.C. 5501.311)

Current law permits the Director of Transportation to lease or lease-purchase all or any part of a transportation facility to or from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination of one or more persons and these entities, and, in conjunction with such a lease or lease-purchase, to grant leases, easements, or licenses for lands under the control of ODOT.

The bill eliminates the phrase "in conjunction therewith" so that the Director may grant leases, easements, or licenses for lands under the control of ODOT independent of



any lease or lease-purchase the Director may execute relative to all or part of a transportation facility.

## **Vehicle weights**

### **Concrete transport truck weights**

(R.C. 5577.042)

With specified exceptions described below, current law allows coal trucks transporting coal, farm trucks and farm machinery transporting farm commodities, log trucks transporting timber, and solid waste haul vehicles hauling solid waste to exceed motor vehicle weight limits by no more than 7.5% without the imposition of the criminal penalties for violating the established vehicle weight limits. This weight allowance generally applies from the place of production to the first point of delivery where the products are weighed and title to the products or timber is transferred or where the solid waste is disposed of or title to the solid waste is transferred. If those vehicles exceed the weight limits by more than the 7.5% weight allowance, both of the following apply without regard to the allowance: (1) the applicable criminal penalty for violating the weight limits (R.C. 5577.99, not in the bill) and (2) the civil liability established in law for damages to streets, roads, bridges, or culverts as a result of violating any law regulating the use of improved public roads (R.C. 5577.12, not in the bill). The exemption from the criminal penalties for violating weight limits does not apply (1) to the operation of farm trucks, log trucks, or farm machinery during the months of February and March, and (2) regardless of when the delivery occurs, with regard to a highway that is part of the interstate system or to a highway or bridge on which weight limits have been reduced by the Department of Transportation or board of county commissioners.

The bill extends this 7.5% weight tolerance to concrete transport trucks transporting and mixing concrete from the point of production to the point of delivery where the concrete is discharged. The penalties described above apply under the bill to concrete transport trucks; specifically, if the vehicle exceeds the weight limits by more than the 7.5%, both the criminal penalty for violating the weight limits and the civil liability for damage to streets, roads, bridges, or culverts as a result of violating any law regulating the use of improved public roads apply to the violation. The 7.5% weight tolerance also does not apply to a highway that is part of the interstate system or to a highway or bridge on which weight limits have been reduced by the Department of Transportation or board of county commissioners.

## **Overweight vehicle permits**

(R.C. 4513.34)

Current law authorizes the Director of Transportation to issue a special permit allowing the operation of an overweight or oversize vehicle. The fees for issuance of the special permits are established by the Director by rule. Currently, the rules authorize continuing permits only for repeated movements of the same vehicle over the same routing (O.A.C. 5501:2-1-10). The bill requires the rules of the Director to include issuance of a continuing annual permit over routes reported to the Director.

## **ODOT report on state route responsibility**

(Section 755.50)

The bill requires ODOT to compile and produce a report on the financial and policy implications of ODOT assuming primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction, such as those portions of state routes that are located within municipal corporations (which under current law are the responsibility of the respective municipal corporations). The report must review the range of possible participation in the paving and maintenance of these routes by ODOT. ODOT must submit the report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor not later than December 15, 2009.

## **Aircraft licensing**

### **Disposition of fine imposed for failure to register aircraft**

(R.C. 4561.21; R.C. 113.08, 113.09, 4561.18, and 4561.22, not in the bill)

An owner of an aircraft that is based in this state generally must register that aircraft with ODOT. An owner that fails to do so is subject to a fine of not more than \$500 for each violation. Any such fines collected must, under current law, be deposited into the General Revenue Fund. The bill requires the Director of Transportation to instead deposit fines into the state treasury to the credit of the Airport Assistance Fund to be used for maintenance and capital improvements to publicly owned airports.

### **Aircraft exempt from annual license tax**

(R.C. 4561.17 and 4561.18)

With specified exceptions, current law imposes an annual registration tax on all general aviation aircraft based in Ohio of \$15 per seat, \$15 for a glider or a balloon, and

\$750 per aircraft for commercial cargo aircraft; the tax revenue is deposited into the Airport Assistance Fund. One of the exceptions under existing law is for "[a]ircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board or any successor to that board." The Civil Aeronautics Board no longer exists and its successor, the Federal Aviation Administration, does not issue certificates of convenience and necessity; rather, the United States Secretary of Transportation (who is not the successor to the Civil Aeronautics Board) presently issues a certificate of convenience and necessity to a citizen to provide air transportation based on a finding that the citizen is "fit, willing, and able to provide the transportation" and that "the transportation is consistent with the public convenience and necessity" (49 U.S.C.A. § 41102). The bill eliminates the annual license tax exception for "[a]ircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board" or its successor.

### **Commercial cargo aircraft license tax**

(R.C. 4561.18)

Under current law, the owner of any aircraft that is based in this state, unless otherwise exempted, must register the aircraft with ODOT. Each registration must be accompanied by the proper license tax. The annual license tax imposed on a commercial cargo aircraft is \$750. The bill changes the amount of the tax to an amount equal to \$15 per seat, based on the manufacturer's maximum listed seating capacity.

### **Traffic generator sign program**

(R.C. 4511.108)

The bill requires the Director of Transportation to adopt rules under the Administrative Procedure Act to establish a traffic generator sign program and to set forth the specifications for a uniform system of traffic generator signs and the criteria for participation in the program in its traffic engineering manual. The bill requires ODOT to operate, construct, and maintain the program. The Director is required to establish an annual fee to be charged for a qualifying private business to participate in the traffic generator sign program; revisions to the fee are subject to approval of the Controlling Board. Money from the fees must be deposited into the Highway Operating Fund.

## **Memorial interchange**

(R.C. 5533.93)

The bill designates the interchange of Interstate Route 77 and Shuffel Street, NW, in Stark County, as the "Fred Krum Memorial Interchange" and authorizes the Director of Transportation to erect suitable markers at the interchange indicating its name. Fred Krum, former Director of the Akron-Canton Airport, died in March 2009.

## **Speed limit provisions**

(R.C. 4511.21)

The bill contains two provisions that relate to speed limits: an increased speed limit for certain large motor vehicles traveling on certain freeways and the establishment by ODOT of speed transition zones at certain locations on state highways.

### **Speed limit increase from 55 to 65 m.p.h. for certain large vehicles**

Under current law, some freeways have a speed limit of 55 miles per hour for all vehicles while other freeways and certain rural, divided, multi-lane highways have two speed limits: a speed limit of 55 miles per hour for motor vehicles weighing in excess of 8,000 pounds empty weight and noncommercial buses, and a speed limit of 65 miles per hour for motor vehicles weighing less than 8,000 pounds empty weight and commercial buses.

Under the bill, in the case of those freeways and other multi-lane divided highways that currently have a speed limit of 55 miles per hour for large motor vehicles and noncommercial buses and a speed limit of 65 miles per hour for other motor vehicles, the speed limit of 65 miles per hour applies to all motor vehicles, regardless of weight, including both commercial and noncommercial buses. Specifically, the bill removes all of the following from the speed limit law: all references to "motor vehicles weighing 8,000 pounds or less empty weight," "motor vehicles weighing in excess of 8,000 pounds empty weight," "commercial bus," and "noncommercial bus"; the definitions of the last two terms; and the provision of current law that specifically prohibits the operation on specified freeways of a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus at a speed in excess of 55 miles per hour.

The bill does not affect those freeways and other multi-lane divided highways that currently have a speed limit of 55 miles per hour for all motor vehicles.

## **Speed transition zones**

R.C. 4511.21(B) prescribes the speed limits for all public streets and highways within the state. The Director of Transportation may declare a different reasonable and safe prima-facie speed limit for any portion of a state highway if a geometric and traffic characteristic study shows that the current speed limit on that highway is greater or less than is reasonable or safe under the conditions found to exist at that portion of the highway. The altered speed limit becomes effective when ODOT erects appropriate signs giving notice of it at the location.

The bill provides that at any location on a state highway where the posted speed limit decreases by 20 or more miles per hour, the Director is required to establish a speed transition zone consisting, at a minimum, of the preceding 1,000 feet. Notwithstanding the speed limits prescribed in current law, the speed limit for the speed transition zone must be 10 miles per hour more than the speed limit to which the posted speed limit decreases by 20 or more miles per hour. Such a reduced speed limit becomes effective when ODOT erects appropriate signs giving notice of the reduced speed limit on the state highway.

## **ODOT prohibited from erecting a guardrail that blocks the only right-of-way of a parcel of real property**

(R.C. 5501.60)

The bill prohibits ODOT from erecting a guardrail or any other barrier that blocks or otherwise interferes in any manner with the only right-of-way to a parcel of real property. If ODOT erects such a guardrail or other barrier, the bill requires ODOT to remove promptly the guardrail or other barrier. The bill provides that if ODOT fails to remove such a guardrail or other barrier, the owner or occupier of the parcel of real property may remove or cause the removal of the guardrail or other barrier and ODOT is required to reimburse fully the owner or occupier of the parcel of real property for the actual cost to the owner or occupier of the parcel of real property of the removal.

## **ODOT overweight and overdimension permit fees**

(Section 755.90)

If the owner of a motor vehicle that exceeds the statutory vehicle weight limits or vehicle dimensions wishes to operate the vehicle on the public streets or highways, the owner first must obtain the proper permit from ODOT. The fee schedule for these permits is located in rule 5501:2-1-10 of the Ohio Administrative Code. An increase in these fees went into effect March 1, 2009, and additional increases are scheduled to take effect July 1, 2009.

The bill prohibits ODOT from imposing the fee increases that are scheduled to take effect July 1, 2009, and provides that the fee increases that went into effect March 1, 2009, apply. The Director of Transportation is required to amend OAC rule 5501:2-1-10 to comply with these provisions, but the Director is prohibited from subsequently amending the rule to increase the rates until July 1, 2010.

### **"Historic Downtown Lancaster Museum District" signs**

(Section 756.30)

The bill requires ODOT to erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the city of Lancaster that reads "Historic Downtown Lancaster Museum District" and the approximate distance. The size, coloring, lettering, and installation of the signs must conform to the Ohio Manual of Uniform Traffic Control Devices.

### **Ohio Commercial Vehicle Weight Task Force**

(Section 756.10)

The bill establishes the Ohio Commercial Vehicle Weight Task Force to study the issues surrounding weight limits and commercial motor vehicles, especially those in the configuration of commercial tractor and trailer or semitrailer. The Task Force is required to evaluate what actions can be taken to address those issues, formulate such recommendations as it considers advisable, and compile a written report that contains its findings and recommendations.

The Task Force is to consist of 12 members as follows: the Director of Transportation or the Director's designee, one member of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, one member of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, one member who represents the Ohio Trucking Association, one member who represents the Ohio Contractors Association, one member appointed by the Governor to represent the railroad industry in this state, one member appointed by the Governor to represent a port authority located in this state, one member appointed by the President of the Senate to represent the public, one member appointed by the Speaker of the House of Representatives to represent the public, and one member appointed by the Governor to represent the public. The appointed members must be appointed not later than 45 days after the bill's 90-day effective date.

The Director of Transportation or the Director's designee is to serve as chairperson of the Task Force. Members of the Task Force cannot receive any compensation or reimbursement for their services.

Not later than 12 months after the bill's 90-day effective date, the Task Force is required to submit its report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Task Force ceases to exist.

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## DEPARTMENT OF PUBLIC SAFETY

- Provides that an emergency medical technician (EMT) may withdraw blood for purposes of the OVI law.
- Extends qualified immunity from criminal and civil liability to an EMT who withdraws blood for purposes of the OVI law and to the emergency medical service organization that employs the EMT.
- Requires the Registrar of Motor Vehicles or a deputy registrar to ask an individual who is conducting a driver's license or identification card transaction if the individual is a veteran or is currently serving in the armed forces of the United States or any reserve component of the armed forces of the United States or the Ohio National Guard, and provides that if the individual is such a person, the Registrar or deputy registrar must provide the individual's name, address, and military status to the Department of Veterans Services for official government purposes regarding benefits and services.
- Permits a person who is a veteran, active duty, or reservist of the United States armed forces to have the person's driver's license, commercial driver's license, or state-issued identification card indicate that fact by a military designation on the license or card.
- Generally increases the fees charged by the Clerk of the Court of Common Pleas for services related to certificates of title from \$5 to \$15.
- Allows a clerk of a court of common pleas in a county with a population greater than 40,000 to apply to the Registrar of Motor Vehicles to act under contract (awarded on a competitive basis) as a full authority deputy registrar.
- Establishes a MARCS Task Force to issue recommendations concerning the structure and funding of the MARCS system.

- Requires the Department of Public Safety to form a study group to consider ways to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance.
- Requires all-purpose vehicles to be registered except those that are used primarily on a farm as a farm implement.
- Increases the three-year snowmobile, off-highway motorcycle, and all-purpose vehicle registration fee from \$5 to \$31.25, increases the length of time a temporary operating permit for these vehicles is valid from 15 days to one year, and increases the cost of such a temporary operating permit from \$5 to \$11.25.
- Requires the Registrar of Motor Vehicles, not later than October 1, 2009, to adopt rules to permit commercial trailers and semitrailers to be registered for not more than five years.
- Requires the Registrar to adopt rules by July 1, 2010, implementing a commercial fleet licensing and management program enabling commercial tractor, trailer, and semitrailer owners to conduct as many transactions with the Bureau of Motor Vehicles and to send as much information to the BMV via the Internet as is technologically possible.
- Allows the two authorized auctions of classic motor vehicles per year to extend for two days.
- Reduces the amount of money from the \$5 certificate of title fee paid by a dealer that is distributed to the Automated Title Processing Fund by 50¢ and redirects that 50¢ to the Title Defect Recision Fund.
- Requires the Director of Public Safety to develop a universal validation sticker for owners of 250 or more passenger vehicles.
- Permits the organization Ohio Pet Fund to use the money it receives from the issuance of "Pets" license plates to pay the expenses it incurs in obtaining and maintaining its tax-exempt status and performing its duties, and eliminates the Pets Program Funding Board and replaces references to "Pets Program Funding Board" with "Ohio Pet Fund."
- Expands the definition of "bicycle" to include human-powered devices with two wheels in front and one wheel in the rear (not including those designed solely for use as a play vehicle by a child).



- Establishes the Ohio State Highway Patrol Mission Review Task Force and requires the Task Force to compile a written report that contains its findings and recommendations.

## **Withdraw of blood by emergency medical technician**

(R.C. 1547.11, 4506.17, 4511.19, 4765.37, 4765.38, and 4765.39)

Current law prohibits a person from operating a vehicle if, at the time of operation, the person is under the influence of alcohol, a drug of abuse, or a combination of them. A violation of this prohibition is the offense of "operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them" (OVI). The concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them, may be measured by chemical analysis of withdrawn blood to determine a violation. Under current law, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist may withdraw blood for the purposes of the OVI law.

The bill permits an emergency medical technician-basic, emergency medical technician-intermediate, or an emergency medical technician-paramedic to withdraw blood for purposes of the OVI law. The bill requires any emergency medical technician (EMT) who withdraws blood to do so in accordance with rules adopted by the State Board of Emergency Medical Services.

The bill also extends existing immunity provisions to EMTs who withdraw blood. Under current law, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person for purposes of the OVI law and a hospital, first-aid station, or clinic at which blood is withdrawn is immune from criminal or civil liability based on a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person for purposes of the OVI law. The bill extends the immunity to an EMT who withdraws blood for purposes of the OVI law and to the emergency medical service organization that employs the EMT. As under current law for others authorized to withdraw blood, the immunity is not available if the EMT engages in willful or wanton misconduct.

## **Inquiries pertaining to veteran's status or current status in the U.S. military or Ohio National Guard**

(R.C. 4501.026 and 5902.09)

Current law requires the person in charge of a state agency or instrumentality, an agency or instrumentality of a political subdivision, or a private entity, that provides law enforcement, health, or welfare services to individuals, other than the Ohio Veterans' Home and Veterans Service Organizations, to ask an individual with whom the agency, instrumentality, or entity interacts if the individual is a veteran or is or was the dependent of a veteran. If the individual claims to be a veteran or the dependent of a veteran, the person in charge is required to report the individual's name, address, telephone number, and e-mail address; the agency's, instrumentality's, or entity's name, address, telephone number, and e-mail address; the nature of the agency's, instrumentality's, or entity's interaction with the individual; and the date on which the interaction occurred, to the Director of Veterans Services. The Director is required to inform the Veterans Service Commission that has jurisdiction in that area about the veteran or dependent and the interaction. The Commission is required to inquire about, and offer benefits and services appropriate to, the veteran or dependent.

The bill eliminates this provision and instead requires the Registrar of Motor Vehicles or a deputy registrar to ask an individual with whom the Registrar or deputy registrar conducts driver's license or identification card transactions if the individual is a veteran or is currently serving in the armed forces of the United States or any reserve component of the armed forces of the United States or the Ohio National Guard. If the individual claims to be such a person, the Registrar or deputy registrar is required to provide the individual's name, address, and military status to the Department of Veterans Services for official government purposes regarding benefits and services.

## **Military designation on driver's licenses, commercial driver's licenses, and state identification cards**

(R.C. 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52)

Under current law, effective July 7, 2010, the application for a driver's license, commercial driver's license, or state identification card must include, in addition to the other information currently required to be on the application, an inquiry as to whether the applicant is an honorably discharged veteran of the United States armed forces and, if the applicant is an honorably discharged veteran, whether the applicant wishes the license or identification card issued to indicate that the applicant is an honorably discharged veteran of the United States armed forces. The form must inform applicants that, to qualify to have the license or identification card indicate that the applicant is an

honorably discharged veteran of the United States armed forces, the applicant must present a copy of the applicant's DD-214 or an equivalent document. If a person who will be issued a driver's license, commercial driver's license, or state identification card specifies that the person wishes the license or identification card to indicate that the licensee or cardholder is an honorably discharged veteran of the United States armed forces and has presented a copy of the applicant's DD-214 form or an equivalent document, the driver's license, commercial driver's license, or identification card also must display any symbol chosen by the Registrar to indicate that the cardholder is an honorably discharged veteran of the United States armed forces.

The bill modifies these provisions by providing that effective October 7, 2009, the application for a driver's license, commercial driver's license, or state identification card must include, in addition to the other information currently required to be on the application, an inquiry as to whether the applicant is a veteran, active duty, or reservist of the United States armed forces and, if the applicant is such, whether the applicant wishes the license or identification card issued to indicate that the applicant is a veteran, active duty, or reservist of the United States armed forces by a military designation on the license or identification card. The form must inform applicants that, to qualify to have the license or identification card indicate that the applicant is a veteran, active duty, or reservist of the United States armed forces, the applicant must present a copy of the applicant's DD-214 or an equivalent document. If a person who will be issued a driver's license, commercial driver's license, or state identification card specifies that the person wishes the license or identification card to indicate that the licensee or cardholder is a veteran, active duty, or reservist of the United States armed forces and has presented a copy of the applicant's DD-214 form or an equivalent document, the driver's license, commercial driver's license, or identification card also must display any symbol chosen by the Registrar to indicate that the cardholder is a veteran, active duty, or reservist of the United States armed forces.

## **Clerk of courts**

### **Title fees**

(R.C. 1548.10, 4505.032, 4505.09, and 4519.59)

Except in regard to certain dealer transactions, the bill generally increases the various certificate of title fees retained by the Clerk of the Court of Common Pleas from \$5 to \$15. The following chart explains the changes to title fees that are affected by the bill and any changes to the distribution of the fees.

Fee description (new provisions in italics)	Current amount and distribution	New amount and distribution
Watercraft or outboard motor duplicate certificate of title (R.C. 1548.10)	\$5 • Clerk retains entire fee	\$15 • Clerk retains entire fee
Watercraft or outboard motor certificate of title (R.C. 1548.10)	\$5 • Clerk retains \$2 • Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund	\$15 • Clerk retains \$10.50 • Chief receives \$4.50 and deposits \$1 into the Automated Title Processing Fund
Watercraft or outboard motor lien notation, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 1548.10)	\$5 • Clerk retains \$3.50 • Chief of the Division of Watercraft receives \$1.50 and deposits \$1 into the Automated Title Processing Fund	See certificate of title, above
Watercraft or outboard motor memorandum certificate of title or non-negotiable evidence of ownership, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 1548.10)	\$5 • Clerk retains \$2 • Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund	See certificate of title, above
Watercraft or outboard motor certificate of title with no security interest noted that is <i>issued to a licensed watercraft dealer for resale</i> (R.C. 1548.10)	\$5 • Clerk retains \$2 • Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund	Same
Watercraft or outboard motor memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 1548.10)	\$5 • Clerk retains entire fee	Same

Fee description (new provisions in italics)	Current amount and distribution	New amount and distribution
Motor vehicle certificate of title assignment to a motor vehicle dealer when no physical title has been issued (R.C. 4505.032)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$2.25</li> <li>• Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	\$15 <ul style="list-style-type: none"> <li>• Clerk retains \$11.50</li> <li>• Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>
Motor vehicle certificate of title assignment to a motor vehicle dealer when no physical title has been issued, that is <i>issued to a licensed motor vehicle dealer for resale purposes</i> (R.C. 4505.032)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$2.25</li> <li>• Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	Same
Motor vehicle certificate of title (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$2.25</li> <li>• Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	\$15 <ul style="list-style-type: none"> <li>• Clerk retains \$11.50</li> <li>• Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>
Duplicate certificate of title (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$4.75</li> <li>• Registrar receives \$.25 and pays \$.25 to the State Bureau of Motor Vehicles Fund</li> </ul>	\$15 <ul style="list-style-type: none"> <li>• Clerk retains \$11.50</li> <li>• Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>
Memorandum certificate of title, authorization to print a non-negotiable evidence of ownership, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains entire fee</li> </ul>	See certificate of title, above

Fee description (new provisions in italics)	Current amount and distribution	New amount and distribution
Notation of any lien, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>Clerk retains \$4.25</li> <li>Registrar receives \$.75 and pays \$.75 to the State Bureau of Motor Vehicles Fund</li> </ul>	See certificate of title, above
Motor vehicle certificate of title with no security interest noted that is <i>issued to a licensed motor vehicle dealer for resale</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>Clerk retains \$2.25</li> <li>Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	Same
Motor vehicle memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> <li>Clerk retains entire fee</li> </ul>	Same
Off-highway motorcycle or all-purpose vehicle certificate of title (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>Clerk retains \$2.25</li> <li>Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	\$15 <ul style="list-style-type: none"> <li>Clerk retains \$11.50</li> <li>Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>
Duplicate certificate of title for off-highway motorcycle or all-purpose vehicle (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>Clerk retains \$4.75</li> <li>Registrar receives \$.25 and pays \$.25 to the State Bureau of Motor Vehicles Fund</li> </ul>	\$15 <ul style="list-style-type: none"> <li>Clerk retains \$11.50</li> <li>Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>

Fee description (new provisions in italics)	Current amount and distribution	New amount and distribution
Memorandum certificate of title, authorization to print a non-negotiable evidence of ownership for off-highway motorcycle or all-purpose vehicle, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains entire fee</li> </ul>	See certificate of title, above
Notation of any lien for off-highway motorcycle or all-purpose vehicle, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$4.25</li> <li>• Registrar receives \$.75 and pays \$.75 to the State Bureau of Motor Vehicles Fund</li> </ul>	See certificate of title, above
Off-highway or all-purpose vehicle certificate of title with no security interest noted that is <i>issued to a licensed motor vehicle dealer for resale</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains \$2.25</li> <li>• Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund</li> </ul>	Same
Off-highway or all-purpose vehicle memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> <li>• Clerk retains entire fee</li> </ul>	Same

### Deputy registrars

(R.C. 4503.03)

In general, the Registrar of Motor Vehicles contracts with one or more persons in each county to act as deputy registrars; these deputy registrars are independent contractors and neither the deputy nor the deputy's employees are state employees. Current law establishes the following exceptions to this general situation: (1) the Registrar may designate the county auditor in each county to act as a deputy registrar,

(2) the Registrar may designate a clerk of a court of common pleas to act as a deputy registrar, but only if the population of the county is 40,000 or less, and (3) the Registrar may appoint the clerk of a court or common pleas or an electronic motor vehicle dealer as a limited authority deputy registrar (a limited authority deputy registrar may conduct only initial and transfer motor vehicle transactions using electronic means, vehicle identification number inspections, and other associated transactions (R.C. 4503.036, not in the bill)).

The bill allows a clerk of a court of common pleas in a county with a population greater than 40,000 to apply to the Registrar to act under contract as a full authority deputy registrar. The Registrar must award such contracts on a competitive basis, subject to the terms and conditions the Registrar prescribes by rule.

### **MARCS Task Force**

(Section 755.80)

The bill establishes a MARCS Task Force to explore and issue recommendations on the organizational structure and operational and capital funding options for the long-term sustainability and more ubiquitous utilization of the MARCS System. Not later than nine months after the bill's 90-day effective date, the Task Force must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives making recommendations on these matters.

The Task Force is to consist of 17 members as follows: three members appointed by the Governor; three members appointed by the Speaker of the House of Representatives, not more than two from the same political party; three members appointed by the President of the Senate, not more than two from the same political party; one representative from the Department of Public Safety, appointed by the Director of Public Safety; one representative from the State Highway Patrol, appointed by the Director of Public Safety; one representative from the Buckeye State Sheriffs' Association, appointed by the Governor; one representative from the Ohio Association of Chiefs of Police, appointed by the Governor; one representative from the Ohio Fire Chiefs Association, appointed by the Governor; one representative from MARCS, appointed by the Director of Administrative Services; one representative of an emergency management agency, appointed by the Governor; and the Director of Administrative Services or the Director's designee. The appointed members must be appointed not later than 45 days after the bill's 90-day effective date.

The Director of Administrative Services or the Director's designee is to serve as the Task Force's chairperson.



Members of the Task Force cannot receive compensation or reimbursement for their services.

### **Department of Public Safety study group**

(Section 755.40)

The bill requires the Department of Public Safety to form a study group to conduct a study and make recommendations to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance. The study group must include representatives from all of the following: (1) the Department of Public Safety, (2) the Bureau of Motor Vehicles, (3) the Office of Budget and Management, (4) the Ohio Clerk of Courts Association, (5) the County Auditors' Association, (6) the Ohio Trucking Association, (7) the Deputy Registrars' Association, (8) the Ohio Auto Dealers' Association, (9) the County Commissioners' Association, (10) the Ohio Municipal League, and (11) two members of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

The study group is charged with doing all of the following in regard to services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance: (1) evaluating ways to improve the efficient delivery of services, (2) examining existing statutory authority governing the supporting processes and infrastructure systems and analyze methods to improve such processes and systems, (3) reviewing demographic data, conducting a financial assessment of existing procedures, and identifying additional services that may be provided, and (4) reviewing current business methods and identifying new technology that may improve processes and procedures.

The study group must submit its report with recommendations to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate not later than six months after the effective date of the bill. After submitting its report, the study group ceases to exist.

### **All-purpose vehicles**

(R.C. 2911.21, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47)

#### **Registration required for certain all-purpose vehicles**

Current law generally prohibits any person from operating an all-purpose vehicle within this state unless it is registered and numbered. There are exceptions to

this registration requirement, however; no registration is required for an all-purpose vehicle that is:

(1) Operated exclusively upon lands owned by the owner of the all-purpose vehicle or on lands to which the owner has a contractual right;

(2) Owned and used in this state by a resident of another state whenever that state has in effect a registration law that is similar to that of this state; or

(3) Owned and used in this state by the United States, another state, or a political subdivision of another state, but such an all-purpose vehicle must display the owner's name.

Whoever violates this registration requirement must be fined not more than \$25. If the offender previously has been convicted of or pleaded guilty to a violation of this requirement, the court must impose a fine of not less than \$25 but not more than \$50.

The bill retains the exceptions to the all-purpose vehicle registration requirement but changes the exception that is listed in above item (1) by requiring all-purpose vehicles to be registered except for those that are used primarily on a farm as a farm implement. The bill provides that whoever violates the registration requirement must be fined not less than \$50 but not more than \$100. This increased penalty provision also applies to cases involving a violation of the registration requirements for snowmobiles and off-highway motorcycles.

### **All-purpose vehicle license plate**

Under current law, when an all-purpose vehicle is registered, the owner receives a registration sticker, which must be displayed on the vehicle. The bill eliminates the registration sticker for all-purpose vehicles and instead requires the Registrar or deputy registrar, when issuing a certificate of registration for an all-purpose vehicle, to issue also one license plate and a validation sticker, or a validation sticker alone when applicable for a registration renewal. The license plate and validation sticker must be displayed on the all-purpose vehicle so that they are distinctly visible, in accordance with rules the Registrar must adopt. The validation sticker must indicate the expiration date of the registration period for the all-purpose vehicle. During each succeeding registration period following the issuance of a license plate and validation sticker, only a validation sticker is issued. The bill provides that the Bureau of Motor Vehicles is not required to issue license plates and validation stickers to all-purpose vehicles until one year after the bill's effective date.

## **All-purpose vehicle license registration fees**

Currently, all-purpose vehicles, as well as snowmobiles and off-highway motorcycles, are registered for a three-year period at a cost of \$5. The bill increases the registration fee for all these vehicles to \$31.25 for the same three-year period. Of each registration fee collected for the registration of an all-purpose vehicle, the Registrar retains not more than \$5 to pay for the licensing and registration costs the Bureau of Motor Vehicles incurs in registering all-purpose vehicles. The remainder of the registration fee must be deposited into the state treasury to the credit of the existing State Recreational Vehicle Fund.

A temporary operating permit enables a resident of a state that does not have a registration law that is equivalent to that of this state to use a snowmobile, off-highway motorcycle, or all-purpose vehicle from another state within this state. The permit is valid for 15 days and costs \$5. The bill extends the period during which a temporary operating permit is valid from 15 days to one year, and increases the fee from \$5 to \$11.25.

## **Operation of a snowmobile, off-highway motorcycle, or all-purpose vehicle on public roads**

Current law prohibits any person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement, or probationary license issued by Ohio from operating a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this state, on any portion of the right-of-way of a street or highway in this state, or on any public land or waters. The bill applies the prohibition, instead, to a person who does not hold a valid, current driver's license issued by Ohio or any other jurisdiction.

## **Impoundment of the certificate of registration and license plate of an all-purpose vehicle**

Current law provides that whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of any rule adopted under the Special Vehicle law, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound the certificate of registration of that snowmobile, off-highway motorcycle, or all-purpose vehicle for not less than 60 days. The court must send the impounded certificate of registration to the Registrar, who must retain it until the expiration of the period of impoundment.

The bill retains this impoundment provision, but provides that in the case of an all-purpose vehicle, the certificate of registration and license plate also must be impounded.

## **Criminal trespass and all-purpose vehicles**

The offense of criminal trespass, which is found in the Criminal Code (Ohio Revised Code Title 29), involves entering or remaining on land without privilege to do so. Criminal trespass is a fourth degree misdemeanor, which is punishable by a jail term of not more than 30 days, a fine of not more than \$250, or both.

Under the bill, if an offender commits criminal trespass while using an all-purpose vehicle, the court is required to impose a fine of two times the usual amount for the violation. If an offender previously has been convicted of or pleaded guilty to two or more state criminal trespass violations or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used an all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, the court is required to send the impounded certificate of registration and license plate to the Registrar, who must retain them until the end of the impoundment period.

The bill also provides that, notwithstanding any Revised Code provision, if the offender, in committing the criminal trespass violation, used an all-purpose vehicle, the clerk of the court is required to pay the fine imposed to the State Recreational Vehicle Fund.

## **Commercial vehicle registration**

### **Multiyear registration of commercial trailers and semitrailers**

(R.C. 4503.103)

Current law permits the Registrar of Motor Vehicles to adopt rules to permit any person or lessee who owns or leases two or more commercial trailers or semitrailers to file a written application for registration for not more than five succeeding registration years. At the time of application, the person must pay all annual taxes and fees for each year for which the person is registering. The Registrar has not adopted rules to permit this. The bill requires the Registrar to adopt these rules not later than October 1, 2009.

### **Online commercial fleet licensing and management program**

(R.C. 4503.10)

The bill requires the Registrar, not later than July 1, 2010, to adopt rules implementing a commercial fleet licensing and management program. The program must enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct as many transactions with BMV and to send as much

information to BMV via the Internet as is technologically possible. The bill further requires the Registrar to adopt new rules or amend existing rules as necessary in order to respond to advances in technology.

Additionally, if the International Registration Plan (IRP, a registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of license fees on the basis of fleet distance operated in various jurisdictions) allows member jurisdictions to permit applications for registrations to be made via the Internet, the rules the Registrar adopts for online registration of these commercial vehicles must permit Internet registration of IRP registered vehicles.

### **Motor vehicle registration validation sticker**

(R.C. 4503.191)

In general, license plates are issued for a multi-year period, while annual registration is indicated by a validation sticker attached to the license plate. The validation sticker must indicate the assigned expiration period of the vehicle corresponding to the license plate. The bill requires the Director of Public Safety to develop a universal validation sticker available to any owner of 250 or more passenger vehicles, so that a sticker issued to the owner may be placed on any passenger vehicle in that owner's fleet. The bill authorizes the Director to establish and charge an additional fee of not more than \$1 per registration to compensate for necessary costs of the universal validation sticker program.

### **Ohio Pets Fund and "Pets" license plates**

(R.C. 955.201, 955.202, and 4501.21)

A person who obtains the special license plate "Pets" makes a contribution of \$15 in addition to the usual taxes and fees. The Registrar pays these contributions to the organization Ohio Pet Fund, which can use this money only to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals. The bill permits the Ohio Pet Fund to use this money also to pay the expenses it incurs that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

Current law provides for a seven-member Pets Program Funding Board. The Board's function is to determine the grant amount that an eligible organization may receive from the Ohio Pets Fund, which otherwise administers the grant program. The bill eliminates the Pets Program Funding Board and requires the Ohio Pets Fund to make such determinations.

## **Classic motor vehicle auctions**

(R.C. 4517.021)

In general, current law requires any person who engages in the business of selling new or used motor vehicles to be licensed as a motor vehicle dealer or salesperson. A person who engages in the business of motor vehicle auctioning must be licensed as a motor vehicle auction owner, and a motor vehicle auction owner must use a licensed auctioneer to conduct motor vehicle auctions. The Bureau of Motor Vehicles issues licenses to motor vehicle dealers, salespersons, and motor vehicle auction owners. Under current law, the motor vehicle dealer, salesperson, and auction owner licensing provisions do not apply to a person when auctioning classic motor vehicles (26 years old or older), under certain conditions, one of which is that the person is responsible for not more than two auctions of classic motor vehicles per year, with no auction lasting more than one day.

The bill allows a person to hold two auctions of classic motor vehicles per year that last no more than two days and remain exempt from the motor vehicle dealer, salesperson, and auction owner licensing provisions.

## **Title Defect Recision Fund and Automated Title Processing Fund fees**

(R.C. 1345.52 and 4505.09)

Current law creates the Title Defect Recision Fund, consisting of money that motor vehicle dealers are required to pay to the Attorney General, dependent in part upon the balance in the fund (R.C. 4505.181, not in the bill). The fund is used solely to provide restitution to retail purchasers of motor vehicles who are unable to obtain a certificate of title from a dealer and suffer damages. Also under current law, motor vehicle dealers pay \$5 to obtain a certificate of title; of that \$5 fee, \$2 currently is distributed to the Automated Title Processing Fund to be used to implement and maintain an automated title processing system.

The bill reduces the amount of money from the \$5 certificate of title fee paid by a dealer that is distributed to the Automated Title Processing Fund by 50¢ and redirects that 50¢ to the Title Defect Recision Fund.

## **Expansion of the definition of "bicycle"**

(R.C. 4501.01 and 4511.01)

At present the word "bicycle" is defined in the motor vehicle and traffic laws as being a 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 and that has either one wheel in front and one wheel in the rear or one wheel in front and two wheels in the rear, any of which is more than 14 inches in diameter. The bill expands the definition of "bicycle" to include a device with two wheels in front and one wheel in the rear, any of which is more than 14 inches in diameter." The change has the effect of treating upright trikes, recumbent tadpole trikes, industrial trikes, and pedicabs the same as conventional two-wheel bicycles on the road for purposes of the law.

## **Ohio State Highway Patrol Mission Review Task Force**

(Section 756.20)

The bill establishes the Ohio State Highway Patrol Mission Review Task Force to review the operations and functions of the State Highway Patrol as they relate to all other police entities in this state. The Task Force is required to identify services of the State Highway Patrol that overlap with those of other police entities, opportunities to focus or consolidate current operations, and ways to improve operational efficiency. The Task Force is required to formulate such recommendations as it considers advisable and compile a written report that contains its findings and recommendations.

The Task Force is to consist of 14 members as follows: the Director of Public Safety or the Director's designee, two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, one member who represents the Buckeye State Sheriffs Association, one member who represents the Fraternal Order of Police of Ohio, one member who represents the Ohio Association of Chiefs of Police, one member who is a State Highway Patrol trooper appointed by the Ohio State Troopers Association to represent the troopers of the State Highway Patrol, one member appointed by the President of the Senate to represent the public, one member appointed by the Speaker of the House of Representatives to represent the public, and one member appointed by the Governor to represent the public. The appointed members must be appointed not later than 45 days after the bill's 90-day effective date.

The Director of Public Safety or the Director's designee is to serve as chairperson of the Task Force. Members of the Task Force cannot receive any compensation or reimbursement for their services.

Not later than 12 months after the bill's 90-day effective date, the Task Force is required to submit its report to the Governor, the President of the Senate, the Minority

Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Task Force ceases to exist.

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## **OHIO TURNPIKE COMMISSION**

- Establishes that violations of vehicle weight limits on the Ohio Turnpike are subject to the same fines as such violations occurring on other roads, generally dependent on the amount by which the overweight vehicle exceeds the established weight limits.
- Requires bid and performance bonds for Turnpike Commission bids and contract awards that are over \$150,000 and for any service facility contract.
- Allows the Turnpike Commission to combine the design and construction elements into a single competitively bid contract for "special projects."
- Requires the Ohio Turnpike Commission to establish a business logo sign program.
- Authorizes the Ohio Turnpike Commission to conduct a green technology study.

### **Fines for overweight vehicles on the Ohio Turnpike**

(R.C. 5537.99)

Current law authorizes the Ohio Turnpike Commission to adopt rules as it considers advisable for the control and regulation of traffic on any turnpike project. The rules of the Commission with respect to speed, axle loads, vehicle loads, and vehicle dimensions apply notwithstanding such violations established under general traffic law provisions; except in regard to civil violations related to failure to comply with toll collection rules, violations of Commission rules are a minor misdemeanor (fine of up to \$150) on a first offense and a fourth degree misdemeanor (fine of up to \$250 and up to 30 days) on any subsequent offense. Fines for violations of Commission rules that are misdemeanor offenses are distributed in accordance with the provisions governing the distribution of fines collected from persons apprehended or arrested by the State Highway Patrol, with a portion credited to the General Revenue Fund (after sufficient revenue is credited to the Security, Investigations, and Policing Fund to support specific activities of the Patrol), a small portion credited to the Trauma and Emergency Medical Services Grants Fund, and the remainder distributed based on the court that imposes the fine (R.C. 4501.11 and 5503.04, not in the bill).



The bill establishes that violations of vehicle weight limits on the Turnpike are subject to the same fines as such violations occurring on other roads, rather than being a minor misdemeanor on a first offense and a fourth degree misdemeanor on subsequent offenses. Vehicle weight violation fines generally are dependent on the amount by which the overweight vehicle exceeds the established weight limits. Specifically, the fines are \$80 for the first 2,000 pounds, or fraction thereof, of overload; for overloads of 2,000 to 5,000 pounds, the fine is \$100 plus \$1 per 100 pounds of overload; for overloads of 5,000 to 10,000 pounds, the fine is \$130 plus \$2 per 100 pounds of overload and the violator may be imprisoned not more than 30 days; for all overloads in excess of 10,000 pounds the fine is \$160 plus \$3 per 100 pounds of overload and the violator may be imprisoned not more than 30 days. Additionally whoever violates the weight provisions of vehicle and load relating to gross load limits (calculated by the federal bridge formula with a general maximum of 80,000 pounds) is fined not less than \$100. (R.C. 5577.99, not in the bill.)

### **Ohio Turnpike contracts**

(R.C. 5537.07)

#### **Bid and performance bonds**

In general, current law requires the Ohio Turnpike Commission to competitively bid any contract in excess of \$50,000. Each bid for a contract (other than a construction, demolition, alteration, repair, improvement, renovation, or reconstruction contract, which is covered by separate bid guaranty provisions) must be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured; additionally, a performance bond approved by the Commission, in an amount equal to at least 50% of the contract price, is required of every contractor awarded a competitively bid contract.

The bill retains the general requirement that contracts over \$50,000 be competitively bid but modifies the requirements related to bid and performance bonds. Under the bill, only bids for contracts over \$150,000 or for a service facility contract must be accompanied by the specified bond or certified check. Also, every contractor awarded a contract over \$150,000 or a service facility contract must furnish a performance bond in a form as prescribed and approved by the Commission with good and sufficient surety in an amount equal to at least 50% of the contract price.

#### **Design-build**

The bill allows the Ohio Turnpike Commission to establish a program to expedite special projects by combining the design and construction elements of any public improvement project into a single contract. The Commission must prepare and

distribute a scope of work document on which the bidders must base their bids. At a minimum, bidders must meet the requirements to engage in the practice of engineering. Except in regard to those requirements relating to providing plans, the Commission must award the design-build contracts following the Commission's general competitive bidding requirements.

### **Ohio Turnpike business logo program**

(R.C. 5537.30)

The bill requires the Ohio Turnpike Commission, not later than December 31, 2009, to establish a business logo sign program for the placement of business logos for identification purposes on directional signs within the turnpike right-of-way. The program is similar to the business logo program operated by the Department of Transportation. In particular, the bill does all of the following:

(1) Allows the Commission to establish and revise fees for participation in the business logo sign program;

(2) Requires all direct and indirect costs of the business logo sign program, including the cost of capital, directional signs, blanks, posts, logos, installation, repair, engineering, design, insurance, removal, replacement, and administration, to be fully paid by the businesses applying for participation in the program;

(3) Requires money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract to operate the program, to be remitted to the Commission;

(4) Allows the Commission to retain all money collected from participating businesses if the Commission operates the program.

The bill allows the Commission to adopt rules and contract with any private person to operate, maintain, or market the business logo sign program. The contract may allow for a reasonable profit to be earned by the successful applicant. In awarding a contract, the bill requires the Commission to consider the skill, expertise, prior experience, and other qualifications of each applicant.

The bill specifies that the business logo program must permit the business logo signs of a seller of motor vehicle fuel to include on the seller's signs a marking or symbol indicating that the seller sells one or more types of alternative fuel so long as the seller in fact sells that fuel.

## Ohio Turnpike Commission green technology study

(Section 755.60)

The bill authorizes the Ohio Turnpike Commission to conduct a study to examine ways to increase the application of green technology, including the reduction of diesel emissions, in the construction, maintenance, improvement, repair, and operation of Ohio Turnpike Commission facilities, but prohibits the Commission from using any money derived from operating the Turnpike to conduct the study. The study must evaluate all opportunities to develop energy alternatives, including solar, geothermal, natural gas, and wind, in cooperation with the Power Siting Board and ODOT. If the Commission conducts a study, it is required to issue its report to the Speaker and Minority Leader of the House, the President and Minority Leader of the Senate, and Governor not later than six months after the effective date of the bill.

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### FEDERAL RECOVERY AND REINVESTMENT

- Requires that, to the extent permitted by federal law, federal money received for fiscal stabilization and recovery purposes be used in accordance with the Buy Ohio and Buy American programs established in current law.
- Requires the federal payments that are made to the state from the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009 to be credited to the existing Water Pollution Control Loan Fund and the existing Drinking Water Assistance Fund, respectively; requires the money so credited to be used and administered to provide financial assistance in any manner that is consistent with the requirements of the Federal Water Pollution Control Act or the Safe Drinking Water Act, respectively, or the American Recovery and Reinvestment Act of 2009; and authorizes the Director of Environmental Protection, for the purpose of obtaining federal payments pursuant to the Act, to 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.
- Creates the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009.
- Requires the eTech Ohio Commission, in consultation with the Department of Education, to use federal stimulus funds allocated under the American Recovery and Reinvestment Act of 2009 to establish a competitive grant program for school

districts to purchase or lease technology hardware, software, training, and support packages.

- Provides that if relocation of a utility or cable facility is directed by the state or a county, township, or municipal corporation and is necessitated by a highway improvement that is financed in whole or in part by federal stimulus funds, the state, county, township, or municipal corporation must reimburse the utility or cable operator for the cost of the relocation.

### **Use of federal money for fiscal stabilization and recovery purposes**

(Section 521.30; R.C. 125.09 (not in the bill))

The bill requires that, to the extent permitted by federal law, federal money received by the state for fiscal stabilization and recovery purposes must be used in accordance with the preferences for products and services made or performed in the United States and Ohio established in current law (the "Buy Ohio" and "Buy American" programs).

### **Crediting of Federal Economic Stimulus Payments to Water Pollution Control Loan Fund and Drinking Water Assistance Fund**

(Sections 521.10 and 521.20)

The bill requires the federal payments that are made to the state from the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009 to be credited to the existing Water Pollution Control Loan Fund and the existing Drinking Water Assistance Fund, respectively. In addition, the bill states that notwithstanding the requirements in current law concerning the Water Pollution Control Loan Fund and the Drinking Water Assistance Fund, the money so credited to each Fund must be used and administered to provide financial assistance in any manner that is consistent with the Federal Water Pollution Control Act or the Safe Water Drinking Act, respectively, or the American Recovery and Reinvestment Act of 2009.

The bill authorizes 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, to 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, notwithstanding the requirements in current law and rules adopted under it governing the Water Pollution Control Loan

Fund and the Drinking Water Assistance Fund and certain procedural rules governing the Environmental Protection Agency.

### **Creation of the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009**

(R.C. 121.53)

The bill creates, until September 30, 2013, the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009. Like the existing Deputy Inspector General for ODOT, the new Deputy Inspector General is to be appointed by and serve at the pleasure of the Inspector General. Technical, professional, and clerical assistance for the new Deputy Inspector General is to be provided by the Inspector General. Costs incurred by the new Deputy Inspector General are to be paid out of the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund, which the bill creates in the state treasury.

The new Deputy Inspector General is to investigate all wrongful acts or omissions that have been committed or are being committed by employees of any state agency with respect to money received from the federal government under the American Recovery and Reinvestment Act of 2009. Also, like the existing Deputy Inspector General for ODOT, the new Deputy Inspector General is to conduct a program of random review of the processing of contracts associated with projects to be paid for with such money.

Inasmuch as the powers and duties of the new Inspector General are modeled on those of the existing Deputy Inspector General for ODOT, the bill requires the Inspector General to coordinate and monitor the work of the two deputy inspectors general. The objective of the Inspector General, in this respect, is to ensure that the work performed by each deputy inspector general is most appropriate to that deputy inspector general, that it does not duplicate work performed by the other deputy inspector general, and that the result is an overall effective and efficient operation within the office of the Inspector General.

## Twenty-First Century Learning Environments Technology Grant Program

(Sections 315.10 and 315.11)

The bill appropriates to the eTech Ohio Commission,<sup>1</sup> for fiscal year 2009, \$23.9 million of federal stimulus funds for education technology from the American Recovery and Reinvestment Act of 2009. The Commission must use those funds to establish and implement the Twenty-First Century Learning Environments Technology Grant Program. Under that program, the Commission, in consultation with the Department of Education, must award competitive grants to school districts for the purchase or lease of technology hardware, software, training, and support packages (called "education solution packages") that meet the specifications developed jointly by the Commission and the Department. The packages must include (1) hardware and software, including wireless laptop computers, for creating content, project-based learning, and "student-centered collaborative learning practices," (2) access to digital content through a statewide content repository, (3) professional development that is supported by the integration of technology, and (4) technical support. At least 25% of each grant award must be used for professional development that focuses on using digital environments to enhance teaching methods and includes at least one component of in-the-classroom training. The Commission must limit the number of grant awards so that each award is sufficient to create large-scale learning environment changes. The Commission also must award grants so that there is diversity among grant recipients according to geographical regions, economic scale, and school district size.

Districts are permitted to combine the funds they receive under the grant program with other federal, state, and local funds. Also, the Commission and the Department must assist districts that do not receive grants under the program in applying the program's specifications to the purchase of solution packages with other funds.

### Program goals

The bill states "goals" to guide the operation of the program and the development of the specifications for solution packages. Those goals are:

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

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<sup>1</sup> The eTech Ohio Commission is a state agency that provides financial and technical assistance to school districts, other educational entities, public television and radio stations, and radio reading services for the acquisition and use of educational technology and for the development of educational materials.

(2) To help students develop 21st Century skills, including critical thinking and problem solving, communication and collaboration, media literacy, leadership and productivity, adaptability and accountability;

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

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

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

(6) To demonstrate how teachers and students can create and access multimedia content that is shared utilizing the "Ohio iTunes U" web site<sup>2</sup> and other online distribution mechanisms.

### **Reimbursement for utility or cable facilities relocated due to highway project financed by federal stimulus funds**

(R.C. 5501.51)

Current law requires the state to reimburse a utility for the cost of relocation of utility facilities due to a highway construction project only if the utility can prove it has a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies if the utility possesses a vested interest in the property. The utility is required to present evidence satisfactory to the state that substantiates the relocation cost. The Director of Transportation may audit all financial records that the Director determines are necessary to verify these actual costs. For purposes of these provisions, "utility" includes publicly, privately, and cooperatively owned utilities that are subject to the authority of the Public Utilities Commission.

The bill provides that if relocation of utility facilities or any part of a utility facility is directed by the state or a county, township, or municipal corporation and is

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<sup>2</sup> iTunes U is a library of educational materials offered by Apple Computer on its iTunes store site. Ohio iTunes U is an Ohio-specific library developed by the eTech Ohio Commission available through the iTunes U site. Other Ohio institutions, such as The Ohio State University, have developed their own separate libraries available on iTunes U.

necessitated by the construction, reconstruction, improvement, maintenance, or repair of a road, highway, or bridge that is financed in whole or in part by federal funds provided as part of or as a result of the American Recovery and Reinvestment Act of 2009, the state, county, township, or municipal corporation is required to reimburse the utility for the cost of the relocation. For purposes of this provision, "utility" includes not only publicly, privately, and cooperatively owned utilities that are subject to the authority of the Public Utilities Commission but also a cable operator as defined in the federal Cable Communications Policy Act of 1984 and the Telecommunications Act of 1996 and includes the provision of other information or telecommunications services, or both.

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## **OHIO RESIDENTIAL BUILDING CODE**

- Specifies that the Ohio Residential Building Code is the only code in the state for one-, two-, and three-family dwellings and must include sanitation and plumbing standards.
- Prohibits local codes or regulations from conflicting with the Ohio Residential Building Code.
- Requires the Residential Construction Advisory Committee to provide the Board of Building Standards with any rule the Committee recommends to update or amend the Ohio Residential Building Code or the rules the Board adopts relating to the certification of entities that enforce the Ohio Residential Building Code.
- Prohibits the Board from adopting any rules to update or amend the Ohio Residential Building Code or rules the Board adopts relating to the certification of entities that enforce the Ohio Residential Building Code unless the Board first receives a recommendation from the Committee.
- Makes various changes to the procedure by which the Committee recommends rules to the Board.
- Allows any person to petition the Committee to recommend a rule to the Board regarding the Ohio Residential Building Code or relating to the certification of entities that enforce the Ohio Residential Building Code.
- Adds requirements for the appointment of members to the Committee.
- Fixes an expiration date for the terms of the current members of the Committee serving on the effective date of the bill.



- Requires members of the Committee to receive reimbursement for their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee, including travel expenses.
- Requires a portion of certification and renewal fees for building department personnel be used to fund the implementation of the Ohio Residential Building Code and the operations of the Committee.

## **Background of Ohio Residential Building Code**

(R.C. 307.37 (not in the bill), 505.75 (not in the bill), 3781.01, and 3781.10)

Current law requires the Board of Building Standards to adopt a state residential building code that governs one-, two-, and three-family dwellings. The law also provides that the rules governing residential buildings are uniform requirements for residential buildings in any area certified to enforce the Ohio Residential Building Code. No local code or regulation can differ from the Ohio Residential Building Code unless that code or regulation addresses subject matter not addressed by the Ohio Residential Building Code. Additionally, a local governing authority is permitted to adopt further regulations governing residential structures that do not conflict with the Ohio Residential Building Code if the following procedures are followed:

(1) A local governing authority must, or any person may, notify the Board of Building Standards of any regulation the local governing authority adopts and request the Board to determine whether that regulation conflicts with the Ohio Residential Building Code.

(2) No later than 60 days after receiving the notice described above, the Board must determine whether the regulation conflicts with the Ohio Residential Building Code and must notify any person who submitted the notice and the local governing authority that adopted the regulation of the Board's determination.

(3) If the Board determines that a conflict does not exist, the Board must take no further action with regard to the regulation. If the Board determines a conflict exists and the regulation is not necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the regulation is not valid and the local governing authority may not enforce the regulation.

(4) If the Board determines that a conflict exists and that the regulation is necessary to protect the health and safety of the persons within the local governing authority's jurisdiction, the Board must adopt a rule to incorporate the regulation into

the Ohio Residential Building Code. Until the rule becomes a part of the Ohio Residential Building Code, the Board must grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the Board determines the temporary variance should apply.

Additionally, a board of county commissioners or a board of township trustees is specifically prohibited from adopting any regulation that differs from the Ohio Residential Building Code the Board of Building Standards establishes, unless the regulation addresses subject matter not addressed by the Ohio Residential Building Code or is adopted by the process described above.

### **Adoption of the Ohio Residential Building Code**

(R.C. 3781.10 and 4740.14)

Current law requires the Residential Construction Advisory Committee to recommend to the Board of Building Standards a building code for residential buildings. The Committee must recommend a code that it models on a residential building code a national model code organization issues, with adaptations necessary to implement the code in Ohio. The Committee must consider all of the following in making its recommendation to the Board:

- (1) The impact that the Ohio Residential Building Code may have upon the health, safety, and welfare of the public;
- (2) The economic reasonableness of the Ohio Residential Building Code;
- (3) The technical feasibility of the Ohio Residential Building Code;
- (4) The financial impact that the Ohio Residential Building Code may have on the public's ability to purchase affordable housing.

If the Board decides not to adopt a code the Committee recommends, the Committee must revise the code and resubmit it until the Board adopts a code the Committee recommends as the Ohio Residential Building Code. Correspondingly, the Board is required to adopt rules establishing a code as the Ohio Residential Building Code upon receiving a recommended code from the Committee that is acceptable to the Board.

The bill requires the Committee to provide the Board with any rule the Committee recommends to update or amend the Ohio Residential Building Code or to update or amend rules that the Board adopts that relate to the certification of entities that enforce the Ohio Residential Building Code. The bill permits, instead of requires as

provided in current law, the Committee to model the code it recommends as a residential building code on a residential building code that a national model code organization issues. The bill requires the Board, upon receiving a recommendation from the Committee that is acceptable to the Board, to adopt rules in accordance with the Committee's recommendation. The bill prohibits the Board from adopting any rules to update or amend the Ohio Residential Building Code or the rules the Board adopts relating to the certification of entities that enforce the Ohio Residential Building Code unless the Board first receives a recommendation from the Committee.

Under the bill, the Committee must provide the Board with a written report of the Committee's findings for each consideration required under current law, as described above. Additionally, the bill prohibits the Committee from making any recommendation to the Board that relates to the Ohio Residential Building Code, rules that update or amend the Ohio Residential Building Code, certification of building officials who enforce the Ohio Residential Building Code, or the interpretation of the Ohio Residential Building Code until the Committee has considered the matters required under current law described in "**Adoption of the Ohio Residential Building Code**" (above).

## **Petitions for changes to the Ohio Residential Building Code**

(R.C. 3781.12 and 4740.14)

Current law permits any person to petition the Board of Building Standards to adopt, amend, or annul a rule adopted as part of the Ohio Commercial or Residential Building Code and specifies certain procedures to be followed by the petitioner and the Board upon the filing of such a petition. The bill exempts petitions dealing with rules regarding the Ohio Residential Building Code or rules adopted by the Board relating to the certification of entities that enforce the Ohio Residential Building Code from those provisions. Instead, the bill permits any person to petition the Residential Construction Advisory Committee to recommend a rule to the Board that the Board adopts regarding the Ohio Residential Building Code or relating to the certification of entities that enforce the Ohio Residential Building Code. Thereafter, the Committee must provide the Board with any rule the Committee recommends after receiving such a petition and having considered the matters described in "**Adoption of the Ohio Residential Building Code**" (above).

## **Ohio Residential Building Code and local authority**

(R.C. 3781.10)

The bill specifies that the Ohio Residential Building Code adopted by the Board of Building Standards is the only code for one-, two-, and three-family dwellings and

must include sanitation and plumbing standards. The bill prohibits any local code or regulation from "conflicting with," instead of "differing from" as provided in current law, the Ohio Residential Building Code unless that code or regulation addresses subject matter not addressed by the Ohio Residential Building Code or is adopted by the procedure described in "**Background of Ohio Residential Building Code**" (above).

## **Residential Construction Advisory Committee**

(R.C. 4740.14; Section 747.10)

Current law has established the Residential Construction Advisory Committee within the Department of Commerce, to consist of nine persons the Director of Commerce appoints. The Committee consists of the following members:

(1) Three general contractors who have recognized ability and experience in the construction of residential buildings;

(2) Two building officials who have experience administering and enforcing a residential building code;

(3) One certified fire safety inspector from the fire service who has at least ten years of experience enforcing fire or building codes;

(4) One residential contractor who has recognized ability and experience in the remodeling and construction of residential buildings;

(5) One architect registered pursuant to the Architect's Law (R.C. Chapter 4703.), with recognized ability and experience in the architecture of residential buildings;

(6) One mayor of a municipal corporation in which the Ohio Residential Building Code is being enforced in the municipal corporation by a certified building department.

Current law requires the fire safety inspector member described in (3), above, to be chosen from a list of three names the Ohio Fire Chief's Association submits to the Director, and the mayoral member described in (6), above, to be chosen from a list of three names the Ohio Municipal League submits to the Director. The bill adds the requirements that the members described in (1) (general contractors) and (4) (residential contractor), above, be chosen from a list of seven names the Ohio Home Builders Association submits to the Director, and the building official members described in (2), above, be chosen from a list of five names the Ohio Building Officials Association submits to the Director.

The bill provides that the terms of the members of the Committee, currently serving on the effective date of the bill will expire 180 days after the effective date of the section regarding the structure of the Committee. Upon such expiration, the members of the Residential Construction Advisory Committee will be appointed as described above, and such members' terms will expire as follows:

(1) The terms of the fire safety inspector and mayoral members described in (3) and (6), and one of the general contractor members described in 1, above, will expire on January 1, 2012.

(2) The term of the residential contractor member described in (4), one of the general contractor members described in (1), and one of the building official members described in (2), above, will expire on January 1, 2013.

(3) The term of the architect member described in (5), one of the general contractor members described in (1), and one of the building official members described in (2), above, will expire on January 1, 2014.

The Board will determine which of the members appointed when more than one member is of the same classification will serve which term.

The bill requires all successive terms to last for the three-year period stated in current law.

Current law prohibits members of the Committee from receiving a salary for the performance of their duties as members, but provides that they will receive their actual and necessary expenses incurred in the performance of their duties as members of the Committee and will receive a "per diem for each day" in attendance at an official meeting of the Committee, to be paid from the Industrial Compliance Operating Fund in the state treasury, using fees collected in connection with residential buildings and deposited in that fund. The bill retains the prohibition against salaries and instead of expenses and a per diem, provides members reimbursement for their "actual and necessary expenses" incurred in the performance of their duties as members of the Committee, including travel expenses. The bill removes the provision that requires such monetary payments to come from the Industrial Compliance Operating Fund.

## **Certification and renewal fees**

(R.C. 3781.10)

Current law requires the Board of Building Standards to establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations who are certified to enforce the Ohio

Residential Building Code. The bill requires a portion of such fees to be used to fund the implementation of the Ohio Residential Building Code and the operations of the Residential Construction Advisory Committee.

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## MISCELLANEOUS

- Establishes elements that must be a part of a competitive selection process regarding a contract to operate a motor vehicle emissions inspection program in Ohio and that must be included in the contract, and declares the enactment of those provisions to be an emergency.
- Allows a regional council of governments to enter into unit-priced construction contracts if the contracts are awarded pursuant to specified notice and competitive bidding procedures.
- Requires a driver to move over or slow down upon approaching a stationary road service vehicle or emergency vehicle that is displaying a flashing, oscillating, or rotating amber light.
- Extends the laws governing debt issuance to support the Clean Ohio program to reflect the recent adoption of Section 2q, Ohio Constitution, which provides additional debt authority for conservation and revitalization purposes.
- Provides specific authorization for the issuance of \$60 million in state general obligations and \$60 million in state revenue bonds to fund the Clean Ohio program in addition to the amounts authorized in Am. Sub. H.B. 562 of the 127th General Assembly.
- Allocates a portion of the money collected by the courts from moving violations to the Justice Program Services Fund.
- Designates the City of Dayton and Montgomery County as an Ohio hub of innovation and opportunity for aerospace and aviation.
- Requires the Director of Administrative Services to annually report to the Governor and to the members of the General Assembly the progress made by state agencies in advancing the Minority Business Enterprise (MBE) and the Encouraging Diversity, Growth, and Equity (EDGE) Programs.
- Requires the Director of Development to establish an Energy Star Rebate Program to provide rebates to consumers for household devices carrying the federal Energy Star Label.

- Adds as an alternative energy resource under the alternative energy portfolio law a renewable energy resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service before January 1, 1998.
- Provides that the following type of megawatt hour of electricity can be worth more than standard, one unit of renewable energy credit if, at a given time, the result of a formula in the bill is greater than one: a megawatt hour that is generated principally from biomass energy produced at a facility of 75 megawatts or greater that is situated in Ohio and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable such biomass generation by June 30, 2013.
- Requires the Ohio Board of Building Standards to adopt rules to implement a specified residential building energy code or equivalent code as part of its residential building code.
- Requires the Ohio Board of Building Standards to adopt rules to implement a specified commercial building energy code or equivalent code as part of its commercial building code.
- Requires most motor vehicle tire or wheel road hazard contracts and all motor vehicle ancillary product protection contracts to be covered by reimbursement insurance policies.
- Makes changes to the statute that requires employers to offer to employees continuation of group health insurance coverage after termination of employment including removal of the eligibility for unemployment compensation requirement and lengthening the eligibility period from 6 to 12 months and specifies that those changes are effective immediately, but also automatically are repealed effective January 1, 2010 and the statute will revert to its original set of requirements.
- Provides that certain procedures for the termination of nonmaintained status of certain county and township roads do not apply if such a road, prior to being placed on nonmaintained status, was not certified by the board of county commissioners or board of township trustees to the Director of Transportation as mileage in the county or township that is used by and maintained for the public.

## **Competitive Selection Process for Motor Vehicle Emissions Inspections contract**

(Sections 755.90, 901.10, and 901.11)

The bill provides that notwithstanding any law to the contrary, the Director of Administrative Services must ensure that a competitive selection process regarding a contract to operate a motor vehicle emissions inspection program in Ohio incorporates the following elements, which must be included in the contract:

(1) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. Under the bill, the contract must require the notification to be provided not later than 60 days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The Director of Environmental Protection and the vendor must jointly agree on the content of the notice. However, the notice must at a minimum include the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(2) A requirement that the vendor selected to operate the program spend not more than \$500,000 over the term of the contract for public education regarding the locations at which motor vehicle inspections will take place;

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

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

Any competitive selection process that is or has been initiated for purposes of a new contract to operate a motor vehicle emissions inspection program in Ohio must comply with the above provisions. The enactment of those provisions is declared by the bill to be an emergency. Thus, the provisions are immediately effective upon the bill's enactment. The bill declares that the reason for the emergency lies 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.

## **Regional council of governments construction contracts**

(R.C. 167.081)

Under continuing law, the governing bodies of any two or more political subdivisions, including school districts, can enter into an agreement with each other, or with political subdivisions in other states, to establish a regional council of governments consisting of those political subdivisions (R.C. 167.01, not in the bill). A council, once established, has authority to do various things that focus on cooperation among the various political subdivisions, the state, and federal government (R.C. 167.03, not in the bill).

Unless certain provisions requiring separate bids apply, the bill permits a council to enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a county, municipal corporation, or township or a special district, school district, or other political subdivision that is a council member; a statewide consortium of which the council is a member; or a multistate consortium of which the council is a member. The bill specifies that purchases under such a contract are exempt from any competitive selection or bidding requirements otherwise required by law.

Additionally, the bill permits a county, municipal corporation, or township and a special district, school district, or other political subdivision that is a council member to participate in such a contract. However, such a council member is not entitled to participate in such a contract if it has received bids for the same work under another contract, unless participation in the council's contract will enable the council member to obtain the same work, upon the same terms, conditions, and specifications, at a lower price.

The bill specifies that a public notice requirement pertaining to the contract must be considered to have been met if the public notice is given once a week for at least two consecutive weeks in a newspaper of general circulation within the county in which the council maintains its principal place of business and if the notice is posted on the council's internet web site for at least two consecutive weeks before the date specified for receiving bids.

## **Road service and emergency vehicles**

(R.C. 4511.01 and 4511.213)

Under current law, when the driver of a motor vehicle approaches a stationary public safety vehicle (generally an ambulance, police, or fire vehicle) that is displaying its emergency lights, the driver must change lanes into a lane that is not adjacent to that of the stationary public safety vehicle if the highway configuration allows such movement and the movement can be done safely; if the driver cannot safely move to an adjacent lane of travel, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions. Violation of this law is a minor misdemeanor on a first offense; if, within one year, the offender has been convicted of or pleaded guilty to one violation of certain similar offenses, the offense is a misdemeanor of the fourth degree; and upon a third or subsequent violation of certain similar offenses within one year, the offense is a misdemeanor of the third degree.

Under the bill, a driver also must pull over or slow down as described above upon approaching a stationary emergency vehicle or road service vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating amber lights as authorized under existing law (R.C. 4513.17, not in the bill). The bill defines "road service vehicle" as a wrecker, utility repair vehicle, and state, county, and municipal service vehicle equipped with visual signals by means of flashing, rotating, or oscillating lights. Current law defines "emergency vehicle" as emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

## **Clean Ohio program debt authority expansion**

(R.C. 133.52, 151.01, 151.09, and 151.40; Sections 610.20 and 610.21)

In 2000, Ohio voters adopted Section 2o of Article VIII, Ohio Constitution authorizing the issuance of bonds to be used for conservation and revitalization purposes (the "Clean Ohio" program). The General Assembly subsequently enacted legislation to implement the Clean Ohio program, including debt-issuance authority (Am. Sub. H.B. 3 of the 124th General Assembly). Section 2o and the implementing law provide that the Ohio Public Facilities Commission is authorized to issue up to \$200 million in general obligation bonds at any one time, the proceeds of which benefit the Clean Ohio Conservation Fund, the Clean Ohio Trail Fund, and the Clean Ohio Agricultural Easement Fund. Section 2o and the implementing law also provide for the issuance of revenue bonds for revitalization purposes. These obligations are not general

obligations of the state, and the full faith and credit, revenue, and taxing power of the state are not pledged to the payment of debt service on the obligations. The Treasurer of State is authorized to issue these bonds, up to \$200 million at any one time, the proceeds of which are to be credited to the Clean Ohio Revitalization Fund. For both the general obligation bonds and revenue bonds, not more than \$50 million principal amount of each may be issued in any fiscal year, plus the principal amount of any obligations that could have been issued in a prior fiscal year but were not issued.

In 2008, Ohio voters adopted Section 2q of Article VIII, Ohio Constitution, an identical provision to Section 2o. This constitutional amendment authorizes an additional issuance of bonds to be used for the same conservation and revitalization purposes described above. Identical to Section 2o, up to \$200 million may be issued in general obligations at any one time for conservation purposes. Similarly, up to \$200 million in revenue bonds may be issued at any one time for revitalization purposes. Also, for both types of debt, the same \$50 million annual limit for issuance of each is imposed. Under the combined constitutional authority of Sections 2o and 2q, up to \$400 million in general obligation bonds may be issued for conservation purposes and up to \$400 million in revenue bonds may be issued for revitalization purposes at any one time. The combined per fiscal year limitation on bond issuance is now \$100 million.

Additionally, under Section 2o and its implementing law, a county, municipal corporation, or township is authorized to issue or incur public obligations, including general obligations, to provide, or assist in providing, grants, loans, loan guarantees, or contributions for conservation and revitalization purposes pursuant to Section 2o. Section 2q provides the same constitutional authority.

The bill extends the Section 2o implementing law to include the debt authority granted to state and local governments under Section 2q. In addition, with respect to the general obligations and revenue bonds that may be issued by the state, the bill increases the implementing law's outstanding debt limitation of \$200 million to \$400 million for each type of debt. The bill does not, however, increase the current limitation of \$50 million per fiscal year imposed under the implementing law for issuances of state general obligations or revenue bonds.

Pursuant to the extension of the implementation authority, the bill (1) authorizes the Ohio Public Facilities Commission to issue \$60 million in general obligations and the Treasurer of State to issue \$60 million in revenue bonds, and (2) appropriates the proceeds to fund the Clean Ohio program. This debt is in addition to the debt authorized in Am. Sub. H.B. 562 for the same purposes.

## **Court costs for moving violations**

(R.C. 2949.094(A), (B), and (C), 5502.67, and 5502.68)

Under current law, the court in which any person is convicted of or pleads guilty to any moving violation, including a juvenile court in the case of a juvenile traffic offender, must impose an additional court cost of \$10 on the offender. The clerk of court is required to transmit 35% of the money collected under this requirement to the Division of Criminal Justice Services, and the Division is required to deposit the money received into the Drug Law Enforcement Fund operating pursuant to R.C. 5502.68. If the person charged with a moving violation posts bail, the \$10 is added to the amount of bail and retained by the clerk of court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk of court must transmit \$3.50 (35%) of the \$10 additional bail to the Drug Law Enforcement Fund. The bill would alter the transmission and distribution of the money collected by the clerk of court under these provisions. Under the bill, the clerk of court would be required to transmit the money to the state treasury, of which, 97% would be credited to the Drug Law Enforcement Fund and 3% would be credited to the Justice Program Services Fund operating pursuant to R.C. 5502.67. The bill would amend R.C. 5502.67 to acknowledge the addition of this money to the Justice Program Services Fund and also would amend R.C. 5502.68 to state that the Drug Law Enforcement Fund will receive 97%, instead of the current 100%, of this money.

## **Designation of the City of Dayton and Montgomery County as an Ohio hub for aerospace and aviation innovation and opportunity**

(R.C. 5.24)

The bill designates the City of Dayton and Montgomery County as an Ohio hub of innovation and opportunity for aerospace and aviation.

## **Annual report regarding agency MBE and EDGE initiatives**

(R.C. 123.153)

The bill requires the Director of Administrative Services to submit, on October 1 of each year, a written report to the Governor and to each member of the General Assembly describing the progress made by state agencies in advancing the Minority Business Enterprise (MBE) Program and the Encouraging Diversity, Growth, and Equity (EDGE) Program. The report is to highlight the initiatives implemented to encourage participation of minority-owned, as well as socially and economically disadvantaged, businesses in programs funded by federal money received by Ohio for

fiscal stabilization and recovery purposes. It also must include the total number of procurement contracts each agency has entered into with certified minority business enterprises, as defined in section 123.151 of the Revised Code, and EDGE business enterprises, as defined in section 123.152 of the Revised Code.

## **Energy Star Rebate Program**

(R.C. 122.077)

The bill requires the Director of Development to establish an Energy Star Rebate Program under which the Director provides rebates to consumers for household devices carrying the Energy Star Label indicating that the device meets the energy efficiency criteria of the Energy Star Program established by the United States Department of Energy and the United States Environmental Protection Agency. The Director is to adopt rules under the Administrative Procedure Act that are necessary for successful and efficient administration of the Energy Star Rebate Program, and is to specify in the rules that "grant availability" is limited to federal funds allocated for such a program. The purpose of the Energy Star Rebate Program is to promote the use of energy efficient products to reduce greenhouse gas emissions in Ohio.

## **Alternative energy**

(R.C. 4928.64 and 4928.65)

Current law requires electric distribution utilities and electric services companies to provide specified percentages of their electricity supply from alternative energy resources. Alternative energy resources consist of both of the following: (1) an advanced energy resource or renewable energy resource placed in service on or after January 1, 1998, and (2) a mercantile customer-sited advanced energy resource or renewable energy resource, whether new or existing, that the mercantile customer commits for integration into an electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs. The bill adds the following as an alternative energy resource: a renewable energy resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service before January 1, 1998.

Additionally, current law authorizes electric distribution utilities and electric services companies to use renewable energy credits to comply with the renewable energy portion of the alternative energy resource requirement. The law specifies that one megawatt hour of electricity derived from renewable energy resources equals one unit of credit. The bill provides that a specific type of electric generation will be worth at minimum one unit of credit: specifically, a megawatt hour that is generated principally from biomass energy produced at a facility of 75 megawatts or greater that

is situated in Ohio and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable such biomass generation by June 30, 2013. Under the bill, that megawatt hour can be worth more than one unit of credit if, at a given time, the result of a formula in the bill is greater than one. The formula is as follows: multiply the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the number obtained by dividing the then existing dollar amount used to determine the penalty (referred to as a renewable energy resource compliance payment) that can be imposed per unit of under- or noncompliance with the law's renewable energy requirements<sup>3</sup> by the then existing market value of one renewable energy credit. The formula, in equation form, is as follows:

$$\% \text{ of biomass feedstock heat input} \times \frac{\text{unit of compliance payment}}{\text{credit market value}}$$

Thus, if the result of that formula is greater than one, say 1.3 or 5, the biomass megawatt hour will be worth that number of credits.

## **Ohio Board of Building Standards**

### **Building codes and energy conservation**

(R.C. 3781.10)

The Ohio Board of Building Standards is responsible for adopting commercial and residential building codes in Ohio. Current law requires those codes to relate to the conservation of energy.

The commercial building code applies to all buildings except manufactured homes and one-, two-, and three-family residential structures. It is enforced throughout the state by building departments the Board certifies for enforcement of the code and by the Superintendent of the Division of Industrial Compliance where there is no certified building department.

The residential code, which applies to one-, two-, and three-family homes, is recommended to the Board by the Residential Construction Advisory Committee. The residential code is enforced only where the local government has opted to have a municipal, township, or county building department receive residential certification to enforce the code.

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<sup>3</sup> Continuing law provides that the dollar amount to be applied to each unit of under- or noncompliance with the renewable energy resource requirements is \$45 or such higher amount as annually determined by the Public Utilities Commission to reflect any change in the Consumer Price Index.

## **Department of Energy requirements**

The federal Department of Energy (DOE), under authority in the Energy Policy Act of 2005, currently prescribes ANSI/ASHRAE/IESNA Standard 90.1-2004 as its national reference standard for commercial buildings. DOE requires that states must certify that their building codes meet or exceed the energy requirements in this code. According to the DOE web site, the Ohio commercial building code currently meets or exceeds the standards of this code.

DOE has a recommended code for residential structures, the International Energy Conservation Code (IECC). It appears that there is no requirement that state codes meet the standards of DOE's recommended residential code. The DOE web site indicates that the Ohio residential building code currently meets or exceeds the energy standards of its recommended code.

## **Energy code requirements under the bill**

The bill requires the Ohio Board of Building Standards to adopt specific codes or codes that the Residential Construction Advisory Committee determines perform as well as the specified codes. The commercial building energy code the bill specifies is the code developed by the American National Standards Institute, the American Society of Heating, Refrigerating, and Air Conditioning, and the Illuminating Engineering Society of North America, known as the ANSI/ASHRAE/IESNA Standard 90.1-2007. This is the code that replaces the Standard 90.1-2004, which DOE currently requires state compliance. DOE is conducting tests to compare the energy performance of the 2007 code to the 2004 code. The bill prohibits the Board from adopting a residential energy code until the Committee has examined the code.

The residential code the bill requires is the International Energy Conservation Code (IECC), which is the code that DOE recommends states comply with.

## **Reimbursement insurance policies**

### **Motor vehicle tire or wheel road hazard contracts and motor vehicle ancillary product protection contracts**

(R.C. 3905.425 and 3905.426)

When a consumer buys certain products, the consumer may be offered a separate service contract under which, for an additional payment, the "provider" agrees to repair or replace, or pay the costs of repairing or replacing, the product purchased by the "contract holder" if it becomes damaged during the term of the contract. The bill deals with two types of such service contracts:

(1) A motor vehicle tire or wheel road hazard contract, under which the provider agrees to repair or replace, or pay the costs of repairing or replacing, a tire or wheel if it becomes damaged because of a pothole, nail, glass, road debris, curb, or other road hazard;

(2) A motor vehicle ancillary product protection contract, under which the dealer agrees to (a) repair or replace glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard, (b) remove a dent, ding, or crease without affecting the existing paint finish by using paintless dent removal techniques (excluding replacement of a vehicle body panel, sanding, bonding, or painting), or (c) repair the interior components of a motor vehicle necessitated by wear and tear (excluding replacement of any part or component of the vehicle's interior).

To ensure that the contract holder will be protected in case the provider goes out of business or for some other reason does not make good on the contract, the bill requires all motor vehicle tire or wheel road hazard contracts except those contracts in which the provider is a tire manufacturer, and all motor vehicle ancillary product protection contracts, issued in Ohio to be covered by a reimbursement insurance policy that meets the requirements of the bill. If the contract is so covered, the contract does not constitute insurance and is not subject to the insurance laws of Ohio, the bill states.

The reimbursement insurance policy must state that (1) if the provider fails to perform or make payment due under the contract within 60 days after the contract holder requests performance or payment, the contract holder may request performance or payment from the provider's reimbursement insurance policy insurer, including any obligation in the contract by which the provider must refund the contract holder upon cancellation of the contract, and (2) if the provider's reimbursement insurance policy is canceled, insurance coverage will continue for all contract holders whose contracts were reported to the insurer for coverage during the term of the insurance policy. The recourse the consumer has to the reimbursement insurance policy insurer must be conspicuously stated in a tire or wheel road hazard contract and an ancillary product protection contract itself, along with the name, address, and telephone number of the insurer.

### **Consumer goods service contracts**

(R.C. 3905.423)

The Revised Code already has a law dealing with "consumer goods service contracts" that is similar to the proposed new laws dealing with tire or wheel road hazard contracts and ancillary product protection contracts. The bill aligns the



language of the existing law more closely with the proposed new laws by adding to the consumer goods services contracts law:

(1) A statement that a consumer goods service contract does not include a contract to perform or pay for the repair, replacement, or maintenance of a motor vehicle that is "due to a defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of part or equipment of a motor vehicle";

(2) A requirement that the reimbursement insurance policy state that if the provider's reimbursement insurance policy is canceled, insurance coverage will continue for all contract holders whose consumer goods service contracts were reported to the insurer for coverage during the term of the insurance policy.

### **Continuation of group health insurance coverage**

(R.C. 1751.53 and 3923.38)

Current law requires group health insurance contracts offered by health insuring corporations, sickness and accident insurers, and private or public self-insured plans to include a provision that allows eligible employees and their dependents to continue receiving coverage under the group contract at the employee's expense for six months after the employee's employment is terminated. The bill lengthens the time that the employee would be eligible for continued coverage from six months to twelve months.

Under current law an "eligible employee" is an employee that meets all of the following requirements:

(1) The employee has been continuously covered under a group contract during the entire three-month period preceding the termination of the employee's employment.

(2) The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits.

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

(4) The employee is not, and does not become, covered by or eligible for any other group coverage under which the employee was not covered immediately prior to the termination of employment.

The bill eliminates the requirement that an individual be eligible for unemployment compensation in order to be eligible for continued coverage under the individual's group contract after termination of employment and requires only that the

individual's employment has not been terminated voluntarily or as a result of any gross misconduct on the part of the individual.

Current law specifies that the continuation of coverage is not required to include dental, vision care, prescription drug benefits, or any other benefits provided under the policy in addition to its hospital, surgical, or major medical benefits provided by a group sickness and accident insurance policy. The bill removes prescription drug benefits from that list.

Additionally, the bill requires employees to notify the health insuring corporation or insurer if the employee elects continuing coverage and allows the health insuring corporation or insurer to require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the American Recovery and ReInvestment Act of 2009. The Director of Insurance must publish guidance for employers and health insuring corporations concerning the contents of that documentation.

The bill's changes to the law regarding continuation of group health insurance coverage are declared to be an emergency measure that take effect immediately, however the bill also automatically repeals the changes effective January 1, 2010 and reverts the law to its original set of requirements.

## **County and township roads on nonmaintained status**

(R.C. 5541.05 and 5571.20)

Current law permits boards of county commissioners, by resolution, to place graveled or unimproved county roads under their jurisdiction that are not passable year-round or any portion of such a road on nonmaintained status. Current law also gives this same authority to boards of township trustees for graveled or unimproved township roads under their jurisdiction that are not passable year-round or any portion of such a road. Prior to adopting a resolution that places a road on nonmaintained status, the board of county commissioners or board of township trustees ("board") must hold at least two public hearings to allow for public comment on the proposed resolution. Upon adoption of such a resolution, the board is not required to cause the road (county or township) to be dragged at any time, or to cut, destroy, or remove any brush, weeds, briars, bushes, or thistles upon or along the road, or to remove snow from the road, or to maintain or repair the road in any manner.

Under current law, the owner of land adjoining a road that was placed on nonmaintained status prior to 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 nonmaintained status of the road if the road provides the exclusive means for obtaining access to the

land. Upon receipt of a petition, the board is required to review the status of the road and must terminate the nonmaintained status if the board finds that the road provides the exclusive means for obtaining access to the land. After completing the review, the board is required to adopt a resolution either retaining or terminating the nonmaintained status of the road. If the board terminates the nonmaintained status of a road under these provisions, the board cannot require the owner to pay the costs of upgrading, maintaining, or repairing the road. The bill provides that these provisions do not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board to the Director of Transportation as mileage in the county or township, as the case may be, used by and maintained for the public.

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## **NOTE ON EFFECTIVE DATES**

(Sections 812.10 to 815.10)

Section 1d, Article II of the Ohio Constitution states that "laws providing for tax levies [and] appropriations for the current expenses of the state government and state institutions \*\*\* shall go into immediate effect," and "shall not be subject to the referendum." R.C. 1.471 implements this provision with respect to appropriations, providing that a codified or uncodified section of law contained in an act that contains an appropriation for current expenses is not subject to the referendum and goes into immediate effect if (1) it is an appropriation for current expenses, (2) it is an earmarking of the whole or part of an appropriation of current expenses, or (3) its implementation depends upon an appropriation for current expenses that is contained in the act. The statute states that the General Assembly is to determine which sections go into immediate effect.

The act includes a default provision stating that, except as otherwise specifically provided, the amendment, enactment, or repeal of a section in the act is subject to the referendum and takes effect on the 91st day after the act is filed with the Secretary of State (barring the filing of a referendum petition). The act also includes many exceptions to the default provision, some of which provide that the specified provisions are not subject to the referendum and go into immediate effect.

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## HISTORY

### ACTION

### DATE

Introduced	02-12-09
Reported, H. Finance & Appropriations	03-05-09
Passed House (53-45)	03-05-09
Reported, S. Highways & Transportation	---

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