

**As Pending in the House Finance and Appropriations
Committee(LSC # 0947-3)**

**129th General Assembly
Regular Session
2011-2012**

Sub. H. B. No. 114

Representative McGregor

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A B I L L

To amend sections 122.075, 125.11, 127.12, 164.04,	1
164.08, 306.35, 4163.07, 4301.62, 4501.02,	2
4501.06, 4501.21, 4501.81, 4503.03, 4503.04,	3
4503.521, 4503.62, 4503.94, 4505.06, 4505.09,	4
4506.08, 4507.05, 4507.23, 4510.43, 4511.108,	5
4511.53, 4511.69, 4513.24, 4517.01, 4517.02,	6
4517.33, 4582.12, 4582.31, 4905.802, 5501.51,	7
5501.55, 5502.011, 5525.15, 5577.042, and 5751.01,	8
to amend, for the purpose of adopting a new	9
section number as shown in parentheses, section	10
4905.802 (4905.801), to enact sections 4503.037,	11
4503.038, 4517.16, 4517.17, 4517.171, 4517.18,	12
4749.031, to repeal sections 4501.14 and 4905.801	13
of the Revised Code, and to amend Section 512.90	14
of Am. Sub. H.B. 1 of the 128th General Assembly,	15
to make appropriations for programs related to	16
transportation and public safety for the biennium	17
beginning July 1, 2011 and ending June 30, 2013,	18
and to provide authorization and conditions for	19
the operation of those programs.	20

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

Section 101.01. That sections 122.075, 125.11, 127.12, 21
164.04, 164.08, 306.35, 4163.07, 4301.62, 4501.02, 4501.06, 22
4501.21, 4501.81, 4503.03, 4503.04, 4503.521, 4503.62, 4503.94, 23
4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43, 4511.108, 24
4511.53, 4511.69, 4513.24, 4517.01, 4517.02, 4517.33, 4582.12, 25
4582.31, 4905.802, 5501.51, 5501.55, 5502.011, 5525.15, 5577.042, 26
and 5751.01 be amended, section 4905.802 (4905.801) be amended for 27
the purpose of adopting a new section number as shown in 28
parentheses, and sections 4503.037, 4503.038, 4517.16, 4517.17, 29
4517.171, 4517.18, and 4749.031 of the Revised Code be enacted to 30
read as follows: 31

Sec. 122.075. (A) As used in this section: 32

(1) "Alternative fuel" ~~means blended biodiesel, blended~~ 33
~~gasoline, or compressed air used~~ has the same meaning as in 34
~~air-compression driven engines~~ section 125.831 of the Revised 35
Code. 36

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 37
fuel that is derived from vegetable oils or animal fats, or any 38
combination of those reagents, and that meets American society for 39
testing and materials specification D6751-03a for biodiesel fuel 40
(B100) blend stock distillate fuels. 41

(3) "Diesel fuel" and "gasoline" have the same meanings as in 42
section 5735.01 of the Revised Code. 43

(4) "Ethanol" has the same meaning as in section 5733.46 of 44
the Revised Code. 45

(5) "Blended biodiesel" means diesel fuel containing at least 46
twenty per cent biodiesel by volume. 47

(6) "Blended gasoline" means gasoline containing at least 48
eighty-five per cent ethanol by volume. 49

(7) "Incremental cost" means either of the following:	50
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	51 52 53
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	54 55 56
(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel.	57 58 59 60 61 62 63 64 65 66 67
(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation grant program. The rules shall establish at least all of the following:	68 69 70 71 72
(1) An application form and procedures governing the application process for a grant under the program;	73 74
(2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following:	75 76 77
(a) Publicly accessible refueling facilities;	78
(b) Entities seeking grants that have secured funding from	79

other sources, including, but not limited to, private or federal grants; 80
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(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located; 82
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(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years; 85
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(e) Entities that will be purchasing or installing facilities or terminals for ~~both blended biodiesel and blended gasoline~~ any type of alternative fuel. 88
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(3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the grant recipient and not compensated for by any other source; 91
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(4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the ~~incremental~~ cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline; 97
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(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program. 102
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(D) An applicant for a grant under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives a grant, the applicant will report to the director the gallon or gallon equivalent amounts of ~~blended gasoline and blended biodiesel~~ alternative fuel the applicant sells at retail in this state for a period of three years after the grant is awarded. 104
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The director shall enter into a written confidentiality agreement with the applicant regarding the gallon or gallon equivalent amounts sold as described in this division, and upon execution of the agreement this information is not a public record.

(E) There is hereby created in the state treasury the alternative fuel transportation grant fund. The fund shall consist of money transferred to the fund under division (C) of section 125.836 of the Revised Code, money that is appropriated to it by the general assembly, and money as may be specified by the general assembly from the advanced energy fund created by section 4928.61 of the Revised Code. Money in the fund shall be used to make grants under the alternative fuel transportation grant program and by the director in the administration of that program.

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

awarded to that agency. 143

(B) Prior to awarding a contract under division (A) of this 144
section, the department of administrative services or the state 145
agency responsible for evaluating a contract for the purchase of 146
products shall evaluate the bids received according to the 147
criteria and procedures established pursuant to divisions (C)(1) 148
and (2) of section 125.09 of the Revised Code for determining if a 149
product is produced or mined in the United States and if a product 150
is produced or mined in this state. The department or other state 151
agency shall first remove bids that offer products that have not 152
been or that will not be produced or mined in the United States. 153
From among the remaining bids, the department or other state 154
agency shall select the lowest responsive and responsible bid, in 155
accordance with section 9.312 of the Revised Code, from among the 156
bids that offer products that have been produced or mined in this 157
state where sufficient competition can be generated within this 158
state to ensure that compliance with these requirements will not 159
result in an excessive price for the product or acquiring a 160
disproportionately inferior product. ~~If there are two or more 161
qualified bids that offer products that have been produced or 162
mined in this state, it shall be deemed that there is sufficient 163
competition to prevent an excessive price for the product or the 164
acquiring of a disproportionately inferior product.~~ 165

(C) Division (B) of this section applies to contracts for 166
which competitive bidding is waived by the controlling board. 167

(D) Division (B) of this section does not apply to the 168
purchase by the division of liquor control of spirituous liquor. 169

(E) The director of administrative services shall publish in 170
the form of a model act for use by counties, townships, municipal 171
corporations, or any other political subdivision described in 172
division (B) of section 125.04 of the Revised Code, a system of 173

preferences for products mined and produced in this state and in 174
the United States and for Ohio-based contractors. The model act 175
shall reflect substantial equivalence to the system of preferences 176
in purchasing and public improvement contracting procedures under 177
which the state operates pursuant to this chapter and section 178
153.012 of the Revised Code. To the maximum extent possible, 179
consistent with the Ohio system of preferences in purchasing and 180
public improvement contracting procedures, the model act shall 181
incorporate all of the requirements of the federal "Buy America 182
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 183
the rules adopted under that act. 184

Before and during the development and promulgation of the 185
model act, the director shall consult with appropriate statewide 186
organizations representing counties, townships, and municipal 187
corporations so as to identify the special requirements and 188
concerns these political subdivisions have in their purchasing and 189
public improvement contracting procedures. The director shall 190
promulgate the model act by rule adopted pursuant to Chapter 119. 191
of the Revised Code and shall revise the act as necessary to 192
reflect changes in this chapter or section 153.012 of the Revised 193
Code. 194

The director shall make available copies of the model act, 195
supporting information, and technical assistance to any township, 196
county, or municipal corporation wishing to incorporate the 197
provisions of the act into its purchasing or public improvement 198
contracting procedure. 199

Sec. 127.12. There is hereby created a controlling board 200
consisting of ~~the~~ all of the following: 201

(A) The director of budget and management or an employee of 202
the office of budget and management designated by the director, 203
~~the chairman;~~ 204

(B) The chairperson or vice-chairperson of the 205
finance-appropriations committee of the house of representatives, 206
~~the chairman~~ as designated by the speaker; 207

(C) The chairperson or vice-chairperson of the finance 208
committee of the senate, ~~two~~ as designated by the president; 209

(D) Two members of the house of representatives appointed by 210
the speaker, one from the majority party and one from the minority 211
party, ~~and two;~~ 212

(E) Two members of the senate appointed by the president, one 213
from the majority party and one from the minority party. 214

Notwithstanding section 101.26 of the Revised Code, the 215
legislative members, when engaged in their duties as members of 216
the controlling board, shall be paid at the per diem rate of one 217
hundred fifty dollars, and their necessary traveling expenses, 218
which shall be paid from the funds appropriated for the payment of 219
expenses of legislative committees. 220

In the event of the absence, illness, disability, death, or 221
resignation of a legislative member, the following persons may 222
serve in ~~his~~ the member's absence: for the ~~chairman~~ chairperson or 223
vice-chairperson of the finance-appropriations committee of the 224
house of representatives, the speaker ~~of the house~~ or a member of 225
the house designated by ~~him~~ the speaker; for the ~~chairman~~ 226
chairperson or vice-chairperson of the senate finance committee, 227
the president ~~of the senate~~ or a member of the senate designated 228
by ~~him~~ the president; for a member of the board appointed by the 229
speaker of the house of representatives, or the president of the 230
senate, the speaker or the president, as the case may be, or a 231
member of the house of representatives or of the senate of the 232
same party as such controlling board member, designated by such 233
speaker or president. 234

As used in any statute, "controlling board," unless the 235

context otherwise requires, means the controlling board created by 236
this section. 237

Sec. 164.04. (A) In each of the districts created in section 238
164.03 of the Revised Code, a district public works integrating 239
committee shall be established as follows: 240

(1) In district one, the district committee shall consist of 241
seven members appointed as follows: two members shall be appointed 242
by the board of county commissioners or the chief executive 243
officer of the county; two members shall be appointed by the chief 244
executive officer of the most populous municipal corporation in 245
the district; two members shall be appointed by a majority of the 246
chief executive officers of the other municipal corporations 247
located within the district; and one member, who shall have 248
experience in local infrastructure planning and economic 249
development and who shall represent the interests of private 250
industry within the district, shall be appointed by a majority of 251
the members of the district committee or their alternates. Except 252
with respect to the selection of the private sector member of the 253
committee, the affirmative vote of at least five committee members 254
or their alternates is required for any action taken by a vote of 255
the committee. 256

(2) In district two, the district committee shall consist of 257
nine members appointed as follows: two members shall be appointed 258
by the board of county commissioners; three members shall be 259
appointed by the chief executive officer of the most populous 260
municipal corporation in the district; two members shall be 261
appointed by a majority of the other chief executive officers of 262
municipal corporations in the district; and two members shall be 263
appointed by a majority of the boards of township trustees in the 264
district. Of the members appointed by the board of county 265
commissioners, one member shall have experience in local 266

infrastructure planning and economic development, and one member 267
shall be either a county commissioner or a county engineer of the 268
district. The affirmative vote of at least seven members of the 269
committee or their alternates is required for any action taken by 270
a vote of the committee. 271

(3) In districts three, four, eight, twelve, and nineteen, 272
the district committee shall consist of nine members appointed as 273
follows: two members shall be appointed by the board of county 274
commissioners or by the chief executive officer of the county; two 275
members shall be appointed by the chief executive officer of the 276
most populous municipal corporation located within the district; 277
two members shall be appointed by a majority of the other chief 278
executive officers of the municipal corporations located in the 279
district; two members shall be appointed by a majority of the 280
boards of township trustees located in the district; and one 281
member, who shall have experience in local infrastructure planning 282
and economic development and who shall represent the interests of 283
private industry within the district, shall be appointed by a 284
majority of the members of the committee or their alternates. 285
Except with respect to the selection of the private sector member 286
of the committee, the affirmative vote of at least seven committee 287
members or their alternates is required for any action taken by a 288
vote of the committee. 289

(4) In district six, the district committee shall consist of 290
nine members appointed as follows: one member shall be appointed 291
by the board of county commissioners of each county in the 292
district; one member shall be appointed by the chief executive 293
officer of the most populous municipal corporation in each county 294
in the district; one member shall be appointed alternately by a 295
majority of the chief executives of the municipal corporations, 296
other than the largest municipal corporation, within one of the 297
counties of the district; and one member shall be appointed 298

alternately by a majority of the boards of township trustees 299
within one of the counties in the district. The two persons who 300
are the county engineers of the counties in the district also 301
shall be members of the committee. At least six of these members 302
or their alternates shall agree upon the appointment to the 303
committee of a private sector person who shall have experience in 304
local infrastructure planning and economic development. The 305
affirmative vote of seven committee members or their alternates is 306
required for any action taken by a vote of the committee. 307

The first appointment to the committee made by the majority 308
of the boards of township trustees of a county shall be made by 309
the boards of township trustees located in the least populous 310
county of the district, and the first appointment made by the 311
majority of the chief executives of municipal corporations, other 312
than the largest municipal corporation, of a county shall be made 313
by the chief executives of municipal corporations, other than the 314
largest municipal corporation, from the most populous county in 315
the district. 316

Notwithstanding division (C) of this section, the members of 317
the district committee appointed alternately by a majority of the 318
chief executive officers of municipal corporations, other than the 319
largest municipal corporation, of a county and a majority of 320
boards of township trustees of a county shall serve five-year 321
terms. 322

(5) In districts seven, nine, and ten, the district committee 323
shall consist of two members appointed by the board of county 324
commissioners of each county in the district, two members 325
appointed by a majority of the chief executive officers of all 326
cities within each county in the district, three members appointed 327
by a majority of the boards of township trustees of all townships 328
in the district, three members appointed by a majority of chief 329
executive officers of all villages in the district, one member who 330

is appointed by a majority of the county engineers in the district 331
and who shall be a county engineer, and one member, who shall have 332
experience in local infrastructure planning and economic 333
development, shall be appointed by a majority of all other 334
committee members or their alternates. If there is a county in the 335
district in which there are no cities, the member that is to be 336
appointed by the chief executive officers of the cities within 337
that county shall be appointed by the chief executive officer of 338
the village with the largest population in that county. 339

(6) In districts five, eleven, and thirteen through eighteen, 340
the members of each district committee shall be appointed as 341
follows: one member shall be appointed by each board of county 342
commissioners; one member shall be appointed by the majority of 343
the chief executive officers of the cities located in each county; 344
three members shall be appointed by a majority of the chief 345
executive officers of villages located within the district; three 346
members shall be appointed by a majority of the boards of township 347
trustees located within the district; one member shall be 348
appointed by a majority of the county engineers of the district 349
and shall be a county engineer; and one member, who shall have 350
experience in local infrastructure planning and economic 351
development and who shall represent the interests of private 352
industry within the district, shall be appointed by a majority of 353
the members of the committee or their alternates. If there is a 354
county in the district in which there are no cities, the member 355
that is to be appointed by the chief executive officers of the 356
cities within that county shall be appointed by the chief 357
executive officer of the village with the largest population in 358
that county. 359

(7) In districts five, seven, nine, ten, eleven, thirteen, 360
fourteen, sixteen, and seventeen organized in accordance with 361
divisions (A)(5) and (6) of this section, a nine-member executive 362

committee shall be established that shall include at least one of 363
the persons appointed to the district committee by the chief 364
executive officers of the villages within the district, at least 365
one of the persons appointed to the district committee by the 366
boards of township trustees within the district, the person 367
appointed to the district committee to represent the interests of 368
private industry, and six additional district committee members 369
selected to serve on the executive committee by a majority of the 370
members of the district committee or their alternates, except that 371
not more than three persons who were appointed to the district 372
committee by a board of county commissioners and not more than 373
three persons who were appointed to the district committee by the 374
chief executives of the cities located in the district shall serve 375
on the executive committee. 376

(8) In districts fifteen and eighteen organized in accordance 377
with division (A)(6) of this section, an eleven-member executive 378
committee shall be established that shall include at least one of 379
the persons appointed to the district committee by the chief 380
executive officers of the villages within the district, at least 381
one of the persons appointed to the district committee by the 382
boards of township trustees within the district, the person 383
appointed to the district committee to represent the interests of 384
private industry, and eight additional district committee members 385
selected to serve on the executive committee by a majority of the 386
members of the district committee or their alternates, except that 387
not more than four persons who were appointed to the district 388
committee by a board of county commissioners and not more than 389
four persons who were appointed to the district committee by the 390
chief executives of the cities located in the district shall serve 391
on the executive committee. No more than two persons from each 392
county shall be on the executive committee. 393

All decisions of a district committee required to be 394

organized in accordance with divisions (A)(5) and (6) of this 395
section shall be approved by its executive committee. The 396
affirmative vote of at least seven executive committee members or 397
their alternates for executive committees formed under division 398
(A)(7) of this section and at least nine members or their 399
alternates for executive committees formed under division (A)(8) 400
of this section is required for any action taken by vote of the 401
executive committee, except that any decision of the executive 402
committee may be rejected by a vote of at least two-thirds of the 403
full membership of the district committee within thirty days of 404
the executive committee action. Only projects approved by the 405
executive committee may be submitted to the director of the Ohio 406
public works commission pursuant to section 164.05 of the Revised 407
Code. 408

(B) Appointing authorities that appoint district committee 409
members also may appoint an alternate for each committee member 410
appointed under divisions (A)(1) to (6) of this section. If a 411
district committee member is absent from a district or executive 412
committee or subcommittee meeting, the alternate has the right to 413
vote and participate in all proceedings and actions at that 414
meeting. 415

(C) Terms of office for members of district committees and 416
their alternates shall be for three years, with each term ending 417
on the same day of the same month as did the term that it 418
succeeds. Each member and that member's alternate shall hold 419
office from the date of appointment until the end of the term for 420
which the member is appointed, except that, with respect to any 421
member who was an elected or appointed official of a township, 422
county, or municipal corporation or that member's alternate, the 423
term of office for that person under this section shall not extend 424
beyond the member's term as an elected or appointed official 425
unless the member was appointed by a group of officials of more 426

than one political subdivision or the members of the district 427
committee, in which case the member's alternate shall continue to 428
serve for the full term. Members and their alternates may be 429
reappointed. Vacancies shall be filled in the same manner provided 430
for original appointments. Any member or that member's alternate 431
appointed to fill a vacancy occurring prior to the expiration date 432
of the term for which the member's or alternate's predecessor was 433
appointed shall hold office for the remainder of that term. A 434
member or that member's alternate shall continue in office 435
subsequent to the expiration date of the member's or alternate's 436
term until the member's or alternate's successor takes office or 437
until a period of sixty days has elapsed, whichever occurs first. 438
Each district public works integrating committee shall elect a 439
chairperson, vice-chairperson, and other officers it considers 440
advisable. 441

(D) For purposes of this chapter, if a subdivision is located 442
in more than one county or in more than one district, the 443
subdivision shall be deemed to be a part of the county or district 444
in which the largest number of its population is located. However, 445
if after a decennial census the change in a subdivision's 446
population would result in the subdivision becoming part of a 447
different county or district, the legislative authority of the 448
subdivision may, by resolution, choose to remain a part of the 449
county or district of which the subdivision was originally deemed 450
to be a part. Such a decision is not revocable unless similar 451
conditions arise following the next decennial census. 452

(E) Notwithstanding any provision of law to the contrary, a 453
county, municipal, or township public official may serve as a 454
member of a district public works integrating committee. 455

(F) A member of a district committee or that member's 456
alternate does not have an unlawful interest in a public contract 457
under section 2921.42 of the Revised Code solely by virtue of the 458

receipt of financial assistance under this chapter by the local 459
subdivision of which the member or that member's alternate is also 460
a public official or appointee. 461

Sec. 164.08. (A) Except as provided in sections 151.01 and 462
151.08 or section 164.09 of the Revised Code, the net proceeds of 463
obligations issued and sold by the treasurer of state pursuant to 464
section 164.09 of the Revised Code before September 30, 2000, or 465
pursuant to sections 151.01 and 151.08 of the Revised Code, for 466
the purpose of financing or assisting in the financing of the cost 467
of public infrastructure capital improvement projects of local 468
subdivisions, as provided for in Section 2k, 2m, or 2p of Article 469
VIII, Ohio Constitution, and this chapter, shall be paid into the 470
state capital improvements fund, which is hereby created in the 471
state treasury. Investment earnings on moneys in the fund shall be 472
credited to the fund. 473

(B) ~~Each~~ Beginning July 1, 2011, each program year the amount 474
of obligations authorized by the general assembly in accordance 475
with sections 151.01 and 151.08 or section 164.09 of the Revised 476
Code, excluding the proceeds of refunding or renewal obligations, 477
shall be allocated by the director of the Ohio public works 478
commission as follows: 479

(1) First, ~~twelve~~ fifteen million dollars of the amount of 480
obligations authorized shall be allocated to provide financial 481
assistance to villages and to townships with populations in the 482
unincorporated areas of the township of less than five thousand 483
persons, for capital improvements in accordance with section 484
164.051 and division (D) of section 164.06 of the Revised Code. As 485
used in division (B)(1) of this section, "capital improvements" 486
includes resurfacing and improving roads. 487

(2) Following the allocation required by division (B)(1) of 488
this section, the director may allocate ~~two~~ three million ~~five~~ 489

~~hundred thousand~~ dollars of the authorized obligations to provide 490
financial assistance to local subdivisions for capital improvement 491
projects which in the judgment of the director of the Ohio public 492
works commission are necessary for the immediate preservation of 493
the health, safety, and welfare of the citizens of the local 494
subdivision requesting assistance. 495

(3) For the second, third, fourth, and fifth years that 496
obligations are authorized and are available for allocation under 497
this chapter, one million dollars shall be allocated to the sewer 498
and water fund created in section 1525.11 of the Revised Code. 499
Money from this allocation shall be transferred to that fund when 500
needed to support specific payments from that fund. 501

(4) For program years twelve and fourteen that obligations 502
are authorized and available for allocation under this chapter, 503
two million dollars each program year shall be allocated to the 504
small county capital improvement program for use in providing 505
financial assistance under division (F) of section 164.02 of the 506
Revised Code. 507

(5) After the allocation required by division (B)(3) of this 508
section is made, the director shall determine the amount of the 509
remaining obligations authorized to be issued and sold that each 510
county would receive if such amounts were allocated on a per 511
capita basis each year. If a county's per capita share for the 512
year would be less than three hundred thousand dollars, the 513
director shall allocate to the district in which that county is 514
located an amount equal to the difference between three hundred 515
thousand dollars and the county's per capita share. 516

(6) After making the allocation required by division (B)(5) 517
of this section, the director shall allocate the remaining amount 518
to each district on a per capita basis. 519

(C)(1) There is hereby created in the state treasury the 520

state capital improvements revolving loan fund, into which shall 521
be deposited all repayments of loans made to local subdivisions 522
for capital improvements pursuant to this chapter. Investment 523
earnings on moneys in the fund shall be credited to the fund. 524

(2) There may also be deposited in the state capital 525
improvements revolving loan fund moneys obtained from federal or 526
private grants, or from other sources, which are to be used for 527
any of the purposes authorized by this chapter. Such moneys shall 528
be allocated each year in accordance with division (B)(6) of this 529
section. 530

(3) Moneys deposited into the state capital improvements 531
revolving loan fund shall be used to make loans for the purpose of 532
financing or assisting in the financing of the cost of capital 533
improvement projects of local subdivisions. 534

(4) Investment earnings credited to the state capital 535
improvements revolving loan fund that exceed the amounts required 536
to meet estimated federal arbitrage rebate requirements shall be 537
used to pay costs incurred by the public works commission in 538
administering this section. Investment earnings credited to the 539
state capital improvements revolving loan fund that exceed the 540
amounts required to pay for the administrative costs and estimated 541
rebate requirements shall be allocated to each district on a per 542
capita basis. 543

(5) Each program year, loan repayments received and on 544
deposit in the state capital improvements revolving loan fund 545
shall be allocated as follows: 546

(a) Each district public works integrating committee shall be 547
allocated an amount equal to the sum of all loan repayments made 548
to the state capital improvements revolving loan fund by local 549
subdivisions that are part of the district. Moneys not used in a 550
program year may be used in the next program year in the same 551

manner and for the same purpose as originally allocated. 552

(b) Loan repayments made pursuant to projects approved under 553
division (B)(1) of this section shall be used to make loans in 554
accordance with section 164.051 and division (D) of section 164.06 555
of the Revised Code. Allocations for this purpose made pursuant to 556
division (C)(5) of this section shall be in addition to the 557
allocation provided in division (B)(1) of this section. 558

(c) Loan repayments made pursuant to projects approved under 559
division (B)(2) of this section shall be used to make loans in 560
accordance with division (B)(2) of this section. Allocations for 561
this purpose made pursuant to division (C)(5) of this section 562
shall be in addition to the allocation provided in division (B)(2) 563
of this section. 564

(d) Loans made from the state capital improvements revolving 565
loan fund shall not be limited in their usage by divisions (E), 566
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 567

(D) Investment earnings credited to the state capital 568
improvements fund that exceed the amounts required to meet 569
estimated federal arbitrage rebate requirements shall be used to 570
pay costs incurred by the public works commission in administering 571
sections 164.01 to 164.12 of the Revised Code. 572

(E) The director of the Ohio public works commission shall 573
notify the director of budget and management of the amounts 574
allocated pursuant to this section and such information shall be 575
entered into the state accounting system. The director of budget 576
and management shall establish appropriation line items as needed 577
to track these allocations. 578

(F) If the amount of a district's allocation in a program 579
year exceeds the amount of financial assistance approved for the 580
district by the commission for that year, the remaining portion of 581
the district's allocation shall be added to the district's 582

allocation pursuant to division (B) of this section for the next 583
succeeding year for use in the same manner and for the same 584
purposes as it was originally allocated, except that any portion 585
of a district's allocation which was available for use on new or 586
expanded infrastructure pursuant to division (H) of section 164.05 587
of the Revised Code shall be available in succeeding years only 588
for the repair and replacement of existing infrastructure. 589

(G) When an allocation based on population is made by the 590
director pursuant to division (B) of this section, the director 591
shall use the most recent decennial census statistics, and shall 592
not make any reallocations based upon a change in a district's 593
population. 594

Sec. 306.35. Upon the creation of a regional transit 595
authority as provided by section 306.32 of the Revised Code, and 596
upon the qualifying of its board of trustees and the election of a 597
president and a vice-president, the authority shall exercise in 598
its own name all the rights, powers, and duties vested in and 599
conferred upon it by sections 306.30 to 306.53 of the Revised 600
Code. Subject to any reservations, limitations, and qualifications 601
that are set forth in those sections, the regional transit 602
authority: 603

(A) May sue or be sued in its corporate name; 604

(B) May make contracts in the exercise of the rights, powers, 605
and duties conferred upon it; 606

(C) May adopt and at will alter a seal and use such seal by 607
causing it to be impressed, affixed, reproduced, or otherwise 608
used, but failure to affix the seal shall not affect the validity 609
of any instrument; 610

(D)(1) May adopt, amend, and repeal bylaws for the 611
administration of its affairs and rules for the control of the 612

administration and operation of transit facilities under its 613
jurisdiction, and for the exercise of all of its rights of 614
ownership in those transit facilities; 615

(2) The regional transit authority also may adopt bylaws and 616
rules for the following purposes: 617

(a) To prohibit selling, giving away, or using any beer or 618
intoxicating liquor on transit vehicles or transit property; 619

(b) For the preservation of good order within or on transit 620
vehicles or transit property; 621

(c) To provide for the protection and preservation of all 622
property and life within or on transit vehicles or transit 623
property; 624

(d) To regulate and enforce the collection of fares. 625

(3) Before a bylaw or rule adopted under division (D)(2) of 626
this section takes effect, the regional transit authority shall 627
provide for a notice of its adoption to be published once a week 628
for two consecutive weeks in a newspaper of general circulation 629
within the territorial boundaries of the regional transit 630
authority. 631

(4) No person shall violate any bylaw or rule of a regional 632
transit authority adopted under division (D)(2) of this section. 633

(E) May fix, alter, and collect fares, rates, and rentals and 634
other charges for the use of transit facilities under its 635
jurisdiction to be determined exclusively by it for the purpose of 636
providing for the payment of the expenses of the regional transit 637
authority, the acquisition, construction, improvement, extension, 638
repair, maintenance, and operation of transit facilities under its 639
jurisdiction, the payment of principal and interest on its 640
obligations, and to fulfill the terms of any agreements made with 641
purchasers or holders of any such obligations, or with any person 642

or political subdivision; 643

(F) Shall have jurisdiction, control, possession, and 644
supervision of all property, rights, easements, licenses, moneys, 645
contracts, accounts, liens, books, records, maps, or other 646
property rights and interests conveyed, delivered, transferred, or 647
assigned to it; 648

(G) May acquire, construct, improve, extend, repair, lease, 649
operate, maintain, or manage transit facilities within or without 650
its territorial boundaries, considered necessary to accomplish the 651
purposes of its organization and make charges for the use of 652
transit facilities, except that a regional transit authority shall 653
not acquire, construct, improve, extend, repair, lease, operate, 654
maintain, or manage transit facilities outside its territorial 655
boundaries until it has provided written notice of its proposed 656
action to the board of county commissioners of each county, the 657
legislative authority of each municipal corporation, and the board 658
of township trustees of each township within whose territory the 659
action of the regional transit authority is proposed and has 660
received from each affected local government a resolution or 661
ordinance, as applicable, approving the proposed activity; 662

(H) May levy and collect taxes as provided in sections 306.40 663
and 306.49 of the Revised Code; 664

(I) May issue bonds secured by its general credit as provided 665
in section 306.40 of the Revised Code; 666

(J) May hold, encumber, control, acquire by donation, by 667
purchase for cash or by installment payments, by lease-purchase 668
agreement, by lease with option to purchase, or by condemnation, 669
and may construct, own, lease as lessee or lessor, use, and sell, 670
real and personal property, or any interest or right in real and 671
personal property, within or without its territorial boundaries, 672
for the location or protection of transit facilities and 673

improvements and access to transit facilities and improvements, 674
the relocation of buildings, structures, and improvements situated 675
on lands acquired by the regional transit authority, or for any 676
other necessary purpose, or for obtaining or storing materials to 677
be used in constructing, maintaining, and improving transit 678
facilities under its jurisdiction; 679

(K) May exercise the power of eminent domain to acquire 680
property or any interest in property, within or without its 681
territorial boundaries, that is necessary or proper for the 682
construction or efficient operation of any transit facility or 683
access to any transit facility under its jurisdiction in 684
accordance with section 306.36 of the Revised Code; 685

(L) May provide by agreement with any county, including the 686
counties within its territorial boundaries, or any municipal 687
corporation or any combination of counties or municipal 688
corporations for the making of necessary surveys, appraisals, and 689
examinations preliminary to the acquisition or construction of any 690
transit facility and the amount of the expense for the surveys, 691
appraisals, and examinations to be paid by each such county or 692
municipal corporation; 693

(M) May provide by agreement with any county, including the 694
counties within its territorial boundaries, or any municipal 695
corporation or any combination of those counties or municipal 696
corporations for the acquisition, construction, improvement, 697
extension, maintenance, or operation of any transit facility owned 698
or to be owned and operated by it or owned or to be owned and 699
operated by any such county or municipal corporation and the terms 700
on which it shall be acquired, leased, constructed, maintained, or 701
operated, and the amount of the cost and expense of the 702
acquisition, lease, construction, maintenance, or operation to be 703
paid by each such county or municipal corporation; 704

(N) May issue revenue bonds for the purpose of acquiring, 705

replacing, improving, extending, enlarging, or constructing any 706
facility or permanent improvement that it is authorized to 707
acquire, replace, improve, extend, enlarge, or construct, 708
including all costs in connection with and incidental to the 709
acquisition, replacement, improvement, extension, enlargement, or 710
construction, and their financing, as provided by section 306.37 711
of the Revised Code; 712

(O) May enter into and supervise franchise agreements for the 713
operation of a transit system; 714

(P) May accept the assignment of and supervise an existing 715
franchise agreement for the operation of a transit system; 716

(Q) May exercise a right to purchase a transit system in 717
accordance with the acquisition terms of an existing franchise 718
agreement; and in connection with the purchase the regional 719
transit authority may issue revenue bonds as provided by section 720
306.37 of the Revised Code or issue bonds secured by its general 721
credit as provided in section 306.40 of the Revised Code; 722

(R) May apply for and accept grants or loans from the United 723
States, the state, or any other public body for the purpose of 724
providing for the development or improvement of transit 725
facilities, mass transportation facilities, equipment, techniques, 726
methods, or services, and grants or loans needed to exercise a 727
right to purchase a transit system pursuant to agreement with the 728
owner of those transit facilities, or for providing lawful 729
financial assistance to existing transit systems; and may provide 730
any consideration that may be required in order to obtain those 731
grants or loans from the United States, the state, or other public 732
body, either of which grants or loans may be evidenced by the 733
issuance of revenue bonds as provided by section 306.37 of the 734
Revised Code or general obligation bonds as provided by section 735
306.40 of the Revised Code; 736

(S) May employ and fix the compensation of consulting 737
engineers, superintendents, managers, and such other engineering, 738
construction, accounting and financial experts, attorneys, and 739
other employees and agents necessary for the accomplishment of its 740
purposes; 741

(T) May procure insurance against loss to it by reason of 742
damages to its properties resulting from fire, theft, accident, or 743
other casualties or by reason of its liability for any damages to 744
persons or property occurring in the construction or operation of 745
transit facilities under its jurisdiction or the conduct of its 746
activities; 747

(U) May maintain funds that it considers necessary for the 748
efficient performance of its duties; 749

(V) May direct its agents or employees, when properly 750
identified in writing, after at least five days' written notice, 751
to enter upon lands within or without its territorial boundaries 752
in order to make surveys and examinations preliminary to the 753
location and construction of transit facilities, without liability 754
to it or its agents or employees except for actual damage done; 755

(W) On its own motion, may request the appropriate zoning 756
board, as defined in section 4563.03 of the Revised Code, to 757
establish and enforce zoning regulations pertaining to any transit 758
facility under its jurisdiction in the manner prescribed by 759
sections 4563.01 to 4563.21 of the Revised Code; 760

(X) If it acquires any existing transit system, shall assume 761
all the employer's obligations under any existing labor contract 762
between the employees and management of the system. If the board 763
acquires, constructs, controls, or operates any such facilities, 764
it shall negotiate arrangements to protect the interests of 765
employees affected by the acquisition, construction, control, or 766
operation. The arrangements shall include, but are not limited to: 767

(1) The preservation of rights, privileges, and benefits	768
under existing collective bargaining agreements or otherwise, the	769
preservation of rights and benefits under any existing pension	770
plans covering prior service, and continued participation in	771
social security in addition to participation in the public	772
employees retirement system as required in Chapter 145. of the	773
Revised Code;	774
(2) The continuation of collective bargaining rights;	775
(3) The protection of individual employees against a	776
worsening of their positions with respect to their employment;	777
(4) Assurances of employment to employees of those transit	778
systems and priority reemployment of employees terminated or laid	779
off;	780
(5) Paid training or retraining programs;	781
(6) Signed written labor agreements.	782
The arrangements may include provisions for the submission of	783
labor disputes to final and binding arbitration.	784
(Y) May provide for and maintain security operations,	785
including a transit police department, subject to section 306.352	786
of the Revised Code. Regional transit authority police officers	787
shall have the power and duty to act as peace officers within	788
transit facilities owned, operated, or leased by the transit	789
authority to protect the transit authority's property and the	790
person and property of passengers, to preserve the peace, and to	791
enforce all laws of the state and ordinances and regulations of	792
political subdivisions in which the transit authority operates.	793
Regional transit authority police officers also shall have the	794
power and duty to act as peace officers when they render emergency	795
assistance outside their jurisdiction to any other peace officer	796
who is not a regional transit authority police officer and who has	797
arrest authority under section 2935.03 of the Revised Code.	798

Regional transit authority police officers may render emergency 799
assistance if there is a threat of imminent physical danger to the 800
peace officer, a threat of physical harm to another person, or any 801
other serious emergency situation and if either the peace officer 802
who is assisted requests emergency assistance or it appears that 803
the peace officer who is assisted is unable to request emergency 804
assistance and the circumstances observed by the regional transit 805
authority police officer reasonably indicate that emergency 806
assistance is appropriate. 807

Before exercising powers of arrest and the other powers and 808
duties of a peace officer, each regional transit authority police 809
officer shall take an oath and give bond to the state in a sum 810
that the board of trustees prescribes for the proper performance 811
of the officer's duties. 812

Persons employed as regional transit authority police 813
officers shall complete training for the position to which they 814
have been appointed as required by the Ohio peace officer training 815
commission as authorized in section 109.77 of the Revised Code, or 816
be otherwise qualified. The cost of the training shall be provided 817
by the regional transit authority. 818

(Z) May procure a policy or policies insuring members of its 819
board of trustees against liability on account of damages or 820
injury to persons and property resulting from any act or omission 821
of a member in the member's official capacity as a member of the 822
board or resulting solely out of the member's membership on the 823
board; 824

(AA) May enter into any agreement for the sale and leaseback 825
or lease and leaseback of transit facilities, which agreement may 826
contain all necessary covenants for the security and protection of 827
any lessor or the regional transit authority including, but not 828
limited to, indemnification of the lessor against the loss of 829
anticipated tax benefits arising from acts, omissions, or 830

misrepresentations of the regional transit authority. In 831
connection with that transaction, the regional transit authority 832
may contract for insurance and letters of credit and pay any 833
premiums or other charges for the insurance and letters of credit. 834
The fiscal officer shall not be required to furnish any 835
certificate under section 5705.41 of the Revised Code in 836
connection with the execution of any such agreement. 837

(BB) In regard to any contract entered into on or after March 838
19, 1993, for the rendering of services or the supplying of 839
materials or for the construction, demolition, alteration, repair, 840
or reconstruction of transit facilities in which a bond is 841
required for the faithful performance of the contract, may permit 842
the person awarded the contract to utilize a letter of credit 843
issued by a bank or other financial institution in lieu of the 844
bond; 845

(CC) May enter into agreements with municipal corporations 846
located within the territorial jurisdiction of the regional 847
transit authority permitting regional transit authority police 848
officers employed under division (Y) of this section to exercise 849
full arrest powers, as provided in section 2935.03 of the Revised 850
Code, for the purpose of preserving the peace and enforcing all 851
laws of the state and ordinances and regulations of the municipal 852
corporation within the areas that may be agreed to by the regional 853
transit authority and the municipal corporation. 854

Sec. 4163.07. (A)(1) Prior to transporting any high-level 855
radioactive waste, spent nuclear fuel, transuranic waste, or any 856
quantity of special nuclear material or by-product material that 857
meets or exceeds the highway route controlled quantity, within, 858
into, or through the state, the carrier or shipper of the material 859
shall notify the executive director of the emergency management 860
agency established under section 5502.22 of the Revised Code of 861

the shipment. The notice shall be in writing and be sent by 862
certified mail and shall include the name of the shipper; the name 863
of the carrier; the type and quantity of the material; the 864
transportation mode of the shipment; the proposed date and time of 865
shipment of the material within, into, or through the state; and 866
the starting point, termination or exit point, scheduled route, 867
and each alternate route, if any, of the shipment. In order to 868
constitute effective notification under division (A)(1) of this 869
section, notification shall be received by the executive director 870
at least four days prior to shipment within, into, or through the 871
state. 872

(2) The carrier or shipper of any shipment subject to 873
division (A)(1) of this section shall immediately notify the 874
executive director of any change in the date and time of the 875
shipment or in the route of the shipment within, into, or through 876
the state. 877

(B) Upon receipt of a notice of any shipment of material that 878
is subject to division (A)(1) of this section within, into, or 879
through the state, the executive director of the emergency 880
management agency shall immediately notify the director of public 881
safety, the director of environmental protection, the director of 882
health, the chairperson of the public utilities commission, and 883
the county emergency management agency and sheriff of each county 884
along the proposed route, or any alternate route, of the shipment. 885

(C) The executive director of the emergency management agency 886
shall not disclose to any person other than those persons 887
enumerated in division (B) of this section any information 888
pertaining to any shipment of special nuclear material or 889
by-product material prior to the time that the shipment is 890
completed. 891

(D) This section does not apply to radioactive materials, 892
other than by-products, shipped by or for the United States 893

department of defense and United States department of energy for 894
military or national defense purposes. Nothing in this section 895
requires the disclosure of any defense information or restricted 896
data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 897
42 U.S.C. 2011, as amended. 898

(E) No person shall transport or cause to be transported 899
within, into, or through the state any material that is subject to 900
division (A)(1) of this section without first providing the notice 901
required in that division. 902

(F) Whoever violates division (E) of this section, in 903
addition to any penalty imposed under section 4163.99 of the 904
Revised Code, is liable for a civil penalty in an amount not to 905
exceed ~~ten times the amount of the fee due under section 4905.801~~ 906
~~of the Revised Code. The~~ the following, as applicable: 907

(1) Twenty-five thousand dollars for a motor carrier; 908

(2) Forty-five thousand dollars for the first cask designated 909
for transport by rail and thirty thousand dollars for each 910
additional cask designated for transport by rail that is shipped 911
by the same person or entity in the same shipment. 912

The attorney general, upon the request of the executive 913
director of the emergency management agency, shall bring a civil 914
action to collect the penalty. Fines collected pursuant to this 915
section shall be deposited into the state treasury to the credit 916
of the radioactive waste transportation fund created in section 917
~~4905.802~~ 4905.801 of the Revised Code. 918

Sec. 4301.62. (A) As used in this section: 919

(1) "Chauffeured limousine" means a vehicle registered under 920
section 4503.24 of the Revised Code. 921

(2) "Street," "highway," and "motor vehicle" have the same 922
meanings as in section 4511.01 of the Revised Code. 923

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	924
	925
	926
(1) In a state liquor store;	927
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	928
	929
	930
(3) In any other public place;	931
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	932
	933
	934
	935
	936
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	937
	938
	939
	940
(C)(1) A person may have in the person's possession an opened container of any of the following:	941
	942
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;	943
	944
	945
	946
	947
	948
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	949
	950
	951
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised	952
	953

Code; 954

(d) Beer or intoxicating liquor to be consumed during 955
tastings and samplings approved by rule of the liquor control 956
commission. 957

(2) A person may have in the person's possession on an F 958
liquor permit premises an opened container of beer or intoxicating 959
liquor that was not purchased from the holder of the F permit if 960
the premises for which the F permit is issued is a music festival 961
and the holder of the F permit grants permission for that 962
possession on the premises during the period for which the F 963
permit is issued. As used in this division, "music festival" means 964
a series of outdoor live musical performances, extending for a 965
period of at least three consecutive days and located on an area 966
of land of at least forty acres. 967

(3)(a) A person may have in the person's possession on a D-2 968
liquor permit premises an opened or unopened container of wine 969
that was not purchased from the holder of the D-2 permit if the 970
premises for which the D-2 permit is issued is an outdoor 971
performing arts center, the person is attending an orchestral 972
performance, and the holder of the D-2 permit grants permission 973
for the possession and consumption of wine in certain 974
predesignated areas of the premises during the period for which 975
the D-2 permit is issued. 976

(b) As used in division (C)(3)(a) of this section: 977

(i) "Orchestral performance" means a concert comprised of a 978
group of not fewer than forty musicians playing various musical 979
instruments. 980

(ii) "Outdoor performing arts center" means an outdoor 981
performing arts center that is located on not less than ~~eight~~ one 982
hundred fifty acres of land and that is open for performances from 983
the first day of April to the last day of October of each year. 984

(4) A person may have in the person's possession an opened or 985
unopened container of beer or intoxicating liquor at an outdoor 986
location at which the person is attending an orchestral 987
performance as defined in division (C)(3)(b)(i) of this section if 988
the person with supervision and control over the performance 989
grants permission for the possession and consumption of beer or 990
intoxicating liquor in certain predesignated areas of that outdoor 991
location. 992

(D) This section does not apply to a person who pays all or a 993
portion of the fee imposed for the use of a chauffeured limousine 994
pursuant to a prearranged contract, or the guest of the person, 995
when all of the following apply: 996

(1) The person or guest is a passenger in the limousine. 997

(2) The person or guest is located in the limousine, but is 998
not occupying a seat in the front compartment of the limousine 999
where the operator of the limousine is located. 1000

(3) The limousine is located on any street, highway, or other 1001
public or private property open to the public for purposes of 1002
vehicular travel or parking. 1003

(E) An opened bottle of wine that was purchased from the 1004
holder of a permit that authorizes the sale of wine for 1005
consumption on the premises where sold is not an opened container 1006
for the purposes of this section if both of the following apply: 1007

(1) The opened bottle of wine is securely resealed by the 1008
permit holder or an employee of the permit holder before the 1009
bottle is removed from the premises. The bottle shall be secured 1010
in such a manner that it is visibly apparent if the bottle has 1011
been subsequently opened or tampered with. 1012

(2) The opened bottle of wine that is resealed in accordance 1013
with division (E)(1) of this section is stored in the trunk of a 1014
motor vehicle or, if the motor vehicle does not have a trunk, 1015

behind the last upright seat or in an area not normally occupied 1016
by the driver or passengers and not easily accessible by the 1017
driver. 1018

Sec. 4501.02. (A) There is hereby created in the department 1019
of public safety a bureau of motor vehicles, which shall be 1020
administered by a registrar of motor vehicles. The registrar shall 1021
be appointed by the director of public safety and shall serve at 1022
the director's pleasure. 1023

The registrar shall administer the laws of the state relative 1024
to the registration of and certificates of title for motor 1025
vehicles, and the licensing of motor vehicle dealers, motor 1026
vehicle leasing dealers, distributors, and salespersons, and of 1027
motor vehicle salvage dealers, salvage motor vehicle auctions, and 1028
salvage motor vehicle pools. The registrar also shall, in 1029
accordance with section 4503.61 of the Revised Code, take those 1030
steps necessary to enter this state into membership in the 1031
international registration plan and carry out the registrar's 1032
other duties under that section. The registrar, with the approval 1033
of the director of public safety, may do all of the following: 1034

(1) Adopt such forms and rules as are necessary to carry out 1035
all laws the registrar is required to administer; 1036

(2) Appoint such number of assistants, deputies, clerks, 1037
stenographers, and other employees as are necessary to carry out 1038
such laws; 1039

(3) Acquire or lease such facilities as are necessary to 1040
carry out the duties of the registrar's office; 1041

(4) Apply for, allocate, disburse, and account for grants 1042
made available under federal law or from other federal, state, or 1043
private sources; 1044

(5) Establish accounts in a bank or depository and deposit 1045

any funds collected by the registrar in those accounts to the 1046
credit of "state of Ohio, bureau of motor vehicles." Within three 1047
days after the deposit of funds in such an account, the registrar 1048
shall draw on that account in favor of the treasurer of state. The 1049
registrar may reserve funds against the draw to the treasurer of 1050
state to the extent reasonably necessary to ensure that the 1051
deposited items are not dishonored. The registrar may pay any 1052
service charge usually collected by the bank or depository. 1053

The registrar shall give a bond for the faithful performance 1054
of the registrar's duties in such amount and with such security as 1055
the director approves. When in the opinion of the director it is 1056
advisable, any deputy or other employee may be required to give 1057
bond in such amount and with such security as the director 1058
approves. In the discretion of the director, the bonds authorized 1059
to be taken on deputies or other employees may be individual, 1060
schedule, or blanket bonds. 1061

The director of public safety may investigate the activities 1062
of the bureau and have access to its records at any time, and the 1063
registrar shall make a report to the director at any time upon 1064
request. 1065

All laws relating to the licensing of motor vehicle dealers, 1066
motor vehicle leasing dealers, distributors, and salespersons, and 1067
of motor vehicle salvage dealers, salvage motor vehicle auctions, 1068
and salvage motor vehicle pools, designating and granting power to 1069
the registrar shall be liberally construed to the end that the 1070
practice or commission of fraud in the business of selling motor 1071
vehicles and of disposing of salvage motor vehicles may be 1072
prohibited and prevented. 1073

(B) There is hereby created in the department of public 1074
safety a division of emergency medical services, which shall be 1075
administered by an executive director of emergency medical 1076
services appointed under section 4765.03 of the Revised Code. 1077

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1078
referred to in division (O) of section 4503.04, division (E) of 1079
section 4503.042, division (B) of section 4503.07, division (C)(1) 1080
of section 4503.10, division (D) of section 4503.182, division (A) 1081
of section 4503.19, division (D)(2) of section 4507.24, division 1082
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 1083
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 1084
of the Revised Code, and the taxes charged in section 4503.65 that 1085
are distributed in accordance with division (A)(2) of section 1086
4501.044 of the Revised Code unless otherwise designated by law, 1087
shall be deposited in the state treasury to the credit of the 1088
state highway safety fund, which is hereby created, and shall, 1089
after receipt of certifications from the commissioners of the 1090
sinking fund certifying, ~~as required by sections 5528.15 and~~ 1091
~~5528.35 of the Revised Code, that there are sufficient moneys to~~ 1092
~~the credit of the highway improvement bond retirement fund created~~ 1093
~~by section 5528.12 of the Revised Code to meet in full all~~ 1094
~~payments of interest, principal, and charges for the retirement of~~ 1095
~~bonds and other obligations issued pursuant to Section 2g of~~ 1096
~~Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11~~ 1097
~~of the Revised Code due and payable during the current calendar~~ 1098
~~year, and~~ that there are sufficient moneys to the credit of the 1099
highway obligations bond retirement fund created by section 1100
5528.32 of the Revised Code to meet in full all payments of 1101
interest, principal, and charges for the retirement of highway 1102
obligations issued pursuant to Section 2i of Article VIII, Ohio 1103
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1104
due and payable during the current calendar year, be used for the 1105
purpose of enforcing and paying the expenses of administering the 1106
law relative to the registration and operation of motor vehicles 1107
on the public roads or highways. Amounts credited to the fund may 1108
also be used to pay the expenses of administering and enforcing 1109

the laws under which such fees were collected. All investment 1110
earnings of the state highway safety fund shall be credited to the 1111
fund. 1112

Sec. 4501.21. (A) There is hereby created in the state 1113
treasury the license plate contribution fund. The fund shall 1114
consist of all contributions paid by motor vehicle registrants and 1115
collected by the registrar of motor vehicles pursuant to sections 1116
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 1117
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 1118
4503.523, 4503.531, 4503.545, 4503.55, 4503.551, 4503.552, 1119
4503.553, 4503.561, 4503.562, 4503.591, 4503.67, 4503.68, 4503.69, 1120
4503.71, 4503.711, 4503.712, 4503.72, 4503.73, 4503.74, 4503.75, 1121
4503.85, 4503.89, ~~and~~ 4503.92, and 4503.94 of the Revised Code. 1122

(B) The registrar shall pay the contributions the registrar 1123
collects in the fund as follows: 1124

The registrar shall pay the contributions received pursuant 1125
to section 4503.491 of the Revised Code to the breast cancer fund 1126
of Ohio, which shall use that money only to pay for programs that 1127
provide assistance and education to Ohio breast cancer patients 1128
and that improve access for such patients to quality health care 1129
and clinical trials and shall not use any of the money for 1130
abortion information, counseling, services, or other 1131
abortion-related activities. 1132

The registrar shall pay the contributions received pursuant 1133
to section 4503.493 of the Revised Code to the autism society of 1134
Ohio, which shall use the contributions for programs and autism 1135
awareness efforts throughout the state. 1136

The registrar shall pay the contributions the registrar 1137
receives pursuant to section 4503.494 of the Revised Code to the 1138
national multiple sclerosis society for distribution in equal 1139
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 1140

chapters of the national multiple sclerosis society. These 1141
chapters shall use the money they receive under this section to 1142
assist in paying the expenses they incur in providing services 1143
directly to their clients. 1144

The registrar shall pay the contributions the registrar 1145
receives pursuant to section 4503.496 of the Revised Code to the 1146
Ohio sickle cell and health association, which shall use the 1147
contributions to help support educational, clinical, and social 1148
support services for adults who have sickle cell disease. 1149

The registrar shall pay the contributions the registrar 1150
receives pursuant to section 4503.498 of the Revised Code to 1151
special olympics Ohio, inc., which shall use the contributions for 1152
its programs, charitable efforts, and other activities. 1153

The registrar shall pay the contributions the registrar 1154
receives pursuant to section 4503.499 of the Revised Code to the 1155
children's glioma cancer foundation, which shall use the 1156
contributions for its research and other programs. 1157

The registrar shall pay the contributions the registrar 1158
receives pursuant to section 4503.50 of the Revised Code to the 1159
future farmers of America foundation, which shall deposit the 1160
contributions into its general account to be used for educational 1161
and scholarship purposes of the future farmers of America 1162
foundation. 1163

The registrar shall pay the contributions the registrar 1164
receives pursuant to section 4503.501 of the Revised Code to the 1165
4-H youth development program of the Ohio state university 1166
extension program, which shall use those contributions to pay the 1167
expenses it incurs in conducting its educational activities. 1168

The registrar shall pay the contributions received pursuant 1169
to section 4503.502 of the Revised Code to the Ohio cattlemen's 1170
foundation, which shall use those contributions for scholarships 1171

and other educational activities. 1172

The registrar shall pay the contributions received pursuant 1173
to section 4503.505 of the Revised Code to the organization Ohio 1174
region phi theta kappa, which shall use those contributions for 1175
scholarships for students who are members of that organization. 1176

The registrar shall pay each contribution the registrar 1177
receives pursuant to section 4503.51 of the Revised Code to the 1178
university or college whose name or marking or design appears on 1179
collegiate license plates that are issued to a person under that 1180
section. A university or college that receives contributions from 1181
the fund shall deposit the contributions into its general 1182
scholarship fund. 1183

The registrar shall pay the contributions the registrar 1184
receives pursuant to section 4503.522 of the Revised Code to the 1185
"friends of Perry's victory and international peace memorial, 1186
incorporated," a nonprofit corporation organized under the laws of 1187
this state, to assist that organization in paying the expenses it 1188
incurs in sponsoring or holding charitable, educational, and 1189
cultural events at the monument. 1190

The registrar shall pay the contributions the registrar 1191
receives pursuant to section 4503.523 of the Revised Code to the 1192
fairport lights foundation, which shall use the money to pay for 1193
the restoration, maintenance, and preservation of the lighthouses 1194
of fairport harbor. 1195

The registrar shall pay the contributions the registrar 1196
receives pursuant to section 4503.531 of the Revised Code to the 1197
thank you foundation, incorporated, a nonprofit corporation 1198
organized under the laws of this state, to assist that 1199
organization in paying for the charitable activities and programs 1200
it sponsors in support of United States military personnel, 1201
veterans, and their families. 1202

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

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

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

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

The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other

programs of each coalition member that provide care for unwanted, 1235
abused, and neglected horses. The Ohio coalition for animals may 1236
use a portion of the money to pay for reasonable marketing costs 1237
incurred in the design and promotion of the license plate and for 1238
administrative costs incurred in the disbursement and management 1239
of funds received under this section. 1240

The registrar shall pay the contributions the registrar 1241
receives pursuant to section 4503.561 of the Revised Code to the 1242
state of Ohio chapter of ducks unlimited, inc., which shall 1243
deposit the contributions into a special bank account that it 1244
establishes. The special bank account shall be separate and 1245
distinct from any other account the state of Ohio chapter of ducks 1246
unlimited, inc., maintains and shall be used exclusively for the 1247
purpose of protecting, enhancing, restoring, and managing wetlands 1248
and conserving wildlife habitat. The state of Ohio chapter of 1249
ducks unlimited, inc., annually shall notify the registrar in 1250
writing of the name, address, and account to which such payments 1251
are to be made. 1252

The registrar shall pay the contributions the registrar 1253
receives pursuant to section 4503.562 of the Revised Code to the 1254
Mahoning river consortium, which shall use the money to pay the 1255
expenses it incurs in restoring and maintaining the Mahoning river 1256
watershed. 1257

The registrar shall pay to a sports commission created 1258
pursuant to section 4503.591 of the Revised Code each contribution 1259
the registrar receives under that section that an applicant pays 1260
to obtain license plates that bear the logo of a professional 1261
sports team located in the county of that sports commission and 1262
that is participating in the license plate program pursuant to 1263
division (E) of that section, irrespective of the county of 1264
residence of an applicant. 1265

The registrar shall pay to a community charity each 1266

contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that bear the logo of a professional sports team that is participating in the license plate program pursuant to division (G) of that section.

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

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

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

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

The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law

enforcement profession, promoting improved law enforcement 1298
methods, and teaching respect for law and order. 1299

The registrar shall pay the contributions received pursuant 1300
to section 4503.712 of the Revised Code to Ohio concerns of police 1301
survivors, which shall use those contributions to provide whatever 1302
assistance may be appropriate to the families of Ohio law 1303
enforcement officers who are killed in the line of duty. 1304

The registrar shall pay the contributions the registrar 1305
receives pursuant to section 4503.72 of the Revised Code to the 1306
organization known on March 31, 2003, as the Ohio CASA/GAL 1307
association, a private, nonprofit corporation organized under 1308
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 1309
shall use these contributions to pay the expenses it incurs in 1310
administering a program to secure the proper representation in the 1311
courts of this state of abused, neglected, and dependent children, 1312
and for the training and supervision of persons participating in 1313
that program. 1314

The registrar shall pay the contributions the registrar 1315
receives pursuant to section 4503.73 of the Revised Code to Wright 1316
B. Flyer, incorporated, which shall deposit the contributions into 1317
its general account to be used for purposes of Wright B. Flyer, 1318
incorporated. 1319

The registrar shall pay the contributions the registrar 1320
receives pursuant to section 4503.74 of the Revised Code to the 1321
Columbus zoological park association, which shall disburse the 1322
moneys to Ohio's major metropolitan zoos, as defined in section 1323
4503.74 of the Revised Code, in accordance with a written 1324
agreement entered into by the major metropolitan zoos. 1325

The registrar shall pay the contributions the registrar 1326
receives pursuant to section 4503.75 of the Revised Code to the 1327
rotary foundation, located on March 31, 2003, in Evanston, 1328

Illinois, to be placed in a fund known as the permanent fund and 1329
used to endow educational and humanitarian programs of the rotary 1330
foundation. 1331

The registrar shall pay the contributions the registrar 1332
receives pursuant to section 4503.85 of the Revised Code to the 1333
Ohio sea grant college program to be used for Lake Erie area 1334
research projects. 1335

The registrar shall pay the contributions the registrar 1336
receives pursuant to section 4503.89 of the Revised Code to the 1337
American red cross of greater Columbus on behalf of the Ohio 1338
chapters of the American red cross, which shall use the 1339
contributions for disaster readiness, preparedness, and response 1340
programs on a statewide basis. 1341

The registrar shall pay the contributions received pursuant 1342
to section 4503.92 of the Revised Code to support our troops, 1343
incorporated, a national nonprofit corporation, which shall use 1344
those contributions in accordance with its articles of 1345
incorporation and for the benefit of servicemembers of the armed 1346
forces of the United States and their families when they are in 1347
financial need. 1348

The registrar shall pay the contributions the registrar 1349
receives pursuant to section 4503.94 of the Revised Code to the 1350
Michelle's leading star foundation, which shall use the money 1351
solely to fund the rental, lease, or purchase of the simulated 1352
driving curriculum of the Michelle's leading star foundation by 1353
boards of education of city, exempted village, local, and joint 1354
vocational school districts. 1355

(C) All investment earnings of the license plate contribution 1356
fund shall be credited to the fund. Not later than the first day 1357
of May of every year, the registrar shall distribute to each 1358
entity described in division (B) of this section the investment 1359

income the fund earned the previous calendar year. The amount of 1360
such a distribution paid to an entity shall be proportionate to 1361
the amount of money the entity received from the fund during the 1362
previous calendar year. 1363

Sec. 4501.81. (A) The bureau of motor vehicles shall 1364
establish a database of the next of kin of persons who are issued 1365
~~and~~ driver's licenses, commercial driver's licenses, temporary 1366
instruction permits, motorcycle operator's licenses and 1367
endorsements, and identification cards. Information in the 1368
database shall be accessible only to employees of the bureau and 1369
to criminal justice agencies and is not a public record for 1370
purposes of section 149.43 of the Revised Code. 1371

(B) ~~An~~ When an individual holding a valid Ohio submits an 1372
application to the registrar of motor vehicles or a deputy 1373
registrar for a driver's license, commercial driver's license, 1374
temporary instruction permit, motorcycle operator's license or 1375
endorsement, or identification card, or renewal of any of them, 1376
the individual shall be afforded the opportunity to furnished with 1377
a next of kin information form on which the individual may list 1378
the name, address, telephone number, and relationship to the 1379
individual of at least one contact person whom the individual 1380
wishes to be contacted if the individual is involved in a motor 1381
vehicle accident or emergency situation and the individual dies or 1382
is seriously injured or rendered unconscious and is unable to 1383
communicate with the contact person. The contact person may or may 1384
not be the next of kin of the applicant, except that if the 1385
applicant is under eighteen years of age and is not emancipated, 1386
the contact person shall include the parent, guardian, or 1387
custodian of the applicant. 1388

The form described in this division shall inform the 1389
individual that, after completing the form, the individual may 1390

return the form to the registrar or any deputy registrar, each of 1391
whom shall accept the form from the individual without payment of 1392
any fee. The form also shall contain the mailing address of the 1393
bureau, to which the individual may mail the completed form, and 1394
also instructions whereby the individual may furnish the 1395
information described in this division to the registrar through 1396
use of the internet. 1397

(C) The bureau, in accordance with Chapter 119. of the 1398
Revised Code, shall adopt rules to implement this section. The 1399
rules shall address ~~both~~ all of the following: 1400

(1) The methods whereby a person who has submitted the name 1401
of a contact person for inclusion in the database may make changes 1402
to that entry; 1403

(2) The contents of the next of kin information form; 1404

(3) Any other aspect of the database or its operation that 1405
the registrar ~~of motor vehicles~~ determines is necessary in order 1406
to implement this section. 1407

(D) In the event of a motor vehicle accident or emergency 1408
situation in which a person dies or is seriously injured or 1409
rendered unconscious and is unable to communicate with the contact 1410
person specified in the database, an employee of a criminal 1411
justice agency shall make a good faith effort to notify the 1412
contact person of the situation, but neither the bureau ~~of motor~~ 1413
~~vehicles~~ nor the employee nor the criminal justice agency that 1414
employs that employee incurs any liability if the employee is not 1415
able to make contact with the contact person. 1416

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 1417
designate the county auditor in each county a deputy registrar. If 1418
the population of a county is forty thousand or less according to 1419
the last federal census and if the county auditor is designated by 1420

the registrar as a deputy registrar, no other person need be 1421
designated in the county to act as a deputy registrar. 1422

(b) The registrar may designate a clerk of a court of common 1423
pleas as a deputy registrar if the population of the county is 1424
forty thousand or less according to the last federal census. In a 1425
county with a population greater than forty thousand according to 1426
the last federal census, the clerk of a court of common pleas is 1427
eligible to act as a deputy registrar and may participate in the 1428
competitive selection process for the award of a deputy registrar 1429
contract by applying in the same manner as any other person. All 1430
fees collected and retained by a clerk for conducting deputy 1431
registrar services shall be paid into the county treasury to the 1432
credit of the certificate of title administration fund created 1433
under section 325.33 of the Revised Code. 1434

(c) In all other instances, the registrar shall contract with 1435
one or more other persons in each county to act as deputy 1436
registrars. 1437

(2) Deputy registrars shall accept applications for the 1438
annual license tax for any vehicle not taxed under section 4503.63 1439
of the Revised Code and shall assign distinctive numbers in the 1440
same manner as the registrar. Such deputies shall be located in 1441
such locations in the county as the registrar sees fit. There 1442
shall be at least one deputy registrar in each county. 1443

Deputy registrar contracts are subject to the provisions of 1444
division (B) of section 125.081 of the Revised Code. 1445

(B) The registrar shall not contract with any person to act 1446
as a deputy registrar if the person or, where applicable, the 1447
person's spouse or a member of the person's immediate family has 1448
made, within the current calendar year or any one of the previous 1449
three calendar years, one or more contributions totaling in excess 1450
of one hundred dollars to any person or entity included in 1451

division (A)(2) of section 4503.033 of the Revised Code. As used 1452
in this division, "immediate family" has the same meaning as in 1453
division (D) of section 102.01 of the Revised Code, and "entity" 1454
includes any political party and any "continuing association" as 1455
defined in division (B)(4) of section 3517.01 of the Revised Code 1456
or "political action committee" as defined in division (B)(8) of 1457
that section that is primarily associated with that political 1458
party. For purposes of this division, contributions to any 1459
continuing association or any political action committee that is 1460
primarily associated with a political party shall be aggregated 1461
with contributions to that political party. 1462

The contribution limitations contained in this division do 1463
not apply to any county auditor or clerk of a court of common 1464
pleas. 1465

The registrar shall not contract with either of the following 1466
to act as a deputy registrar: 1467

(1) Any elected public official other than a county auditor 1468
or, as authorized by division (A)(1)(b) of this section, a clerk 1469
of a court of common pleas, acting in an official capacity; 1470

(2) Any person holding a current, valid contract to conduct 1471
motor vehicle inspections under section 3704.14 of the Revised 1472
Code. 1473

(C)(1) Except as provided in division (C)(2) of this section, 1474
deputy registrars are independent contractors and neither they nor 1475
their employees are employees of this state, except that nothing 1476
in this section shall affect the status of county auditors or 1477
clerks of courts of common pleas as public officials, nor the 1478
status of their employees as employees of any of the counties of 1479
this state, which are political subdivisions of this state. Each 1480
deputy registrar shall be responsible for the payment of all 1481
unemployment compensation premiums, all workers' compensation 1482

premiums, social security contributions, and any and all taxes for 1483
which the deputy registrar is legally responsible. Each deputy 1484
registrar shall comply with all applicable federal, state, and 1485
local laws requiring the withholding of income taxes or other 1486
taxes from the compensation of the deputy registrar's employees. 1487
Each deputy registrar shall maintain during the entire term of the 1488
deputy registrar's contract a policy of business liability 1489
insurance satisfactory to the registrar and shall hold the 1490
department of public safety, the director of public safety, the 1491
bureau of motor vehicles, and the registrar harmless upon any and 1492
all claims for damages arising out of the operation of the deputy 1493
registrar agency. 1494

(2) For purposes of Chapter 4141. of the Revised Code, 1495
determinations concerning the employment of deputy registrars and 1496
their employees shall be made under Chapter 4141. of the Revised 1497
Code. 1498

(D)(1) With the approval of the director, the registrar shall 1499
adopt rules governing the terms of the contract between the 1500
registrar and each deputy registrar and specifications for the 1501
services to be performed. The rules shall include specifications 1502
relating to the amount of bond to be given as provided in this 1503
section; the size and location of the deputy's office; and the 1504
leasing of equipment necessary to conduct the vision screenings 1505
required under section 4507.12 of the Revised Code and training in 1506
the use of the equipment. The specifications shall permit and 1507
encourage every deputy registrar to inform the public of the 1508
location of the deputy registrar's office and hours of operation 1509
by means of public service announcements and allow any deputy 1510
registrar to advertise in regard to the operation of the deputy 1511
registrar's office. The rules also shall include specifications 1512
for the hours the deputy's office is to be open to the public and 1513
shall require as a minimum that one deputy's office in each county 1514

be open to the public for at least four hours each weekend, 1515
provided that if only one deputy's office is located within the 1516
boundary of the county seat, that office is the office that shall 1517
be open for the four-hour period each weekend, and that every 1518
deputy's office in each county shall be open to the public until 1519
six-thirty p.m. on at least one weeknight each week. The rules 1520
also shall include specifications providing that every deputy in 1521
each county, upon request, provide any person with information 1522
about the location and office hours of all deputy registrars in 1523
the county and that every deputy prominently display within the 1524
deputy's office, the toll-free telephone number of the bureau. The 1525
rules shall not prohibit the award of a deputy registrar contract 1526
to a nonprofit corporation formed under the laws of this state. 1527
The rules shall prohibit any deputy registrar from operating more 1528
than one such office at any time, except that the rules may permit 1529
a nonprofit corporation formed for the purposes of providing 1530
automobile-related services to its members or the public and that 1531
provides such services from more than one location in this state 1532
to operate a deputy registrar office at any such location, 1533
provided that the nonprofit corporation operates no more than one 1534
deputy registrar office in any one county. The rules may include 1535
such other specifications as the registrar and director consider 1536
necessary to provide a high level of service. 1537

(2) With the prior approval of the registrar, each deputy 1538
registrar may conduct at the location of the deputy registrar's 1539
office any business that is consistent with the functions of a 1540
deputy registrar and that is not specifically mandated or 1541
authorized by this or another chapter of the Revised Code or by 1542
implementing rules of the registrar. 1543

(3) As used in this section and in section 4507.01 of the 1544
Revised Code, "nonprofit corporation" has the same meaning as in 1545
section 1702.01 of the Revised Code. 1546

(E) Unless otherwise terminated and except for interim 1547
contracts of less than one year, contracts with deputy registrars 1548
shall be for a term of at least two years, but no more than three 1549
years, and all contracts effective on or after July 1, 1996, shall 1550
be for a term of more than two years, but not more than three 1551
years. All contracts with deputy registrars shall expire on the 1552
last Saturday of June in the year of their expiration. The auditor 1553
of state may examine the accounts, reports, systems, and other 1554
data of each deputy registrar at least every two years. The 1555
registrar, with the approval of the director, shall immediately 1556
remove a deputy who violates any provision of the Revised Code 1557
related to the duties as a deputy, any rule adopted by the 1558
registrar, or a term of the deputy's contract with the registrar. 1559
The registrar also may remove a deputy who, in the opinion of the 1560
registrar, has engaged in any conduct that is either unbecoming to 1561
one representing this state or is inconsistent with the efficient 1562
operation of the deputy's office. 1563

If the registrar, with the approval of the director, 1564
determines that there is good cause to believe that a deputy 1565
registrar or a person proposing for a deputy registrar contract 1566
has engaged in any conduct that would require the denial or 1567
termination of the deputy registrar contract, the registrar may 1568
require the production of books, records, and papers as the 1569
registrar determines are necessary, and may take the depositions 1570
of witnesses residing within or outside the state in the same 1571
manner as is prescribed by law for the taking of depositions in 1572
civil actions in the court of common pleas, and for that purpose 1573
the registrar may issue a subpoena for any witness or a subpoena 1574
duces tecum to compel the production of any books, records, or 1575
papers, directed to the sheriff of the county where the witness 1576
resides or is found. Such a subpoena shall be served and returned 1577
in the same manner as a subpoena in a criminal case is served and 1578
returned. The fees of the sheriff shall be the same as that 1579

allowed in the court of common pleas in criminal cases. Witnesses 1580
shall be paid the fees and mileage provided for under section 1581
119.094 of the Revised Code. The fees and mileage shall be paid 1582
from the fund in the state treasury for the use of the agency in 1583
the same manner as other expenses of the agency are paid. 1584

In any case of disobedience or neglect of any subpoena served 1585
on any person or the refusal of any witness to testify to any 1586
matter regarding which the witness lawfully may be interrogated, 1587
the court of common pleas of any county where the disobedience, 1588
neglect, or refusal occurs or any judge of that court, on 1589
application by the registrar, shall compel obedience by attachment 1590
proceedings for contempt, as in the case of disobedience of the 1591
requirements of a subpoena issued from that court, or a refusal to 1592
testify in that court. 1593

Nothing in this division shall be construed to require a 1594
hearing of any nature prior to the termination of any deputy 1595
registrar contract by the registrar, with the approval of the 1596
director, for cause. 1597

(F) Except as provided in section 2743.03 of the Revised 1598
Code, no court, other than the court of common pleas of Franklin 1599
county, has jurisdiction of any action against the department of 1600
public safety, the director, the bureau, or the registrar to 1601
restrain the exercise of any power or authority, or to entertain 1602
any action for declaratory judgment, in the selection and 1603
appointment of, or contracting with, deputy registrars. Neither 1604
the department, the director, the bureau, nor the registrar is 1605
liable in any action at law for damages sustained by any person 1606
because of any acts of the department, the director, the bureau, 1607
or the registrar, or of any employee of the department or bureau, 1608
in the performance of official duties in the selection and 1609
appointment of, and contracting with, deputy registrars. 1610

(G) The registrar shall assign to each deputy registrar a 1611

series of numbers sufficient to supply the demand at all times in 1612
the area the deputy registrar serves, and the registrar shall keep 1613
a record in the registrar's office of the numbers within the 1614
series assigned. Each deputy shall be required to give bond in the 1615
amount of at least twenty-five thousand dollars, or in such higher 1616
amount as the registrar determines necessary, based on a uniform 1617
schedule of bond amounts established by the registrar and 1618
determined by the volume of registrations handled by the deputy. 1619
The form of the bond shall be prescribed by the registrar. The 1620
bonds required of deputy registrars, in the discretion of the 1621
registrar, may be individual or schedule bonds or may be included 1622
in any blanket bond coverage carried by the department. 1623

(H) Each deputy registrar shall keep a file of each 1624
application received by the deputy and shall register that motor 1625
vehicle with the name and address of its owner. 1626

(I) Upon request, a deputy registrar shall make the physical 1627
inspection of a motor vehicle and issue the physical inspection 1628
certificate required in section 4505.061 of the Revised Code. 1629

(J) Each deputy registrar shall file a report semi-annually 1630
with the registrar of motor vehicles listing the number of 1631
applicants for licenses the deputy has served, the number of voter 1632
registration applications the deputy has completed and transmitted 1633
to the board of elections, and the number of voter registration 1634
applications declined. 1635

Sec. 4503.037. (A) To promote the efficient use of 1636
governmental resources, including staff and facilities, and to 1637
improve service to the public, a county auditor who is designated 1638
to act as a deputy registrar and the clerk of the court of common 1639
pleas from the same county, subject to approval by the board of 1640
county commissioners and by the registrar of motor vehicles, may 1641
enter into a memorandum of understanding to allocate motor 1642

vehicle-related duties between the auditor and clerk. The board of 1643
county commissioners shall act by resolution in approving or 1644
rejecting a memorandum. The registrar shall approve or reject a 1645
memorandum in writing. 1646

(B) A memorandum of understanding may allocate the 1647
performance of motor vehicle-related duties only to the extent 1648
that the auditor acting as a deputy registrar or the clerk 1649
otherwise is authorized by law to perform such duties, and except 1650
as provided in this section, the performance of motor 1651
vehicle-related duties under a memorandum of understanding shall 1652
be in accordance with all applicable laws. 1653

A memorandum may allocate motor vehicle-related duties 1654
without regard to whether the duty is allocated by law to a deputy 1655
registrar or a clerk, and the performance of motor-vehicle related 1656
duties by either an auditor or clerk under this section is deemed 1657
sufficient to satisfy laws specifying that a deputy registrar or 1658
clerk perform the duty. A memorandum may allocate any fees that 1659
are retained by a deputy registrar or clerk by law. 1660

(C) For purposes of this section, "motor vehicle-related 1661
duties" means all deputy registrar duties and certificate of title 1662
duties under Chapters 1548., 4505., and 4519. of the Revised Code. 1663

Sec. 4503.038. By rule adopted in accordance with Chapter 1664
119. of the Revised Code, the registrar of motor vehicles shall 1665
establish a pilot program in five counties for the operation 1666
beginning July 1, 2013, in each county of one vehicle registration 1667
center that combines all functions relative to the registration of 1668
and certificates of title for motor vehicles. The registrar shall 1669
contract with any person for the pilot program using a competitive 1670
selection process that may include factors used to evaluate an 1671
applicant for a deputy registrar contract but additionally shall 1672

address security and any other factors required for certificate of 1673
title functions. 1674

The registrar shall award contracts for the operation of a 1675
vehicle registration center under this section so that one is 1676
located in a county with a population of less than one hundred 1677
thousand one, one is located in a county with a population between 1678
one hundred thousand one and two hundred thousand, and one is 1679
located in a county with a population greater than two hundred 1680
thousand, according to the most recent federal decennial census. 1681
The registrar shall not award a contract for the operation of a 1682
vehicle registration center under this section in any county where 1683
the clerk of the court of common pleas has been awarded a deputy 1684
registrar contract after participating in the competitive 1685
selection process under section 4503.03 of the Revised Code. 1686

Notwithstanding any provision of the Revised Code to the 1687
contrary, a successful applicant for the operation of a vehicle 1688
registration center under this section may perform all functions 1689
relative to motor vehicle registration and certificates of title 1690
that are assigned by law. A successful applicant for the operation 1691
of a vehicle registration center may perform deputy registrar 1692
functions other than registration services if the applicant also 1693
successfully applied to act as a deputy registrar. Performance of 1694
motor vehicle registration and certificate of title duties under 1695
this section in accordance with all applicable laws is deemed 1696
sufficient to satisfy laws specifying that a deputy registrar or 1697
clerk of a court of common pleas perform the duty. 1698

Upon establishment under this section, a vehicle registration 1699
center shall continue in operation until such time as the 1700
registrar determines all contractual obligations have been 1701
satisfied or the contract expires. The registrar shall adopt rules 1702
as necessary to ensure the continued operation of a vehicle 1703

registration center during any period of competitive selection or 1704
other interruption of service. 1705

Sec. 4503.04. Except as provided in sections 4503.042 and 1706
4503.65 of the Revised Code for the registration of commercial 1707
cars, trailers, semitrailers, and certain buses, the rates of the 1708
taxes imposed by section 4503.02 of the Revised Code shall be as 1709
follows: 1710

(A) For motor vehicles having three wheels or less, the 1711
license tax is: 1712

(1) For each motorized bicycle, ten dollars; 1713

(2) For each motorcycle, fourteen dollars. 1714

(B) For each passenger car, twenty dollars; 1715

(C) For each manufactured home, each mobile home, and each 1716
travel trailer, ten dollars; 1717

(D) For each noncommercial motor vehicle designed by the 1718
manufacturer to carry a load of no more than three-quarters of one 1719
ton and for each motor home, thirty-five dollars; for each 1720
noncommercial motor vehicle designed by the manufacturer to carry 1721
a load of more than three-quarters of one ton, but not more than 1722
one ton, seventy dollars; 1723

(E) For each noncommercial trailer, the license tax is: 1724

(1) Eighty-five cents for each one hundred pounds or part 1725
thereof for the first two thousand pounds or part thereof of 1726
weight of vehicle fully equipped; 1727

(2) One dollar and forty cents for each one hundred pounds or 1728
part thereof in excess of two thousand pounds up to and including 1729
three thousand pounds. 1730

(F) Notwithstanding its weight, twelve dollars for any: 1731

(1) Vehicle equipped, owned, and used by a charitable or 1732

nonprofit corporation exclusively for the purpose of administering 1733
chest x-rays or receiving blood donations; 1734

(2) Van used principally for the transportation of 1735
handicapped persons that has been modified by being equipped with 1736
adaptive equipment to facilitate the movement of such persons into 1737
and out of the van; 1738

(3) Bus used principally for the transportation of 1739
handicapped persons or persons sixty-five years of age or older; 1740

(G) Notwithstanding its weight, twenty dollars for any bus 1741
used principally for the transportation of persons in a 1742
ridesharing arrangement. 1743

(H) For each transit bus having motor power the license tax 1744
is twelve dollars. 1745

"Transit bus" means either a motor vehicle having a seating 1746
capacity of more than seven persons which is operated and used by 1747
any person in the rendition of a public mass transportation 1748
service primarily in a municipal corporation or municipal 1749
corporations and provided at least seventy-five per cent of the 1750
annual mileage of such service and use is within such municipal 1751
corporation or municipal corporations or a motor vehicle having a 1752
seating capacity of more than seven persons which is operated 1753
solely for the transportation of persons associated with a 1754
charitable or nonprofit corporation, but does not mean any motor 1755
vehicle having a seating capacity of more than seven persons when 1756
such vehicle is used in a ridesharing capacity or any bus 1757
described by division (F)(3) of this section. 1758

The application for registration of such transit bus shall be 1759
accompanied by an affidavit prescribed by the registrar of motor 1760
vehicles and signed by the person or an agent of the firm or 1761
corporation operating such bus stating that the bus has a seating 1762
capacity of more than seven persons, and that it is either to be 1763

operated and used in the rendition of a public mass transportation 1764
service and that at least seventy-five per cent of the annual 1765
mileage of such operation and use shall be within one or more 1766
municipal corporations or that it is to be operated solely for the 1767
transportation of persons associated with a charitable or 1768
nonprofit corporation. 1769

The form of the license plate, and the manner of its 1770
attachment to the vehicle, shall be prescribed by the registrar of 1771
motor vehicles. 1772

(I) The minimum tax for any vehicle having motor power other 1773
than a farm truck, a motorized bicycle, or motorcycle is ten 1774
dollars and eighty cents, and for each noncommercial trailer, five 1775
dollars. 1776

(J)(1) Except as otherwise provided in division (J) of this 1777
section, for each farm truck, except a noncommercial motor 1778
vehicle, that is owned, controlled, or operated by one or more 1779
farmers exclusively in farm use as defined in this section, and 1780
not for commercial purposes, and provided that at least 1781
seventy-five per cent of such farm use is by or for the one or 1782
more owners, controllers, or operators of the farm in the 1783
operation of which a farm truck is used, the license tax is five 1784
dollars plus: 1785

(a) Fifty cents per one hundred pounds or part thereof for 1786
the first three thousand pounds; 1787

(b) Seventy cents per one hundred pounds or part thereof in 1788
excess of three thousand pounds up to and including four thousand 1789
pounds; 1790

(c) Ninety cents per one hundred pounds or part thereof in 1791
excess of four thousand pounds up to and including six thousand 1792
pounds; 1793

(d) Two dollars for each one hundred pounds or part thereof 1794

in excess of six thousand pounds up to and including ten thousand pounds; 1795
1796

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds; 1797
1798

(f) The minimum license tax for any farm truck shall be twelve dollars. 1799
1800

(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code. 1801
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(3) A farm bus may be registered for a period of ninety days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than any two ninety-day periods in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products. 1806
1807
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(4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety. 1812
1813
1814

(5) Every person registering a farm truck or bus under this section shall furnish an affidavit certifying that the truck or bus licensed to that person is to be so used as to meet the requirements necessary for the farm truck or farm bus classification. 1815
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Any farmer may use a truck owned by the farmer for commercial purposes by paying the difference between the commercial truck registration fee and the farm truck registration fee for the remaining part of the registration period for which the truck is registered. Such remainder shall be calculated from the beginning of the semiannual period in which application for such commercial 1820
1821
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1824
1825

license is made. 1826

Taxes at the rates provided in this section are in lieu of 1827
all taxes on or with respect to the ownership of such motor 1828
vehicles, except as provided in section 4503.042 and section 1829
4503.06 of the Revised Code. 1830

(K) Other than trucks registered under the international 1831
registration plan in another jurisdiction and for which this state 1832
has received an apportioned registration fee, the license tax for 1833
each truck which is owned, controlled, or operated by a 1834
nonresident, and licensed in another state, and which is used 1835
exclusively for the transportation of nonprocessed agricultural 1836
products intrastate, from the place of production to the place of 1837
processing, is twenty-four dollars. 1838

"Truck," as used in this division, means any pickup truck, 1839
straight truck, semitrailer, or trailer other than a travel 1840
trailer. Nonprocessed agricultural products, as used in this 1841
division, does not include livestock or grain. 1842

A license issued under this division shall be issued for a 1843
period of one hundred thirty days in the same manner in which all 1844
other licenses are issued under this section, provided that no 1845
truck shall be so licensed for more than one 1846
one-hundred-thirty-day period during any calendar year. 1847

The license issued pursuant to this division shall consist of 1848
a windshield decal to be designed by the director of public 1849
safety. 1850

Every person registering a truck under this division shall 1851
furnish an affidavit certifying that the truck licensed to the 1852
person is to be used exclusively for the purposes specified in 1853
this division. 1854

(L) Every person registering a motor vehicle as a 1855
noncommercial motor vehicle as defined in section 4501.01 of the 1856

Revised Code, or registering a trailer as a noncommercial trailer 1857
as defined in that section, shall furnish an affidavit certifying 1858
that the motor vehicle or trailer so licensed to the person is to 1859
be so used as to meet the requirements necessary for the 1860
noncommercial vehicle classification. 1861

(M) Every person registering a van or bus as provided in 1862
divisions (F)(2) and (3) of this section shall furnish a notarized 1863
statement certifying that the van or bus licensed to the person is 1864
to be used for the purposes specified in those divisions. The form 1865
of the license plate issued for such motor vehicles shall be 1866
prescribed by the registrar. 1867

(N) Every person registering as a passenger car a motor 1868
vehicle designed and used for carrying more than nine but not more 1869
than fifteen passengers, and every person registering a bus as 1870
provided in division (G) of this section, shall furnish an 1871
affidavit certifying that the vehicle so licensed to the person is 1872
to be used in a ridesharing arrangement and that the person will 1873
have in effect whenever the vehicle is used in a ridesharing 1874
arrangement a policy of liability insurance with respect to the 1875
motor vehicle in amounts and coverages no less than those required 1876
by section 4509.79 of the Revised Code. The form of the license 1877
plate issued for such a motor vehicle shall be prescribed by the 1878
registrar. 1879

(O)(1) Commencing on October 1, 2009, if an application for 1880
registration renewal is not applied for prior to the expiration 1881
date of the registration or within seven days after that date, the 1882
registrar or deputy registrar shall collect a fee of twenty 1883
dollars for the issuance of the vehicle registration, ~~but~~. For any 1884
motor vehicle that is used on a seasonal basis, whether used for 1885
general transportation or not, and that has not been used on the 1886
public roads or highways since the expiration of the registration, 1887
the registrar or deputy registrar shall waive the fee established 1888

under this division if the application is accompanied by 1889
supporting evidence of seasonal use as the registrar may require. 1890
The registrar or deputy registrar may waive the fee for other good 1891
cause shown if the application is accompanied by supporting 1892
evidence as the registrar may require. The fee shall be in 1893
addition to all other fees established by this section. A deputy 1894
registrar shall retain fifty cents of the fee and shall transmit 1895
the remaining amount to the registrar at the time and in the 1896
manner provided by section 4503.10 of the Revised Code. The 1897
registrar shall deposit all moneys received under this division 1898
into the state highway safety fund established in section 4501.06 1899
of the Revised Code. 1900

(2) Division (O)(1) of this section does not apply to a farm 1901
truck or farm bus registered under division (J) of this section. 1902

(P) As used in this section: 1903

(1) "Van" means any motor vehicle having a single rear axle 1904
and an enclosed body without a second seat. 1905

(2) "Handicapped person" means any person who has lost the 1906
use of one or both legs, or one or both arms, or is blind, deaf, 1907
or so severely disabled as to be unable to move about without the 1908
aid of crutches or a wheelchair. 1909

(3) "Farm truck" means a truck used in the transportation 1910
from the farm of products of the farm, including livestock and its 1911
products, poultry and its products, floricultural and 1912
horticultural products, and in the transportation to the farm of 1913
supplies for the farm, including tile, fence, and every other 1914
thing or commodity used in agricultural, floricultural, 1915
horticultural, livestock, and poultry production and livestock, 1916
poultry, and other animals and things used for breeding, feeding, 1917
or other purposes connected with the operation of the farm. 1918

(4) "Farm bus" means a bus used only for the transportation 1919

of agricultural employees and used only in the transportation of 1920
such employees as are necessary in the operation of the farm. 1921

(5) "Farm supplies" includes fuel used exclusively in the 1922
operation of a farm, including one or more homes located on and 1923
used in the operation of one or more farms, and furniture and 1924
other things used in and around such homes. 1925

Sec. 4503.521. (A) The owner or lessee of any passenger car, 1926
noncommercial motor vehicle, recreational vehicle, or other 1927
vehicle of a class approved by the registrar of motor vehicles may 1928
apply to the registrar for the registration of the vehicle and 1929
issuance of "share the road" license plates. The application for 1930
"share the road" license plates may be combined with a request for 1931
a special reserved license plate under section 4503.40 or 4503.42 1932
of the Revised Code. Upon receipt of the completed application and 1933
compliance with division (B) of this section, the registrar shall 1934
issue to the applicant the appropriate vehicle registration and a 1935
set of "share the road" license plates with a validation sticker 1936
or a validation sticker alone when required by section 4503.191 of 1937
the Revised Code. 1938

In addition to the letters and numbers ordinarily inscribed 1939
on the license plates, "share the road" license plates shall be 1940
inscribed with the words "share the road" and markings designed by 1941
the organization known on ~~the effective date of this section~~ March 1942
23, 2005, as the Ohio bicycle federation and approved by the 1943
registrar. "Share the road" license plates shall bear county 1944
identification stickers that identify the county of registration 1945
by name or number. 1946

(B) "Share the road" license plates and validation stickers 1947
shall be issued upon receipt of a contribution as provided in 1948
division (C) of this section and upon payment of the regular 1949
license tax as prescribed under section 4503.04 of the Revised 1950

Code, a fee of ten dollars for the purpose of compensating the 1951
bureau of motor vehicles for additional services required in the 1952
issuing of the "share the road" license plates, any applicable 1953
motor vehicle tax levied under Chapter 4504. of the Revised Code, 1954
any applicable additional fee prescribed by section 4503.40 or 1955
4503.42 of the Revised Code, and compliance with all other 1956
applicable laws relating to the registration of motor vehicles. 1957

(C) For each application for registration and registration 1958
renewal that the registrar receives under this section, the 1959
registrar shall collect a contribution of five dollars. The 1960
registrar shall transmit this contribution to the treasurer of 1961
state for deposit in the state highway safety fund created in 1962
section 4501.06 of the Revised Code ~~to~~. The contribution may be 1963
used only to publish create and distribute a booklet that 1964
~~instructs bicycle riders on the methods and procedures of riding~~ 1965
~~bicycles on the roads and streets of this state in a confident,~~ 1966
~~legal, and safe manner~~ safety education materials. 1967

The registrar shall deposit the additional fee of ten dollars 1968
specified in division (B) of this section that the applicant for 1969
registration pays for the purpose of compensating the bureau for 1970
the additional services required in the issuing of the applicant's 1971
"share the road" license plates in the state bureau of motor 1972
vehicles fund created in section 4501.25 of the Revised Code. 1973

Sec. 4503.62. (A) Application for the registration of an 1974
apportionable vehicle shall be made to the registrar of motor 1975
vehicles in accordance with division (J) of section 4503.10 of the 1976
Revised Code. 1977

(B) Any person applying to register a vehicle or combination 1978
vehicle that has a gross vehicle weight of twenty-six thousand 1979
pounds or less or two axles, or that is a bus used in charter 1980
party service, also may register the vehicle in accordance with 1981

division (J) of section 4503.10 of the Revised Code if the vehicle 1982
is used or intended for use in two or more international 1983
registration plan member jurisdictions. 1984

(C) No later than December 31, 2011, the registrar shall 1985
adopt rules under Chapter 119. of the Revised Code to establish a 1986
program to accept applications for vehicle registration 1987
transactions of apportionable vehicles electronically over the 1988
internet. The program also may provide for vehicle registration 1989
transactions of nonapportionable commercial motor vehicles over 1990
the internet. 1991

(D) The internet registration program shall provide an option 1992
for the payment of all registration taxes and fees by use of a 1993
financial transaction device. In providing for payment by the use 1994
of a financial transaction device, the registrar may, but is not 1995
required to, comply with section 113.40 of the Revised Code. The 1996
registrar, with the approval of the director of public safety, may 1997
contract with a third party to accept and process payments made by 1998
use of a financial transaction device on behalf of the bureau of 1999
motor vehicles. All fees associated with payment by use of a 2000
financial transaction device shall be borne by the applicants 2001
seeking the registration of apportionable or other vehicles under 2002
the program established pursuant to division (C) of this section. 2003
The bureau shall not pay any fees, and shall not collect any 2004
additional fees, associated with the use of a financial 2005
transaction device. 2006

(E) As used in this section, "financial transaction device" 2007
has the same meaning as in section 113.40 of the Revised Code. 2008

Sec. 4503.94. (A) The owner or lessee of any passenger car, 2009
noncommercial motor vehicle, recreational vehicle, or other 2010
vehicle of a class approved by the registrar of motor vehicles may 2011
apply to the registrar for the registration of the vehicle and 2012

issuance of "teen driver education" license plates. The 2013
application may be combined with a request for a special reserved 2014
license plate under section 4503.40 or 4503.42 of the Revised 2015
Code. Upon receipt of the completed application and compliance by 2016
the applicant with divisions (B) and (C) of this section, the 2017
registrar shall issue to the applicant the appropriate vehicle 2018
registration and a set of "teen driver education" license plates 2019
and a validation sticker, or a validation sticker alone when 2020
required by section 4503.191 of the Revised Code. 2021

In addition to the letters and numbers ordinarily inscribed 2022
on the license plates, "teen driver education" license plates 2023
shall bear an appropriate logo and the words "teen driver 2024
education." The bureau of motor vehicles shall design "teen driver 2025
education" license plates, and they shall display county 2026
identification stickers that identify the county of registration 2027
by name or number. 2028

(B) "Teen driver education" license plates and a validation 2029
sticker, or validation sticker alone, shall be issued upon receipt 2030
of an application for registration of a motor vehicle under this 2031
section; payment of the regular license tax as prescribed under 2032
section 4503.04 of the Revised Code, any applicable motor vehicle 2033
license tax levied under Chapter 4504. of the Revised Code, any 2034
applicable additional fee prescribed by section 4503.40 or 4503.42 2035
of the Revised Code, an additional fee of ten dollars, and a 2036
contribution as provided in division (C) of this section; and 2037
compliance with all other applicable laws relating to the 2038
registration of motor vehicles. 2039

(C) For each application for registration and registration 2040
renewal notice the registrar receives under this section, the 2041
registrar shall collect a contribution of fifteen dollars. The 2042
registrar shall transmit this contribution to the treasurer of 2043
state for deposit into the state treasury to the credit of the 2044

~~teen driver education~~ license plate contribution fund created by 2045
section ~~4501.14~~ 4501.21 of the Revised Code. 2046

The registrar shall transmit the additional fee of ten 2047
dollars, which is to compensate the bureau for the additional 2048
services required in the issuing of "teen driver education" 2049
license plates, to the treasurer of state for deposit into the 2050
state treasury to the credit of the state bureau of motor vehicles 2051
fund created by section 4501.25 of the Revised Code. 2052

Sec. 4505.06. (A)(1) Application for a certificate of title 2053
shall be made in a form prescribed by the registrar of motor 2054
vehicles and shall be sworn to before a notary public or other 2055
officer empowered to administer oaths. The application shall be 2056
filed with the clerk of any court of common pleas. An application 2057
for a certificate of title may be filed electronically by any 2058
electronic means approved by the registrar in any county with the 2059
clerk of the court of common pleas of that county. Any payments 2060
required by this chapter shall be considered as accompanying any 2061
electronically transmitted application when payment actually is 2062
received by the clerk. Payment of any fee or taxes may be made by 2063
electronic transfer of funds. 2064

(2) The application for a certificate of title shall be 2065
accompanied by the fee prescribed in section 4505.09 of the 2066
Revised Code. The fee shall be retained by the clerk who issues 2067
the certificate of title and shall be distributed in accordance 2068
with that section. If a clerk of a court of common pleas, other 2069
than the clerk of the court of common pleas of an applicant's 2070
county of residence, issues a certificate of title to the 2071
applicant, the clerk shall transmit data related to the 2072
transaction to the automated title processing system. 2073

(3) If a certificate of title previously has been issued for 2074
a motor vehicle in this state, the application for a certificate 2075

of title also shall be accompanied by that certificate of title 2076
duly assigned, unless otherwise provided in this chapter. If a 2077
certificate of title previously has not been issued for the motor 2078
vehicle in this state, the application, unless otherwise provided 2079
in this chapter, shall be accompanied by a manufacturer's or 2080
importer's certificate or by a certificate of title of another 2081
state from which the motor vehicle was brought into this state. If 2082
the application refers to a motor vehicle last previously 2083
registered in another state, the application also shall be 2084
accompanied by the physical inspection certificate required by 2085
section 4505.061 of the Revised Code. If the application is made 2086
by two persons regarding a motor vehicle in which they wish to 2087
establish joint ownership with right of survivorship, they may do 2088
so as provided in section 2131.12 of the Revised Code. If the 2089
applicant requests a designation of the motor vehicle in 2090
beneficiary form so that upon the death of the owner of the motor 2091
vehicle, ownership of the motor vehicle will pass to a designated 2092
transfer-on-death beneficiary or beneficiaries, the applicant may 2093
do so as provided in section 2131.13 of the Revised Code. A person 2094
who establishes ownership of a motor vehicle that is transferable 2095
on death in accordance with section 2131.13 of the Revised Code 2096
may terminate that type of ownership or change the designation of 2097
the transfer-on-death beneficiary or beneficiaries by applying for 2098
a certificate of title pursuant to this section. The clerk shall 2099
retain the evidence of title presented by the applicant and on 2100
which the certificate of title is issued, except that, if an 2101
application for a certificate of title is filed electronically by 2102
an electronic motor vehicle dealer on behalf of the purchaser of a 2103
motor vehicle, the clerk shall retain the completed electronic 2104
record to which the dealer converted the certificate of title 2105
application and other required documents. The registrar, after 2106
consultation with the attorney general, shall adopt rules that 2107
govern the location at which, and the manner in which, are stored 2108

the actual application and all other documents relating to the 2109
sale of a motor vehicle when an electronic motor vehicle dealer 2110
files the application for a certificate of title electronically on 2111
behalf of the purchaser. Not later than sixty days after the 2112
effective date of this amendment, the registrar shall enable all 2113
electronic motor vehicle dealers to file applications for 2114
certificates of title on behalf of purchasers of motor vehicles 2115
electronically directly with the registrar and not through a third 2116
party. 2117

The clerk shall use reasonable diligence in ascertaining 2118
whether or not the facts in the application for a certificate of 2119
title are true by checking the application and documents 2120
accompanying it or the electronic record to which a dealer 2121
converted the application and accompanying documents with the 2122
records of motor vehicles in the clerk's office. If the clerk is 2123
satisfied that the applicant is the owner of the motor vehicle and 2124
that the application is in the proper form, the clerk, within five 2125
business days after the application is filed and except as 2126
provided in section 4505.021 of the Revised Code, shall issue a 2127
physical certificate of title over the clerk's signature and 2128
sealed with the clerk's seal, unless the applicant specifically 2129
requests the clerk not to issue a physical certificate of title 2130
and instead to issue an electronic certificate of title. For 2131
purposes of the transfer of a certificate of title, if the clerk 2132
is satisfied that the secured party has duly discharged a lien 2133
notation but has not canceled the lien notation with a clerk, the 2134
clerk may cancel the lien notation on the automated title 2135
processing system and notify the clerk of the county of origin. 2136

(4) In the case of the sale of a motor vehicle to a general 2137
buyer or user by a dealer, by a motor vehicle leasing dealer 2138
selling the motor vehicle to the lessee or, in a case in which the 2139
leasing dealer subleased the motor vehicle, the sublessee, at the 2140

end of the lease agreement or sublease agreement, or by a 2141
manufactured housing broker, the certificate of title shall be 2142
obtained in the name of the buyer by the dealer, leasing dealer, 2143
or manufactured housing broker, as the case may be, upon 2144
application signed by the buyer. The certificate of title shall be 2145
issued, or the process of entering the certificate of title 2146
application information into the automated title processing system 2147
if a physical certificate of title is not to be issued shall be 2148
completed, within five business days after the application for 2149
title is filed with the clerk. If the buyer of the motor vehicle 2150
previously leased the motor vehicle and is buying the motor 2151
vehicle at the end of the lease pursuant to that lease, the 2152
certificate of title shall be obtained in the name of the buyer by 2153
the motor vehicle leasing dealer who previously leased the motor 2154
vehicle to the buyer or by the motor vehicle leasing dealer who 2155
subleased the motor vehicle to the buyer under a sublease 2156
agreement. 2157

In all other cases, except as provided in section 4505.032 2158
and division (D)(2) of section 4505.11 of the Revised Code, such 2159
certificates shall be obtained by the buyer. 2160

(5)(a)(i) If the certificate of title is being obtained in 2161
the name of the buyer by a motor vehicle dealer or motor vehicle 2162
leasing dealer and there is a security interest to be noted on the 2163
certificate of title, the dealer or leasing dealer shall submit 2164
the application for the certificate of title and payment of the 2165
applicable tax to a clerk within seven business days after the 2166
later of the delivery of the motor vehicle to the buyer or the 2167
date the dealer or leasing dealer obtains the manufacturer's or 2168
importer's certificate, or certificate of title issued in the name 2169
of the dealer or leasing dealer, for the motor vehicle. Submission 2170
of the application for the certificate of title and payment of the 2171
applicable tax within the required seven business days may be 2172

indicated by postmark or receipt by a clerk within that period. 2173

(ii) Upon receipt of the certificate of title with the 2174
security interest noted on its face, the dealer or leasing dealer 2175
shall forward the certificate of title to the secured party at the 2176
location noted in the financing documents or otherwise specified 2177
by the secured party. 2178

(iii) A motor vehicle dealer or motor vehicle leasing dealer 2179
is liable to a secured party for a late fee of ten dollars per day 2180
for each certificate of title application and payment of the 2181
applicable tax that is submitted to a clerk more than seven 2182
business days but less than twenty-one days after the later of the 2183
delivery of the motor vehicle to the buyer or the date the dealer 2184
or leasing dealer obtains the manufacturer's or importer's 2185
certificate, or certificate of title issued in the name of the 2186
dealer or leasing dealer, for the motor vehicle and, from then on, 2187
twenty-five dollars per day until the application and applicable 2188
tax are submitted to a clerk. 2189

(b) In all cases of transfer of a motor vehicle except the 2190
transfer of a manufactured home or mobile home, the application 2191
for certificate of title shall be filed within thirty days after 2192
the assignment or delivery of the motor vehicle. 2193

(c) An application for a certificate of title for a new 2194
manufactured home shall be filed within thirty days after the 2195
delivery of the new manufactured home to the purchaser. The date 2196
of the delivery shall be the date on which an occupancy permit for 2197
the manufactured home is delivered to the purchaser of the home by 2198
the appropriate legal authority. 2199

(d) An application for a certificate of title for a used 2200
manufactured home or a used mobile home shall be filed as follows: 2201

(i) If a certificate of title for the used manufactured home 2202
or used mobile home was issued to the motor vehicle dealer prior 2203

to the sale of the manufactured or mobile home to the purchaser, 2204
the application for certificate of title shall be filed within 2205
thirty days after the date on which an occupancy permit for the 2206
manufactured or mobile home is delivered to the purchaser by the 2207
appropriate legal authority. 2208

(ii) If the motor vehicle dealer has been designated by a 2209
secured party to display the manufactured or mobile home for sale, 2210
or to sell the manufactured or mobile home under section 4505.20 2211
of the Revised Code, but the certificate of title has not been 2212
transferred by the secured party to the motor vehicle dealer, and 2213
the dealer has complied with the requirements of division (A) of 2214
section 4505.181 of the Revised Code, the application for 2215
certificate of title shall be filed within thirty days after the 2216
date on which the motor vehicle dealer obtains the certificate of 2217
title for the home from the secured party or the date on which an 2218
occupancy permit for the manufactured or mobile home is delivered 2219
to the purchaser by the appropriate legal authority, whichever 2220
occurs later. 2221

(6) If an application for a certificate of title is not filed 2222
within the period specified in division (A)(5)(b), (c), or (d) of 2223
this section, the clerk shall collect a fee of five dollars for 2224
the issuance of the certificate, except that no such fee shall be 2225
required from a motor vehicle salvage dealer, as defined in 2226
division (A) of section 4738.01 of the Revised Code, who 2227
immediately surrenders the certificate of title for cancellation. 2228
The fee shall be in addition to all other fees established by this 2229
chapter, and shall be retained by the clerk. The registrar shall 2230
provide, on the certificate of title form prescribed by section 2231
4505.07 of the Revised Code, language necessary to give evidence 2232
of the date on which the assignment or delivery of the motor 2233
vehicle was made. 2234

(7) As used in division (A) of this section, "lease 2235

agreement," "lessee," and "sublease agreement" have the same 2236
meanings as in section 4505.04 of the Revised Code and "new 2237
manufactured home," "used manufactured home," and "used mobile 2238
home" have the same meanings as in section 5739.0210 of the 2239
Revised Code. 2240

(B)(1) The clerk, except as provided in this section, shall 2241
refuse to accept for filing any application for a certificate of 2242
title and shall refuse to issue a certificate of title unless the 2243
dealer or the applicant, in cases in which the certificate shall 2244
be obtained by the buyer, submits with the application payment of 2245
the tax levied by or pursuant to Chapters 5739. and 5741. of the 2246
Revised Code based on the purchaser's county of residence. Upon 2247
payment of the tax in accordance with division (E) of this 2248
section, the clerk shall issue a receipt prescribed by the 2249
registrar and agreed upon by the tax commissioner showing payment 2250
of the tax or a receipt issued by the commissioner showing the 2251
payment of the tax. When submitting payment of the tax to the 2252
clerk, a dealer shall retain any discount to which the dealer is 2253
entitled under section 5739.12 of the Revised Code. 2254

(2) For receiving and disbursing such taxes paid to the clerk 2255
by a resident of the clerk's county, the clerk may retain a 2256
poundage fee of one and one one-hundredth per cent, and the clerk 2257
shall pay the poundage fee into the certificate of title 2258
administration fund created by section 325.33 of the Revised Code. 2259
The clerk shall not retain a poundage fee from payments of taxes 2260
by persons who do not reside in the clerk's county. 2261

A clerk, however, may retain from the taxes paid to the clerk 2262
an amount equal to the poundage fees associated with certificates 2263
of title issued by other clerks of courts of common pleas to 2264
applicants who reside in the first clerk's county. The registrar, 2265
in consultation with the tax commissioner and the clerks of the 2266
courts of common pleas, shall develop a report from the automated 2267

title processing system that informs each clerk of the amount of 2268
the poundage fees that the clerk is permitted to retain from those 2269
taxes because of certificates of title issued by the clerks of 2270
other counties to applicants who reside in the first clerk's 2271
county. 2272

(3) In the case of casual sales of motor vehicles, as defined 2273
in section 4517.01 of the Revised Code, the price for the purpose 2274
of determining the tax shall be the purchase price on the assigned 2275
certificate of title executed by the seller and filed with the 2276
clerk by the buyer on a form to be prescribed by the registrar, 2277
which shall be prima-facie evidence of the amount for the 2278
determination of the tax. 2279

(4) Each county clerk shall forward to the treasurer of state 2280
all sales and use tax collections resulting from sales of motor 2281
vehicles, off-highway motorcycles, and all-purpose vehicles during 2282
a calendar week on or before the Friday following the close of 2283
that week. If, on any Friday, the offices of the clerk of courts 2284
or the state are not open for business, the tax shall be forwarded 2285
to the treasurer of state on or before the next day on which the 2286
offices are open. Every remittance of tax under division (B)(4) of 2287
this section shall be accompanied by a remittance report in such 2288
form as the tax commissioner prescribes. Upon receipt of a tax 2289
remittance and remittance report, the treasurer of state shall 2290
date stamp the report and forward it to the tax commissioner. If 2291
the tax due for any week is not remitted by a clerk of courts as 2292
required under division (B)(4) of this section, the commissioner 2293
may require the clerk to forfeit the poundage fees for the sales 2294
made during that week. The treasurer of state may require the 2295
clerks of courts to transmit tax collections and remittance 2296
reports electronically. 2297

(C)(1) If the transferor indicates on the certificate of 2298
title that the odometer reflects mileage in excess of the designed 2299

mechanical limit of the odometer, the clerk shall enter the phrase 2300
"exceeds mechanical limits" following the mileage designation. If 2301
the transferor indicates on the certificate of title that the 2302
odometer reading is not the actual mileage, the clerk shall enter 2303
the phrase "nonactual: warning - odometer discrepancy" following 2304
the mileage designation. The clerk shall use reasonable care in 2305
transferring the information supplied by the transferor, but is 2306
not liable for any errors or omissions of the clerk or those of 2307
the clerk's deputies in the performance of the clerk's duties 2308
created by this chapter. 2309

The registrar shall prescribe an affidavit in which the 2310
transferor shall swear to the true selling price and, except as 2311
provided in this division, the true odometer reading of the motor 2312
vehicle. The registrar may prescribe an affidavit in which the 2313
seller and buyer provide information pertaining to the odometer 2314
reading of the motor vehicle in addition to that required by this 2315
section, as such information may be required by the United States 2316
secretary of transportation by rule prescribed under authority of 2317
subchapter IV of the "Motor Vehicle Information and Cost Savings 2318
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 2319

(2) Division (C)(1) of this section does not require the 2320
giving of information concerning the odometer and odometer reading 2321
of a motor vehicle when ownership of a motor vehicle is being 2322
transferred as a result of a bequest, under the laws of intestate 2323
succession, to a survivor pursuant to section 2106.18, 2131.12, or 2324
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 2325
beneficiaries pursuant to section 2131.13 of the Revised Code, in 2326
connection with the creation of a security interest or for a 2327
vehicle with a gross vehicle weight rating of more than sixteen 2328
thousand pounds. 2329

(D) When the transfer to the applicant was made in some other 2330
state or in interstate commerce, the clerk, except as provided in 2331

this section, shall refuse to issue any certificate of title 2332
unless the tax imposed by or pursuant to Chapter 5741. of the 2333
Revised Code based on the purchaser's county of residence has been 2334
paid as evidenced by a receipt issued by the tax commissioner, or 2335
unless the applicant submits with the application payment of the 2336
tax. Upon payment of the tax in accordance with division (E) of 2337
this section, the clerk shall issue a receipt prescribed by the 2338
registrar and agreed upon by the tax commissioner, showing payment 2339
of the tax. 2340

For receiving and disbursing such taxes paid to the clerk by 2341
a resident of the clerk's county, the clerk may retain a poundage 2342
fee of one and one one-hundredth per cent. The clerk shall not 2343
retain a poundage fee from payments of taxes by persons who do not 2344
reside in the clerk's county. 2345

A clerk, however, may retain from the taxes paid to the clerk 2346
an amount equal to the poundage fees associated with certificates 2347
of title issued by other clerks of courts of common pleas to 2348
applicants who reside in the first clerk's county. The registrar, 2349
in consultation with the tax commissioner and the clerks of the 2350
courts of common pleas, shall develop a report from the automated 2351
title processing system that informs each clerk of the amount of 2352
the poundage fees that the clerk is permitted to retain from those 2353
taxes because of certificates of title issued by the clerks of 2354
other counties to applicants who reside in the first clerk's 2355
county. 2356

When the vendor is not regularly engaged in the business of 2357
selling motor vehicles, the vendor shall not be required to 2358
purchase a vendor's license or make reports concerning those 2359
sales. 2360

(E) The clerk shall accept any payment of a tax in cash, or 2361
by cashier's check, certified check, draft, money order, or teller 2362
check issued by any insured financial institution payable to the 2363

clerk and submitted with an application for a certificate of title 2364
under division (B) or (D) of this section. The clerk also may 2365
accept payment of the tax by corporate, business, or personal 2366
check, credit card, electronic transfer or wire transfer, debit 2367
card, or any other accepted form of payment made payable to the 2368
clerk. The clerk may require bonds, guarantees, or letters of 2369
credit to ensure the collection of corporate, business, or 2370
personal checks. Any service fee charged by a third party to a 2371
clerk for the use of any form of payment may be paid by the clerk 2372
from the certificate of title administration fund created in 2373
section 325.33 of the Revised Code, or may be assessed by the 2374
clerk upon the applicant as an additional fee. Upon collection, 2375
the additional fees shall be paid by the clerk into that 2376
certificate of title administration fund. 2377

The clerk shall make a good faith effort to collect any 2378
payment of taxes due but not made because the payment was returned 2379
or dishonored, but the clerk is not personally liable for the 2380
payment of uncollected taxes or uncollected fees. The clerk shall 2381
notify the tax commissioner of any such payment of taxes that is 2382
due but not made and shall furnish the information to the 2383
commissioner that the commissioner requires. The clerk shall 2384
deduct the amount of taxes due but not paid from the clerk's 2385
periodic remittance of tax payments, in accordance with procedures 2386
agreed upon by the tax commissioner. The commissioner may collect 2387
taxes due by assessment in the manner provided in section 5739.13 2388
of the Revised Code. 2389

Any person who presents payment that is returned or 2390
dishonored for any reason is liable to the clerk for payment of a 2391
penalty over and above the amount of the taxes due. The clerk 2392
shall determine the amount of the penalty, and the penalty shall 2393
be no greater than that amount necessary to compensate the clerk 2394
for banking charges, legal fees, or other expenses incurred by the 2395

clerk in collecting the returned or dishonored payment. The 2396
remedies and procedures provided in this section are in addition 2397
to any other available civil or criminal remedies. Subsequently 2398
collected penalties, poundage fees, and title fees, less any title 2399
fee due the state, from returned or dishonored payments collected 2400
by the clerk shall be paid into the certificate of title 2401
administration fund. Subsequently collected taxes, less poundage 2402
fees, shall be sent by the clerk to the treasurer of state at the 2403
next scheduled periodic remittance of tax payments, with 2404
information as the commissioner may require. The clerk may abate 2405
all or any part of any penalty assessed under this division. 2406

(F) In the following cases, the clerk shall accept for filing 2407
an application and shall issue a certificate of title without 2408
requiring payment or evidence of payment of the tax: 2409

(1) When the purchaser is this state or any of its political 2410
subdivisions, a church, or an organization whose purchases are 2411
exempted by section 5739.02 of the Revised Code; 2412

(2) When the transaction in this state is not a retail sale 2413
as defined by section 5739.01 of the Revised Code; 2414

(3) When the purchase is outside this state or in interstate 2415
commerce and the purpose of the purchaser is not to use, store, or 2416
consume within the meaning of section 5741.01 of the Revised Code; 2417

(4) When the purchaser is the federal government; 2418

(5) When the motor vehicle was purchased outside this state 2419
for use outside this state; 2420

(6) When the motor vehicle is purchased by a nonresident 2421
under the circumstances described in division (B)(1) of section 2422
5739.029 of the Revised Code, and upon presentation of a copy of 2423
the affidavit provided by that section, and a copy of the 2424
exemption certificate provided by section 5739.03 of the Revised 2425
Code. 2426

(G) An application, as prescribed by the registrar and agreed 2427
to by the tax commissioner, shall be filled out and sworn to by 2428
the buyer of a motor vehicle in a casual sale. The application 2429
shall contain the following notice in bold lettering: "WARNING TO 2430
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 2431
law to state the true selling price. A false statement is in 2432
violation of section 2921.13 of the Revised Code and is punishable 2433
by six months' imprisonment or a fine of up to one thousand 2434
dollars, or both. All transfers are audited by the department of 2435
taxation. The seller and buyer must provide any information 2436
requested by the department of taxation. The buyer may be assessed 2437
any additional tax found to be due." 2438

(H) For sales of manufactured homes or mobile homes occurring 2439
on or after January 1, 2000, the clerk shall accept for filing, 2440
pursuant to Chapter 5739. of the Revised Code, an application for 2441
a certificate of title for a manufactured home or mobile home 2442
without requiring payment of any tax pursuant to section 5739.02, 2443
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 2444
issued by the tax commissioner showing payment of the tax. For 2445
sales of manufactured homes or mobile homes occurring on or after 2446
January 1, 2000, the applicant shall pay to the clerk an 2447
additional fee of five dollars for each certificate of title 2448
issued by the clerk for a manufactured or mobile home pursuant to 2449
division (H) of section 4505.11 of the Revised Code and for each 2450
certificate of title issued upon transfer of ownership of the 2451
home. The clerk shall credit the fee to the county certificate of 2452
title administration fund, and the fee shall be used to pay the 2453
expenses of archiving those certificates pursuant to division (A) 2454
of section 4505.08 and division (H)(3) of section 4505.11 of the 2455
Revised Code. The tax commissioner shall administer any tax on a 2456
manufactured or mobile home pursuant to Chapters 5739. and 5741. 2457
of the Revised Code. 2458

(I) Every clerk shall have the capability to transact by 2459
electronic means all procedures and transactions relating to the 2460
issuance of motor vehicle certificates of title that are described 2461
in the Revised Code as being accomplished by electronic means. 2462

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 2463
shall charge and retain fees as follows: 2464

(a) Five dollars for each certificate of title that is not 2465
applied for within thirty days after the later of the assignment 2466
or delivery of the motor vehicle described in it. The entire fee 2467
shall be retained by the clerk. 2468

(b) Fifteen dollars for each certificate of title or 2469
duplicate certificate of title including the issuance of a 2470
memorandum certificate of title, or authorization to print a 2471
non-negotiable evidence of ownership described in division (G) of 2472
section 4505.08 of the Revised Code, non-negotiable evidence of 2473
ownership printed by the clerk under division (H) of that section, 2474
and notation of any lien on a certificate of title that is applied 2475
for at the same time as the certificate of title. The clerk shall 2476
retain eleven dollars and fifty cents of that fee for each 2477
certificate of title when there is a notation of a lien or 2478
security interest on the certificate of title, twelve dollars and 2479
twenty-five cents when there is no lien or security interest noted 2480
on the certificate of title, and eleven dollars and fifty cents 2481
for each duplicate certificate of title. 2482

(c) ~~Five~~ Four dollars and fifty cents for each certificate of 2483
title with no security interest noted that is issued to a licensed 2484
motor vehicle dealer for resale purposes and, in addition, a 2485
separate fee of fifty cents. The clerk shall retain two dollars 2486
and twenty-five cents of that fee. 2487

(d) Five dollars for each memorandum certificate of title or 2488
non-negotiable evidence of ownership that is applied for 2489

separately. The clerk shall retain that entire fee. 2490

(2) The fees that are not retained by the clerk shall be paid 2491
to the registrar of motor vehicles by monthly returns, which shall 2492
be forwarded to the registrar not later than the fifth day of the 2493
month next succeeding that in which the certificate is issued or 2494
that in which the registrar is notified of a lien or cancellation 2495
of a lien. 2496

(B)(1) The registrar shall pay twenty-five cents of the 2497
amount received for each certificate of title issued to a motor 2498
vehicle dealer for resale, one dollar for certificates of title 2499
issued with a lien or security interest noted on the certificate 2500
of title, and twenty-five cents for each certificate of title with 2501
no lien or security interest noted on the certificate of title 2502
into the state bureau of motor vehicles fund established in 2503
section 4501.25 of the Revised Code. 2504

(2) Fifty cents of the amount received for each certificate 2505
of title shall be paid by the registrar as follows: 2506

(a) Four cents shall be paid into the state treasury to the 2507
credit of the motor vehicle dealers board fund, which is hereby 2508
created. All investment earnings of the fund shall be credited to 2509
the fund. The moneys in the motor vehicle dealers board fund shall 2510
be used by the motor vehicle dealers board created under section 2511
4517.30 of the Revised Code, together with other moneys 2512
appropriated to it, in the exercise of its powers and the 2513
performance of its duties under Chapter 4517. of the Revised Code, 2514
except that the director of budget and management may transfer 2515
excess money from the motor vehicle dealers board fund to the 2516
bureau of motor vehicles fund if the registrar determines that the 2517
amount of money in the motor vehicle dealers board fund, together 2518
with other moneys appropriated to the board, exceeds the amount 2519
required for the exercise of its powers and the performance of its 2520
duties under Chapter 4517. of the Revised Code and requests the 2521

director to make the transfer. 2522

(b) Twenty-one cents shall be paid into the highway operating 2523
fund. 2524

(c) Twenty-five cents shall be paid into the state treasury 2525
to the credit of the motor vehicle sales audit fund, which is 2526
hereby created. The moneys in the fund shall be used by the tax 2527
commissioner together with other funds available to the 2528
commissioner to conduct a continuing investigation of sales and 2529
use tax returns filed for motor vehicles in order to determine if 2530
sales and use tax liability has been satisfied. The commissioner 2531
shall refer cases of apparent violations of section 2921.13 of the 2532
Revised Code made in connection with the titling or sale of a 2533
motor vehicle and cases of any other apparent violations of the 2534
sales or use tax law to the appropriate county prosecutor whenever 2535
the commissioner considers it advisable. 2536

(3) Two dollars of the amount received by the registrar under 2537
divisions (A)(1)(a), (b), and (d) of this section and one dollar 2538
and fifty cents of the amount received by the registrar under 2539
division (A)(1)(c) of this section for each certificate of title 2540
shall be paid into the state treasury to the credit of the 2541
automated title processing fund, which is hereby created and which 2542
shall consist of moneys collected under division (B)(3) of this 2543
section and under sections 1548.10 and 4519.59 of the Revised 2544
Code. All investment earnings of the fund shall be credited to the 2545
fund. The moneys in the fund shall be used as follows: 2546

(a) Except for moneys collected under section 1548.10 of the 2547
Revised Code and as provided in division (B)(3)(c) of this 2548
section, moneys collected under division (B)(3) of this section 2549
shall be used to implement and maintain an automated title 2550
processing system for the issuance of motor vehicle, off-highway 2551
motorcycle, and all-purpose vehicle certificates of title in the 2552
offices of the clerks of the courts of common pleas. 2553

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

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

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

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

(a) The automated title processing equipment and certificates of title requirements for each county;	2585 2586
(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;	2587 2588
(c) The repayment to the counties for existing title processing equipment.	2589 2590
(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.	2591 2592 2593 2594 2595
(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.	2596 2597 2598 2599 2600
Sec. 4506.08. (A)(1) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars. Each application for a commercial driver's license, restricted commercial driver's license, renewal of such a license, or waiver for farm-related service industries shall be accompanied by a fee of twenty-five dollars, except that an application for a commercial driver's license or restricted commercial driver's license received pursuant to division (A)(3) of section 4506.14 of the Revised Code shall be accompanied by a fee of eighteen dollars and seventy-five cents if the license will expire on the licensee's birthday three years after the date of issuance, a fee of twelve dollars and fifty cents if the license will expire on the licensee's birthday two years after the date of issuance, and a fee of six dollars and twenty-five cents if the license will expire on the licensee's birthday one year after the	2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615

date of issuance. Each application for a duplicate commercial driver's license shall be accompanied by a fee of ten dollars.

(2) In addition, the registrar of motor vehicles or deputy registrar may collect and retain an additional fee of no more than three dollars and fifty cents for each application for a commercial driver's license temporary instruction permit, commercial driver's license, renewal of a commercial driver's license, or duplicate commercial driver's license received by the registrar or deputy.

(B) In addition to the fees imposed under division (A) of this section, the registrar of motor vehicles or deputy registrar shall collect a fee of twelve dollars for each application for a commercial driver's license temporary instruction permit, commercial driver's license, or duplicate commercial driver's license and for each application for renewal of a commercial driver's license. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio.

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

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

under divisions (A)(1), and (B), ~~and (C)~~ of this section in the 2648
time and manner prescribed by the registrar. The registrar shall 2649
deposit all moneys received under division ~~(D)~~(C) of this section 2650
into the state highway safety fund established in section 4501.06 2651
of the Revised Code. 2652

~~(E)~~(D) Information regarding the driving record of any person 2653
holding a commercial driver's license issued by this state shall 2654
be furnished by the registrar, upon request and payment of a fee 2655
of five dollars, to the employer or prospective employer of such a 2656
person and to any insurer. 2657

Of each five-dollar fee the registrar collects under this 2658
division, the registrar shall pay two dollars into the state 2659
treasury to the credit of the state bureau of motor vehicles fund 2660
established in section 4501.25 of the Revised Code, sixty cents 2661
into the state treasury to the credit of the trauma and emergency 2662
medical services fund established in section 4513.263 of the 2663
Revised Code, sixty cents into the state treasury to the credit of 2664
the homeland security fund established in section 5502.03 of the 2665
Revised Code, thirty cents into the state treasury to the credit 2666
of the investigations fund established in section 5502.131 of the 2667
Revised Code, one dollar and twenty-five cents into the state 2668
treasury to the credit of the emergency management agency service 2669
and reimbursement fund established in section 5502.39 of the 2670
Revised Code, and twenty-five cents into the state treasury to the 2671
credit of the justice program services fund established in section 2672
5502.67 of the Revised Code. 2673

Sec. 4507.05. (A) The registrar of motor vehicles, or a 2674
deputy registrar, upon receiving an application for a temporary 2675
instruction permit and a temporary instruction permit 2676
identification card for a driver's license from any person who is 2677
at least fifteen years six months of age, may issue such a permit 2678

and identification card entitling the applicant to drive a motor 2679
vehicle, other than a commercial motor vehicle, upon the highways 2680
under the following conditions: 2681

(1) If the permit is issued to a person who is at least 2682
fifteen years six months of age, but less than sixteen years of 2683
age: 2684

(a) The permit and identification card are in the holder's 2685
immediate possession; 2686

(b) The holder is accompanied by an eligible adult who 2687
actually occupies the seat beside the permit holder and does not 2688
have a prohibited concentration of alcohol in the whole blood, 2689
blood serum or plasma, breath, or urine as provided in division 2690
(A) of section 4511.19 of the Revised Code; 2691

(c) The total number of occupants of the vehicle does not 2692
exceed the total number of occupant restraining devices originally 2693
installed in the motor vehicle by its manufacturer, and each 2694
occupant of the vehicle is wearing all of the available elements 2695
of a properly adjusted occupant restraining device. 2696

(2) If the permit is issued to a person who is at least 2697
sixteen years of age: 2698

(a) The permit and identification card are in the holder's 2699
immediate possession; 2700

(b) The holder is accompanied by a licensed operator who is 2701
at least twenty-one years of age, is actually occupying a seat 2702
beside the driver, and does not have a prohibited concentration of 2703
alcohol in the whole blood, blood serum or plasma, breath, or 2704
urine as provided in division (A) of section 4511.19 of the 2705
Revised Code; 2706

(c) The total number of occupants of the vehicle does not 2707
exceed the total number of occupant restraining devices originally 2708

installed in the motor vehicle by its manufacturer, and each 2709
occupant of the vehicle is wearing all of the available elements 2710
of a properly adjusted occupant restraining device. 2711

(B) The registrar or a deputy registrar, upon receiving from 2712
any person an application for a temporary instruction permit and 2713
temporary instruction permit identification card to operate a 2714
motorcycle or motorized bicycle, may issue such a permit and 2715
identification card entitling the applicant, while having the 2716
permit and identification card in the applicant's immediate 2717
possession, to drive a motorcycle under the restrictions 2718
prescribed in section 4511.53 of the Revised Code, or to drive a 2719
motorized bicycle under restrictions determined by the registrar. 2720
A temporary instruction permit and temporary instruction permit 2721
identification card to operate a motorized bicycle may be issued 2722
to a person fourteen or fifteen years old. 2723

(C) Any permit and identification card issued under this 2724
section shall be issued in the same manner as a driver's license, 2725
upon a form to be furnished by the registrar. A temporary 2726
instruction permit to drive a motor vehicle other than a 2727
commercial motor vehicle shall be valid for a period of one year. 2728

(D) Any person having in the person's possession a valid and 2729
current driver's license or motorcycle operator's license or 2730
endorsement issued to the person by another jurisdiction 2731
recognized by this state is exempt from obtaining a temporary 2732
instruction permit for a driver's license, but shall submit to the 2733
regular examination in obtaining a driver's license or motorcycle 2734
operator's endorsement in this state. 2735

(E) The registrar may adopt rules governing the use of 2736
temporary instruction permits and temporary instruction permit 2737
identification cards. 2738

(F)(1) No holder of a permit issued under division (A) of 2739

this section shall operate a motor vehicle upon a highway or any 2740
public or private property used by the public for purposes of 2741
vehicular travel or parking in violation of the conditions 2742
established under division (A) of this section. 2743

(2) Except as provided in division (F)(2) of this section, no 2744
holder of a permit that is issued under division (A) of this 2745
section and that is issued on or after July 1, 1998, and who has 2746
not attained the age of eighteen years, shall operate a motor 2747
vehicle upon a highway or any public or private property used by 2748
the public for purposes of vehicular travel or parking between the 2749
hours of midnight and six a.m. 2750

The holder of a permit issued under division (A) of this 2751
section on or after July 1, 1998, who has not attained the age of 2752
eighteen years, may operate a motor vehicle upon a highway or any 2753
public or private property used by the public for purposes of 2754
vehicular travel or parking between the hours of midnight and six 2755
a.m. if, at the time of such operation, the holder is accompanied 2756
by the holder's parent, guardian, or custodian, and the parent, 2757
guardian, or custodian holds a current valid driver's or 2758
commercial driver's license issued by this state, is actually 2759
occupying a seat beside the permit holder, and does not have a 2760
prohibited concentration of alcohol in the whole blood, blood 2761
serum or plasma, breath, or urine as provided in division (A) of 2762
section 4511.19 of the Revised Code. 2763

(G)(1) Notwithstanding any other provision of law to the 2764
contrary, no law enforcement officer shall cause the operator of a 2765
motor vehicle being operated on any street or highway to stop the 2766
motor vehicle for the sole purpose of determining whether each 2767
occupant of the motor vehicle is wearing all of the available 2768
elements of a properly adjusted occupant restraining device as 2769
required by division (A) of this section, or for the sole purpose 2770
of issuing a ticket, citation, or summons if the requirement in 2771

that division has been or is being violated, or for causing the 2772
arrest of or commencing a prosecution of a person for a violation 2773
of that requirement. 2774

(2) Notwithstanding any other provision of law to the 2775
contrary, no law enforcement officer shall cause the operator of a 2776
motor vehicle being operated on any street or highway to stop the 2777
motor vehicle for the sole purpose of determining whether a 2778
violation of division (F)(2) of this section has been or is being 2779
committed or for the sole purpose of issuing a ticket, citation, 2780
or summons for such a violation or for causing the arrest of or 2781
commencing a prosecution of a person for such violation. 2782

(H) As used in this section: 2783

(1) "Eligible adult" means any of the following: 2784

(a) An instructor of a driver training course approved by the 2785
department of public safety; 2786

(b) Any of the following persons who holds a current valid 2787
driver's or commercial driver's license issued by this state: 2788

(i) A parent, guardian, or custodian of the permit holder; 2789

(ii) A person twenty-one years of age or older who acts in 2790
loco parentis of the permit holder. 2791

(2) "Occupant restraining device" has the same meaning as in 2792
section 4513.263 of the Revised Code. 2793

(I) Whoever violates division (F)(1) or (2) of this section 2794
is guilty of a minor misdemeanor. 2795

Sec. 4507.23. (A) Except as provided in division ~~(J)~~(I) of 2796
this section, each application for a temporary instruction permit 2797
and examination shall be accompanied by a fee of five dollars. 2798

(B) Except as provided in division ~~(J)~~(I) of this section, 2799
each application for a driver's license made by a person who 2800

previously held such a license and whose license has expired not 2801
more than two years prior to the date of application, and who is 2802
required under this chapter to give an actual demonstration of the 2803
person's ability to drive, shall be accompanied by a fee of three 2804
dollars in addition to any other fees. 2805

(C)(1) Except as provided in divisions (E) and ~~(J)~~(I) of this 2806
section, each application for a driver's license, or motorcycle 2807
operator's endorsement, or renewal of a driver's license shall be 2808
accompanied by a fee of six dollars. 2809

(2) Except as provided in division ~~(J)~~(I) of this section, 2810
each application for a duplicate driver's license shall be 2811
accompanied by a fee of seven dollars and fifty cents. The 2812
duplicate driver's licenses issued under this section shall be 2813
distributed by the deputy registrar in accordance with rules 2814
adopted by the registrar of motor vehicles. 2815

(D) Except as provided in division ~~(J)~~(I) of this section, 2816
each application for a motorized bicycle license or duplicate 2817
thereof shall be accompanied by a fee of two dollars and fifty 2818
cents. 2819

(E) Except as provided in division ~~(J)~~(I) of this section, 2820
each application for a driver's license or renewal of a driver's 2821
license that will be issued to a person who is less than 2822
twenty-one years of age shall be accompanied by whichever of the 2823
following fees is applicable: 2824

(1) If the person is sixteen years of age or older, but less 2825
than seventeen years of age, a fee of seven dollars and 2826
twenty-five cents; 2827

(2) If the person is seventeen years of age or older, but 2828
less than eighteen years of age, a fee of six dollars; 2829

(3) If the person is eighteen years of age or older, but less 2830
than nineteen years of age, a fee of four dollars and seventy-five 2831

cents; 2832

(4) If the person is nineteen years of age or older, but less 2833
than twenty years of age, a fee of three dollars and fifty cents; 2834

(5) If the person is twenty years of age or older, but less 2835
than twenty-one years of age, a fee of two dollars and twenty-five 2836
cents. 2837

(F) Neither the registrar nor any deputy registrar shall 2838
charge a fee in excess of one dollar and fifty cents for 2839
laminating a driver's license, motorized bicycle license, or 2840
temporary instruction permit identification cards as required by 2841
sections 4507.13 and 4511.521 of the Revised Code. A deputy 2842
registrar laminating a driver's license, motorized bicycle 2843
license, or temporary instruction permit identification cards 2844
shall retain the entire amount of the fee charged for lamination, 2845
less the actual cost to the registrar of the laminating materials 2846
used for that lamination, as specified in the contract executed by 2847
the bureau for the laminating materials and laminating equipment. 2848
The deputy registrar shall forward the amount of the cost of the 2849
laminating materials to the registrar for deposit as provided in 2850
this section. 2851

(G) Except as provided in division ~~(J)~~(I) of this section ~~and~~ 2852
~~except for the renewal of a driver's license, commencing on~~ 2853
~~October 1, 2003,~~ each transaction described in divisions (A), (B), 2854
(C), (D), and (E) of this section shall be accompanied by an 2855
additional fee of twelve dollars. ~~A transaction involving the~~ 2856
~~renewal of a driver's license with an expiration date on or after~~ 2857
~~that date shall be accompanied by an additional fee of twelve~~ 2858
~~dollars.~~ The additional fee is for the purpose of defraying the 2859
department of public safety's costs associated with the 2860
administration and enforcement of the motor vehicle and traffic 2861
laws of Ohio. 2862

(H) ~~Except as provided in division (J) of this section,~~ 2863
~~commencing on October 1, 2009, if an application for a driver's~~ 2864
~~license or motorcycle operator's endorsement made by a person who~~ 2865
~~previously held such a license is not applied for within the~~ 2866
~~period specified in section 4507.09 of the Revised Code or within~~ 2867
~~seven days after the period so specified, the registrar or deputy~~ 2868
~~registrar shall collect a fee of twenty dollars for the issuance~~ 2869
~~of the driver's license or motorcycle endorsement, but may waive~~ 2870
~~the fee for good cause shown if the application is accompanied by~~ 2871
~~supporting evidence as the registrar may require. The fee shall be~~ 2872
~~in addition to all other fees established by this section. A~~ 2873
~~deputy registrar collecting this twenty dollar fee shall retain~~ 2874
~~fifty cents and send the remaining fee to the registrar as~~ 2875
~~specified in division (I) of this section.~~ 2876

~~(I)~~ At the time and in the manner provided by section 4503.10 2877
of the Revised Code, the deputy registrar shall transmit the fees 2878
collected under divisions (A), (B), (C), (D), and (E), those 2879
portions of the fees specified in and collected under division 2880
(F), and the additional fee under ~~divisions~~ division (G) and ~~(H)~~ 2881
of this section to the registrar. The registrar shall pay two 2882
dollars and fifty cents of each fee collected under divisions (A), 2883
(B), (C)(1) and (2), (D), and (E)(1) to (4) of this section, and 2884
the entire fee collected under division (E)(5) of this section, 2885
into the state highway safety fund established in section 4501.06 2886
of the Revised Code, and such fees shall be used for the sole 2887
purpose of supporting driver licensing activities. The registrar 2888
also shall pay five dollars of each fee collected under division 2889
(C)(2) of this section and the entire fee collected under 2890
~~divisions~~ division (G) and ~~(H)~~ of this section into the state 2891
highway safety fund created in section 4501.06 of the Revised 2892
Code. The remaining fees collected by the registrar under this 2893
section shall be paid into the state bureau of motor vehicles fund 2894
established in section 4501.25 of the Revised Code. 2895

(J) (I) A disabled veteran who has a service-connected	2896
disability rated at one hundred per cent by the veterans'	2897
administration may apply to the registrar or a deputy registrar	2898
for the issuance to that veteran, without the payment of any fee	2899
prescribed in this section, of any of the following items:	2900
(1) A temporary instruction permit and examination;	2901
(2) A new, renewal, or duplicate driver's or commercial	2902
driver's license;	2903
(3) A motorcycle operator's endorsement;	2904
(4) A motorized bicycle license or duplicate thereof;	2905
(5) The fee established in division (H) of this section;	2906
(6) Lamination of a driver's license, motorized bicycle	2907
license, or temporary instruction permit identification card as	2908
provided in division (F) of this section, if the circumstances	2909
specified in division (J)(6) of this section are met.	2910
A disabled veteran whose driver's license, motorized bicycle	2911
license, or temporary instruction permit identification card is	2912
laminated by the registrar or deputy registrar is not required to	2913
pay the registrar any lamination fee.	2914
An application made under division (J) (I) of this section	2915
shall be accompanied by such documentary evidence of disability as	2916
the registrar may require by rule.	2917
Sec. 4510.43. (A)(1) The director of public safety, upon	2918
consultation with the director of health and in accordance with	2919
Chapter 119. of the Revised Code, shall certify immobilizing and	2920
disabling devices and, subject to section 4510.45 of the Revised	2921
Code, shall publish and make available to the courts, without	2922
charge, a list of licensed manufacturers of ignition interlock	2923
devices and approved devices together with information about the	2924
manufacturers of the devices and where they may be obtained. The	2925

manufacturer of an immobilizing or disabling device shall pay the 2926
cost of obtaining the certification of the device to the director 2927
of public safety, and the director shall deposit the payment in 2928
the ~~drivers' treatment and intervention~~ indigent drivers alcohol 2929
treatment fund established by ~~sections 4511.19 and~~ section 2930
4511.191 of the Revised Code. 2931

(2) The director of public safety, in accordance with Chapter 2932
119. of the Revised Code, shall adopt and publish rules setting 2933
forth the requirements for obtaining the certification of an 2934
immobilizing or disabling device. The director of public safety 2935
shall not certify an immobilizing or disabling device under this 2936
section unless it meets the requirements specified and published 2937
by the director in the rules adopted pursuant to this division. A 2938
certified device may consist of an ignition interlock device, an 2939
ignition blocking device initiated by time or magnetic or 2940
electronic encoding, an activity monitor, or any other device that 2941
reasonably assures compliance with an order granting limited 2942
driving privileges. Ignition interlock devices shall be certified 2943
annually. 2944

The requirements for an immobilizing or disabling device that 2945
is an ignition interlock device shall require that the 2946
manufacturer of the device submit to the department of public 2947
safety a certificate from an independent testing laboratory 2948
indicating that the device meets or exceeds the standards of the 2949
national highway traffic safety administration, as defined in 2950
section 4511.19 of the Revised Code, that are in effect at the 2951
time of the director's decision regarding certification of the 2952
device, shall include provisions for setting a minimum and maximum 2953
calibration range, and shall include, but shall not be limited to, 2954
specifications that the device complies with all of the following: 2955

(a) It does not impede the safe operation of the vehicle. 2956

(b) It has features that make circumvention difficult and 2957

that do not interfere with the normal use of the vehicle, and the features are operating and functioning. (c) It correlates well with established measures of alcohol impairment. (d) It works accurately and reliably in an unsupervised environment. (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted. (f) It is difficult to circumvent and requires premeditation to do so. (g) It minimizes inconvenience to a sober user. (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath. (i) It operates reliably over the range of automobile environments. (j) It is made by a manufacturer who is covered by product liability insurance. (3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices. (4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.

(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program.

(C) If a person has been granted limited driving privileges with a condition of the privileges being that the motor vehicle that is operated under the privileges must be equipped with an immobilizing or disabling device, the person may operate a motor vehicle that is owned by the person's employer only if the person is required to operate that motor vehicle in the course and scope of the offender's employment. Such a person may operate that vehicle without the installation of an immobilizing or disabling device, provided that the employer has been notified that the person has limited driving privileges and of the nature of the restriction and further provided that the person has proof of the employer's notification in the person's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by a person with limited driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

Sec. 4511.108. The director of transportation shall adopt rules under Chapter 119. of the Revised Code to establish a traffic generator sign program and shall set forth in the traffic

engineering manual the specifications for a uniform system of 3020
traffic generator signs and the criteria for participation in the 3021
program. ~~The department of transportation shall operate,~~ 3022
~~construct, and maintain the program.~~ The director shall establish, 3023
and may revise at any time, an annual fee to be charged for a 3024
~~qualifying private business to participate~~ participation in the 3025
traffic generator sign program. Money paid by the qualifying 3026
~~private business~~ program participants shall be ~~remitted to the~~ 3027
~~department~~ deposited into the state treasury to the credit of the 3028
highway operating fund. 3029

The director may contract with any person that applies to 3030
operate, construct, maintain, or market the traffic generator sign 3031
program. The contract may allow for a reasonable profit to be 3032
earned by the successful applicant. In awarding the contract, the 3033
director may consider the skill, expertise, prior experience, and 3034
other qualifications of each applicant. 3035

If the director determines that the department shall operate 3036
this program, all money collected from program participants shall 3037
be deposited and credited as prescribed in this section. 3038

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 3039
has the same meaning as given that term in section 4519.01 of the 3040
Revised Code. 3041

(B) No person operating a bicycle shall ride other than upon 3042
or astride the permanent and regular seat attached thereto or 3043
carry any other person upon such bicycle other than upon a firmly 3044
attached and regular seat thereon, and no person shall ride upon a 3045
bicycle other than upon such a firmly attached and regular seat. 3046

No person operating a motorcycle shall ride other than upon 3047
or astride the permanent and regular seat or saddle attached 3048
thereto, or carry any other person upon such motorcycle other than 3049

upon a firmly attached and regular seat or saddle thereon, and no 3050
person shall ride upon a motorcycle other than upon such a firmly 3051
attached and regular seat or saddle. 3052

No person shall ride upon a motorcycle that is equipped with 3053
a saddle other than while sitting astride the saddle, facing 3054
forward, with one leg on each side of the motorcycle. 3055

No person shall ride upon a motorcycle that is equipped with 3056
a seat other than while sitting upon the seat. 3057

No person operating a bicycle shall carry any package, 3058
bundle, or article that prevents the driver from keeping at least 3059
one hand upon the handle bars. 3060

No bicycle or motorcycle shall be used to carry more persons 3061
at one time than the number for which it is designed and equipped, 3062
nor shall any motorcycle be operated on a highway when the handle 3063
bars or grips are more than fifteen inches higher than the seat or 3064
saddle for the operator. 3065

No person shall operate or be a passenger on a snowmobile or 3066
motorcycle without using safety glasses or other protective eye 3067
device. No person who is under the age of eighteen years, or who 3068
holds a motorcycle operator's endorsement or license bearing a 3069
"novice" designation that is currently in effect as provided in 3070
section 4507.13 of the Revised Code, shall operate a motorcycle on 3071
a highway, or be a passenger on a motorcycle, unless wearing a 3072
protective helmet on the person's head, and no other person shall 3073
be a passenger on a motorcycle operated by such a person unless 3074
similarly wearing a protective helmet. The helmet, safety glasses, 3075
or other protective eye device shall conform with ~~regulations~~ 3076
~~prescribed and promulgated~~ rules adopted by the director of public 3077
safety. The provisions of this paragraph or a violation thereof 3078
shall not be used in the trial of any civil action. 3079

(C)(1) No person shall operate a motorcycle with a valid 3080

temporary instruction permit and temporary instruction permit 3081
identification card issued by the registrar of motor vehicles 3082
pursuant to section 4507.05 of the Revised Code unless the person, 3083
at the time of such operation, is wearing on the person's head a 3084
protective helmet that conforms with rules adopted by the 3085
director. 3086

(2) No person shall operate a motorcycle with a valid 3087
temporary instruction permit and temporary instruction permit 3088
identification card issued by the registrar pursuant to section 3089
4507.05 of the Revised Code in any of the following circumstances: 3090

(a) At any time when lighted lights are required by division 3091
(A)(1) of section 4513.03 of the Revised Code; 3092

(b) While carrying a passenger; 3093

(c) On any limited access highway. 3094

(D) Nothing in this section shall be construed as prohibiting 3095
the carrying of a child in a seat or trailer that is designed for 3096
carrying children and is firmly attached to the bicycle. 3097

~~(D)~~(E) Except as otherwise provided in this division, whoever 3098
violates this section is guilty of a minor misdemeanor. If, within 3099
one year of the offense, the offender previously has been 3100
convicted of or pleaded guilty to one predicate motor vehicle or 3101
traffic offense, whoever violates this section is guilty of a 3102
misdemeanor of the fourth degree. If, within one year of the 3103
offense, the offender previously has been convicted of two or more 3104
predicate motor vehicle or traffic offenses, whoever violates this 3105
section is guilty of a misdemeanor of the third degree. 3106

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 3107
roadway where there is an adjacent curb shall be stopped or parked 3108
with the right-hand wheels of the vehicle parallel with and not 3109
more than twelve inches from the right-hand curb, unless it is 3110

impossible to approach so close to the curb; in such case the stop 3111
shall be made as close to the curb as possible and only for the 3112
time necessary to discharge and receive passengers or to load or 3113
unload merchandise. Local authorities by ordinance may permit 3114
angle parking on any roadway under their jurisdiction, except that 3115
angle parking shall not be permitted on a state route within a 3116
municipal corporation unless an unoccupied roadway width of not 3117
less than twenty-five feet is available for free-moving traffic. 3118

(B) Local authorities by ordinance may permit parking of 3119
vehicles with the left-hand wheels adjacent to and within twelve 3120
inches of the left-hand curb of a one-way roadway. 3121

(C) ~~No~~ (1) Except as provided in division (C)(2) of this 3122
section, no vehicle or trackless trolley shall be stopped or 3123
parked on a road or highway with the vehicle or trackless trolley 3124
facing in a direction other than the direction of travel on that 3125
side of the road or highway. 3126

(2) The operator of a motorcycle may back the motorcycle into 3127
an angled parking space so that when the motorcycle is parked it 3128
is facing in a direction other than the direction of travel on the 3129
side of the road or highway. 3130

(D) Notwithstanding any statute or any rule, resolution, or 3131
ordinance adopted by any local authority, air compressors, 3132
tractors, trucks, and other equipment, while being used in the 3133
construction, reconstruction, installation, repair, or removal of 3134
facilities near, on, over, or under a street or highway, may stop, 3135
stand, or park where necessary in order to perform such work, 3136
provided a flagperson is on duty or warning signs or lights are 3137
displayed as may be prescribed by the director of transportation. 3138

(E) Special parking locations and privileges for persons with 3139
disabilities that limit or impair the ability to walk, also known 3140
as handicapped parking spaces or disability parking spaces, shall 3141

be provided and designated by all political subdivisions and by 3142
the state and all agencies and instrumentalities thereof at all 3143
offices and facilities, where parking is provided, whether owned, 3144
rented, or leased, and at all publicly owned parking garages. The 3145
locations shall be designated through the posting of an elevated 3146
sign, whether permanently affixed or movable, imprinted with the 3147
international symbol of access and shall be reasonably close to 3148
exits, entrances, elevators, and ramps. All elevated signs posted 3149
in accordance with this division and division (C) of section 3150
3781.111 of the Revised Code shall be mounted on a fixed or 3151
movable post, and the distance from the ground to the top edge of 3152
the sign shall measure five feet. If a new sign or a replacement 3153
sign designating a special parking location is posted on or after 3154
October 14, 1999, there also shall be affixed upon the surface of 3155
that sign or affixed next to the designating sign a notice that 3156
states the fine applicable for the offense of parking a motor 3157
vehicle in the special designated parking location if the motor 3158
vehicle is not legally entitled to be parked in that location. 3159

(F)(1) No person shall stop, stand, or park any motor vehicle 3160
at special parking locations provided under division (E) of this 3161
section or at special clearly marked parking locations provided in 3162
or on privately owned parking lots, parking garages, or other 3163
parking areas and designated in accordance with that division, 3164
unless one of the following applies: 3165

(a) The motor vehicle is being operated by or for the 3166
transport of a person with a disability that limits or impairs the 3167
ability to walk and is displaying a valid removable windshield 3168
placard or special license plates; 3169

(b) The motor vehicle is being operated by or for the 3170
transport of a handicapped person and is displaying a parking card 3171
or special handicapped license plates. 3172

(2) Any motor vehicle that is parked in a special marked 3173

parking location in violation of division (F)(1)(a) or (b) of this 3174
section may be towed or otherwise removed from the parking 3175
location by the law enforcement agency of the political 3176
subdivision in which the parking location is located. A motor 3177
vehicle that is so towed or removed shall not be released to its 3178
owner until the owner presents proof of ownership of the motor 3179
vehicle and pays all towing and storage fees normally imposed by 3180
that political subdivision for towing and storing motor vehicles. 3181
If the motor vehicle is a leased vehicle, it shall not be released 3182
to the lessee until the lessee presents proof that that person is 3183
the lessee of the motor vehicle and pays all towing and storage 3184
fees normally imposed by that political subdivision for towing and 3185
storing motor vehicles. 3186

(3) If a person is charged with a violation of division 3187
(F)(1)(a) or (b) of this section, it is an affirmative defense to 3188
the charge that the person suffered an injury not more than 3189
seventy-two hours prior to the time the person was issued the 3190
ticket or citation and that, because of the injury, the person 3191
meets at least one of the criteria contained in division (A)(1) of 3192
section 4503.44 of the Revised Code. 3193

(G) When a motor vehicle is being operated by or for the 3194
transport of a person with a disability that limits or impairs the 3195
ability to walk and is displaying a removable windshield placard 3196
or a temporary removable windshield placard or special license 3197
plates, or when a motor vehicle is being operated by or for the 3198
transport of a handicapped person and is displaying a parking card 3199
or special handicapped license plates, the motor vehicle is 3200
permitted to park for a period of two hours in excess of the legal 3201
parking period permitted by local authorities, except where local 3202
ordinances or police rules provide otherwise or where the vehicle 3203
is parked in such a manner as to be clearly a traffic hazard. 3204

(H) No owner of an office, facility, or parking garage where 3205

special parking locations are required to be designated in 3206
accordance with division (E) of this section shall fail to 3207
properly mark the special parking locations in accordance with 3208
that division or fail to maintain the markings of the special 3209
locations, including the erection and maintenance of the fixed or 3210
movable signs. 3211

(I) Nothing in this section shall be construed to require a 3212
person or organization to apply for a removable windshield placard 3213
or special license plates if the parking card or special license 3214
plates issued to the person or organization under prior law have 3215
not expired or been surrendered or revoked. 3216

(J)(1) Whoever violates division (A) or (C) of this section 3217
is guilty of a minor misdemeanor. 3218

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 3219
section is guilty of a misdemeanor and shall be punished as 3220
provided in division (J)(2)(a) and (b) of this section. Except as 3221
otherwise provided in division (J)(2)(a) of this section, an 3222
offender who violates division (F)(1)(a) or (b) of this section 3223
shall be fined not less than two hundred fifty nor more than five 3224
hundred dollars. An offender who violates division (F)(1)(a) or 3225
(b) of this section shall be fined not more than one hundred 3226
dollars if the offender, prior to sentencing, proves either of the 3227
following to the satisfaction of the court: 3228

(i) At the time of the violation of division (F)(1)(a) of 3229
this section, the offender or the person for whose transport the 3230
motor vehicle was being operated had been issued a removable 3231
windshield placard that then was valid or special license plates 3232
that then were valid but the offender or the person neglected to 3233
display the placard or license plates as described in division 3234
(F)(1)(a) of this section. 3235

(ii) At the time of the violation of division (F)(1)(b) of 3236

this section, the offender or the person for whose transport the 3237
motor vehicle was being operated had been issued a parking card 3238
that then was valid or special handicapped license plates that 3239
then were valid but the offender or the person neglected to 3240
display the card or license plates as described in division 3241
(F)(1)(b) of this section. 3242

(b) In no case shall an offender who violates division 3243
(F)(1)(a) or (b) of this section be sentenced to any term of 3244
imprisonment. 3245

An arrest or conviction for a violation of division (F)(1)(a) 3246
or (b) of this section does not constitute a criminal record and 3247
need not be reported by the person so arrested or convicted in 3248
response to any inquiries contained in any application for 3249
employment, license, or other right or privilege, or made in 3250
connection with the person's appearance as a witness. 3251

The clerk of the court shall pay every fine collected under 3252
division (J)(2) of this section to the political subdivision in 3253
which the violation occurred. Except as provided in division 3254
(J)(2) of this section, the political subdivision shall use the 3255
fine moneys it receives under division (J)(2) of this section to 3256
pay the expenses it incurs in complying with the signage and 3257
notice requirements contained in division (E) of this section. The 3258
political subdivision may use up to fifty per cent of each fine it 3259
receives under division (J)(2) of this section to pay the costs of 3260
educational, advocacy, support, and assistive technology programs 3261
for persons with disabilities, and for public improvements within 3262
the political subdivision that benefit or assist persons with 3263
disabilities, if governmental agencies or nonprofit organizations 3264
offer the programs. 3265

(3) Whoever violates division (H) of this section shall be 3266
punished as follows: 3267

(a) Except as otherwise provided in division (J)(3) of this section, the offender shall be issued a warning. 3268
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(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained. 3270
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(K) As used in this section: 3277

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. 3278
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(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code. 3284
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(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty. 3287
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Sec. 4513.24. (A) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield. 3294
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(B)(1) No person shall drive any motor vehicle, other than a 3297

bus, with any sign, poster, or other nontransparent material upon 3298
the front windshield, sidewings, side, or rear windows of such 3299
vehicle other than a certificate or other paper required to be 3300
displayed by law, except that there may be in the lower left-hand 3301
or right-hand corner of the windshield a sign, poster, or decal 3302
not to exceed four inches in height by six inches in width. No 3303
sign, poster, or decal shall be displayed in the front windshield 3304
in such a manner as to conceal the vehicle identification number 3305
for the motor vehicle when, in accordance with federal law, that 3306
number is located inside the vehicle passenger compartment and so 3307
placed as to be readable through the vehicle glazing without 3308
moving any part of the vehicle. 3309

(2) Division (B)(1) of this section does not apply to a 3310
person who is driving a motor vehicle while using an electronic 3311
device, including an antenna, electronic tolling or other 3312
transponder, camera, directional navigation device, or other 3313
similar electronic device if the device meets all of the 3314
following: 3315

(a) It does not restrict the vehicle operator's sight lines 3316
to the road and highway signs and signals. 3317

(b) If it is located in the upper edge of the windshield, it 3318
does not extend more than six inches below the upper edge of the 3319
windshield and is outside the area swept by the vehicle's 3320
windshield wipers. 3321

(c) It does not conceal the vehicle identification number. 3322

(C) The windshield on every motor vehicle, streetcar, and 3323
trackless trolley shall be equipped with a device for cleaning 3324
rain, snow, or other moisture from the windshield. The device 3325
shall be maintained in good working order and so constructed as to 3326
be controlled or operated by the operator of the vehicle, 3327
streetcar, or trackless trolley. 3328

(D) Whoever violates this section is guilty of a minor 3329
misdemeanor. 3330

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 3331
Revised Code: 3332

(A) "Persons" includes individuals, firms, partnerships, 3333
associations, joint stock companies, corporations, and any 3334
combinations of individuals. 3335

(B) "Motor vehicle" means motor vehicle as defined in section 3336
4501.01 of the Revised Code and also includes "all-purpose 3337
vehicle" and "off-highway motorcycle" as those terms are defined 3338
in section 4519.01 of the Revised Code. "Motor vehicle" does not 3339
include a snowmobile as defined in section 4519.01 of the Revised 3340
Code or manufactured and mobile homes. 3341

(C) "New motor vehicle" means a motor vehicle, the legal 3342
title to which has never been transferred by a manufacturer, 3343
remanufacturer, distributor, or dealer to an ultimate purchaser. 3344

(D) "Ultimate purchaser" means, with respect to any new motor 3345
vehicle, the first person, other than a dealer purchasing in the 3346
capacity of a dealer, who in good faith purchases such new motor 3347
vehicle for purposes other than resale. 3348

(E) "Business" includes any activities engaged in by any 3349
person for the object of gain, benefit, or advantage either direct 3350
or indirect. 3351

(F) "Engaging in business" means commencing, conducting, or 3352
continuing in business, or liquidating a business when the 3353
liquidator thereof holds self out to be conducting such business; 3354
making a casual sale or otherwise making transfers in the ordinary 3355
course of business when the transfers are made in connection with 3356
the disposition of all or substantially all of the transferor's 3357
assets is not engaging in business. 3358

(G) "Retail sale" or "sale at retail" means the act or 3359
attempted act of selling, bartering, exchanging, or otherwise 3360
disposing of a motor vehicle to an ultimate purchaser for use as a 3361
consumer. 3362

(H) "Retail installment contract" includes any contract in 3363
the form of a note, chattel mortgage, conditional sales contract, 3364
lease, agreement, or other instrument payable in one or more 3365
installments over a period of time and arising out of the retail 3366
sale of a motor vehicle. 3367

(I) "Farm machinery" means all machines and tools used in the 3368
production, harvesting, and care of farm products. 3369

(J) "Dealer" or "motor vehicle dealer" means any new motor 3370
vehicle dealer, any motor vehicle leasing dealer, and any used 3371
motor vehicle dealer. 3372

(K) "New motor vehicle dealer" means any person engaged in 3373
the business of selling at retail, displaying, offering for sale, 3374
or dealing in new motor vehicles pursuant to a contract or 3375
agreement entered into with the manufacturer, remanufacturer, or 3376
distributor of the motor vehicles. 3377

(L) "Used motor vehicle dealer" means any person engaged in 3378
the business of selling, displaying, offering for sale, or dealing 3379
in used motor vehicles, at retail or wholesale, but does not mean 3380
any new motor vehicle dealer selling, displaying, offering for 3381
sale, or dealing in used motor vehicles incidentally to engaging 3382
in the business of selling, displaying, offering for sale, or 3383
dealing in new motor vehicles, any person engaged in the business 3384
of dismantling, salvaging, or rebuilding motor vehicles by means 3385
of using used parts, or any public officer performing official 3386
duties. 3387

(M) "Motor vehicle leasing dealer" means any person engaged 3388
in the business of regularly making available, offering to make 3389

available, or arranging for another person to use a motor vehicle 3390
pursuant to a bailment, lease, sublease, or other contractual 3391
arrangement under which a charge is made for its use at a periodic 3392
rate for a term of thirty days or more, and title to the motor 3393
vehicle is in and remains in the motor vehicle leasing dealer who 3394
originally leases it, irrespective of whether or not the motor 3395
vehicle is the subject of a later sublease, and not in the user, 3396
but does not mean a manufacturer or its affiliate leasing to its 3397
employees or to dealers. 3398

(N) "Salesperson" means any person employed by a dealer or 3399
manufactured home broker to sell, display, and offer for sale, or 3400
deal in motor vehicles for a commission, compensation, or other 3401
valuable consideration, but does not mean any public officer 3402
performing official duties. 3403

(O) "Casual sale" means any transfer of a motor vehicle by a 3404
person other than a new motor vehicle dealer, used motor vehicle 3405
dealer, motor vehicle salvage dealer, as defined in division (A) 3406
of section 4738.01 of the Revised Code, salesperson, motor vehicle 3407
auction owner, manufacturer, or distributor acting in the capacity 3408
of a dealer, salesperson, auction owner, manufacturer, or 3409
distributor, to a person who purchases the motor vehicle for use 3410
as a consumer. 3411

(P) "Motor vehicle show" means a display of current models of 3412
motor vehicles whereby the primary purpose is the exhibition of 3413
competitive makes and models in order to provide the general 3414
public the opportunity to review and inspect various makes and 3415
models of motor vehicles at a single location. 3416

(Q) "Motor vehicle auction owner" means any person who is 3417
engaged wholly or in part in the business of auctioning motor 3418
vehicles, but does not mean a construction equipment auctioneer or 3419
a construction equipment auction licensee. 3420

(R) "Manufacturer" means a person who manufactures, 3421
assembles, or imports motor vehicles, including motor homes, but 3422
does not mean a person who only assembles or installs a body, 3423
special equipment unit, finishing trim, or accessories on a motor 3424
vehicle chassis supplied by a manufacturer or distributor. 3425

(S) "Tent-type fold-out camping trailer" means any vehicle 3426
intended to be used, when stationary, as a temporary shelter with 3427
living and sleeping facilities, and that is subject to the 3428
following properties and limitations: 3429

(1) A minimum of twenty-five per cent of the fold-out portion 3430
of the top and sidewalls combined must be constructed of canvas, 3431
vinyl, or other fabric, and form an integral part of the shelter. 3432

(2) When folded, the unit must not exceed: 3433

(a) Fifteen feet in length, exclusive of bumper and tongue; 3434

(b) Sixty inches in height from the point of contact with the 3435
ground; 3436

(c) Eight feet in width; 3437

(d) One ton gross weight at time of sale. 3438

(T) "Distributor" means any person authorized by a motor 3439
vehicle manufacturer to distribute new motor vehicles to licensed 3440
new motor vehicle dealers, but does not mean a person who only 3441
assembles or installs a body, special equipment unit, finishing 3442
trim, or accessories on a motor vehicle chassis supplied by a 3443
manufacturer or distributor. 3444

(U) "Flea market" means a market place, other than a dealer's 3445
location licensed under this chapter, where a space or location is 3446
provided for a fee or compensation to a seller to exhibit and 3447
offer for sale or trade, motor vehicles to the general public. 3448

(V) "Franchise" means any written agreement, contract, or 3449
understanding between any motor vehicle manufacturer or 3450

remanufacturer engaged in commerce and any motor vehicle dealer 3451
that purports to fix the legal rights and liabilities of the 3452
parties to such agreement, contract, or understanding. 3453

(W) "Franchisee" means a person who receives new motor 3454
vehicles from the franchisor under a franchise agreement and who 3455
offers, sells, and provides service for such new motor vehicles to 3456
the general public. 3457

(X) "Franchisor" means a new motor vehicle manufacturer, 3458
remanufacturer, or distributor who supplies new motor vehicles 3459
under a franchise agreement to a franchisee. 3460

(Y) "Dealer organization" means a state or local trade 3461
association the membership of which is comprised predominantly of 3462
new motor vehicle dealers. 3463

(Z) "Factory representative" means a representative employed 3464
by a manufacturer, remanufacturer, or by a factory branch 3465
primarily for the purpose of promoting the sale of its motor 3466
vehicles, parts, or accessories to dealers or for supervising or 3467
contacting its dealers or prospective dealers. 3468

(AA) "Administrative or executive management" means those 3469
individuals who are not subject to federal wage and hour laws. 3470

(BB) "Good faith" means honesty in the conduct or transaction 3471
concerned and the observance of reasonable commercial standards of 3472
fair dealing in the trade as is defined in division (S) of section 3473
1301.01 of the Revised Code, including, but not limited to, the 3474
duty to act in a fair and equitable manner so as to guarantee 3475
freedom from coercion, intimidation, or threats of coercion or 3476
intimidation; provided however, that recommendation, endorsement, 3477
exposition, persuasion, urging, or argument shall not be 3478
considered to constitute a lack of good faith. 3479

(CC) "Coerce" means to compel or attempt to compel by failing 3480
to act in good faith or by threat of economic harm, breach of 3481

contract, or other adverse consequences. Coerce does not mean to 3482
argue, urge, recommend, or persuade. 3483

(DD) "Relevant market area" means any area within a radius of 3484
ten miles from the site of a potential new dealership, except that 3485
for manufactured home or recreational vehicle dealerships the 3486
radius shall be twenty-five miles. The ten-mile radius shall be 3487
measured from the dealer's established place of business that is 3488
used exclusively for the purpose of selling, displaying, offering 3489
for sale, or dealing in motor vehicles. 3490

(EE) "Wholesale" or "at wholesale" means the act or attempted 3491
act of selling, bartering, exchanging, or otherwise disposing of a 3492
motor vehicle to a transferee for the purpose of resale and not 3493
for ultimate consumption by that transferee. 3494

(FF) "Motor vehicle wholesaler" means any person licensed as 3495
a dealer under the laws of another state and engaged in the 3496
business of selling, displaying, or offering for sale used motor 3497
vehicles, at wholesale, but does not mean any motor vehicle dealer 3498
as defined in this section. 3499

(GG)(1) "Remanufacturer" means a person who assembles or 3500
installs passenger seating, walls, a roof elevation, or a body 3501
extension on a conversion van with the motor vehicle chassis 3502
supplied by a manufacturer or distributor, a person who modifies a 3503
truck chassis supplied by a manufacturer or distributor for use as 3504
a public safety or public service vehicle, a person who modifies a 3505
motor vehicle chassis supplied by a manufacturer or distributor 3506
for use as a limousine or hearse, or a person who modifies an 3507
incomplete motor vehicle cab and chassis supplied by a new motor 3508
vehicle dealer or distributor for use as a tow truck, but does not 3509
mean either of the following: 3510

(a) A person who assembles or installs passenger seating, a 3511
roof elevation, or a body extension on a recreational vehicle as 3512

defined in division (Q) and referred to in division (B) of section 3513
4501.01 of the Revised Code; 3514

(b) A person who assembles or installs special equipment or 3515
accessories for handicapped persons, as defined in section 4503.44 3516
of the Revised Code, upon a motor vehicle chassis supplied by a 3517
manufacturer or distributor. 3518

(2) For the purposes of division (GG)(1) of this section, 3519
"public safety vehicle or public service vehicle" means a fire 3520
truck, ambulance, school bus, street sweeper, garbage packing 3521
truck, or cement mixer, or a mobile self-contained facility 3522
vehicle. 3523

(3) For the purposes of division (GG)(1) of this section, 3524
"limousine" means a motor vehicle, designed only for the purpose 3525
of carrying nine or fewer passengers, that a person modifies by 3526
cutting the original chassis, lengthening the wheelbase by forty 3527
inches or more, and reinforcing the chassis in such a way that all 3528
modifications comply with all applicable federal motor vehicle 3529
safety standards. No person shall qualify as or be deemed to be a 3530
remanufacturer who produces limousines unless the person has a 3531
written agreement with the manufacturer of the chassis the person 3532
utilizes to produce the limousines to complete properly the 3533
remanufacture of the chassis into limousines. 3534

(4) For the purposes of division (GG)(1) of this section, 3535
"hearse" means a motor vehicle, designed only for the purpose of 3536
transporting a single casket, that is equipped with a compartment 3537
designed specifically to carry a single casket that a person 3538
modifies by cutting the original chassis, lengthening the 3539
wheelbase by ten inches or more, and reinforcing the chassis in 3540
such a way that all modifications comply with all applicable 3541
federal motor vehicle safety standards. No person shall qualify as 3542
or be deemed to be a remanufacturer who produces hearses unless 3543
the person has a written agreement with the manufacturer of the 3544

chassis the person utilizes to produce the hearses to complete 3545
properly the remanufacture of the chassis into hearses. 3546

(5) For the purposes of division (GG)(1) of this section, 3547
"mobile self-contained facility vehicle" means a mobile classroom 3548
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 3549
testing laboratory, and mobile display vehicle, each of which is 3550
designed for purposes other than for passenger transportation and 3551
other than the transportation or displacement of cargo, freight, 3552
materials, or merchandise. A vehicle is remanufactured into a 3553
mobile self-contained facility vehicle in part by the addition of 3554
insulation to the body shell, and installation of all of the 3555
following: a generator, electrical wiring, plumbing, holding 3556
tanks, doors, windows, cabinets, shelving, and heating, 3557
ventilating, and air conditioning systems. 3558

(6) For the purposes of division (GG)(1) of this section, 3559
"tow truck" means both of the following: 3560

(a) An incomplete cab and chassis that are purchased by a 3561
remanufacturer from a new motor vehicle dealer or distributor of 3562
the cab and chassis and on which the remanufacturer then installs 3563
in a permanent manner a wrecker body it purchases from a 3564
manufacturer or distributor of wrecker bodies, installs an 3565
emergency flashing light pylon and emergency lights upon the mast 3566
of the wrecker body or rooftop, and installs such other related 3567
accessories and equipment, including push bumpers, front grille 3568
guards with pads and other custom-ordered items such as painting, 3569
special lettering, and safety striping so as to create a complete 3570
motor vehicle capable of lifting and towing another motor vehicle. 3571

(b) An incomplete cab and chassis that are purchased by a 3572
remanufacturer from a new motor vehicle dealer or distributor of 3573
the cab and chassis and on which the remanufacturer then installs 3574
in a permanent manner a car carrier body it purchases from a 3575
manufacturer or distributor of car carrier bodies, installs an 3576

emergency flashing light pylon and emergency lights upon the 3577
rooftop, and installs such other related accessories and 3578
equipment, including push bumpers, front grille guards with pads 3579
and other custom-ordered items such as painting, special 3580
lettering, and safety striping. 3581

As used in division (GG)(6)(b) of this section, "car carrier 3582
body" means a mechanical or hydraulic apparatus capable of lifting 3583
and holding a motor vehicle on a flat level surface so that one or 3584
more motor vehicles can be transported, once the car carrier is 3585
permanently installed upon an incomplete cab and chassis. 3586

(HH) "Operating as a new motor vehicle dealership" means 3587
engaging in activities such as displaying, offering for sale, and 3588
selling new motor vehicles at retail, operating a service facility 3589
to perform repairs and maintenance on motor vehicles, offering for 3590
sale and selling motor vehicle parts at retail, and conducting all 3591
other acts that are usual and customary to the operation of a new 3592
motor vehicle dealership. For the purposes of this chapter only, 3593
possession of either a valid new motor vehicle dealer franchise 3594
agreement or a new motor vehicle dealers license, or both of these 3595
items, is not evidence that a person is operating as a new motor 3596
vehicle dealership. 3597

(II) "Outdoor power equipment" means garden and small utility 3598
tractors, walk-behind and riding mowers, chainsaws, and tillers. 3599

(JJ) "Remote service facility" means premises that are 3600
separate from a licensed new motor vehicle dealer's sales facility 3601
by not more than one mile and that are used by the dealer to 3602
perform repairs, warranty work, recall work, and maintenance on 3603
motor vehicles pursuant to a franchise agreement entered into with 3604
a manufacturer of motor vehicles. A remote service facility shall 3605
be deemed to be part of the franchise agreement and is subject to 3606
all the rights, duties, obligations, and requirements of Chapter 3607
4517. of the Revised Code that relate to the performance of motor 3608

vehicle repairs, warranty work, recall work, and maintenance work 3609
by new motor vehicle dealers. 3610

(KK) "Recreational vehicle" has the same meaning as in 3611
section 4501.01 of the Revised Code. 3612

(LL) "Construction equipment auctioneer" means a person who 3613
holds both a valid auctioneer's license issued under Chapter 4707. 3614
of the Revised Code and a valid construction equipment auction 3615
license issued under this chapter. 3616

(MM) "Large construction or transportation equipment" means 3617
vehicles having a gross vehicle weight rating of more than ten 3618
thousand pounds and includes road rollers, traction engines, power 3619
shovels, power cranes, commercial cars and trucks, or farm trucks, 3620
and other similar vehicles obtained primarily from the 3621
construction, mining, transportation or farming industries. 3622

Sec. 4517.02. (A) Except as otherwise provided in this 3623
section, no person shall do any of the following: 3624

(1) Engage in the business of displaying or selling at retail 3625
new motor vehicles or assume to engage in that business, unless 3626
the person is licensed as a new motor vehicle dealer under 3627
sections 4517.01 to 4517.45 of the Revised Code, or is a 3628
salesperson licensed under those sections and employed by a 3629
licensed new motor vehicle dealer; 3630

(2) Engage in the business of offering for sale, displaying 3631
for sale, or selling at retail or wholesale used motor vehicles or 3632
assume to engage in that business, unless the person is licensed 3633
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 3634
~~or~~ is a salesperson licensed under those sections and employed by 3635
a licensed used motor vehicle dealer or licensed new motor vehicle 3636
dealer, or the person holds a construction equipment auction 3637
license issued under section 4517.17 of the Revised Code; 3638

(3) Engage in the business of regularly making available, 3639
offering to make available, or arranging for another person to use 3640
a motor vehicle, in the manner described in division (M) of 3641
section 4517.01 of the Revised Code, unless the person is licensed 3642
as a motor vehicle leasing dealer under sections 4517.01 to 3643
4517.45 of the Revised Code; 3644

(4) Engage in the business of motor vehicle auctioning or 3645
assume to engage in that business, unless the person is licensed 3646
as a motor vehicle auction owner under sections 4517.01 to 4517.45 3647
of the Revised Code and the person uses an auctioneer who is 3648
licensed under Chapter 4707. of the Revised Code to conduct the 3649
motor vehicle auctions or the person holds a construction 3650
equipment auction license issued under section 4517.17 of the 3651
Revised Code; 3652

(5) Engage in the business of distributing motor vehicles or 3653
assume to engage in that business, unless the person is licensed 3654
as a distributor under sections 4517.01 to 4517.45 of the Revised 3655
Code; 3656

(6) Make more than five casual sales of motor vehicles in a 3657
twelve-month period, commencing with the day of the month in which 3658
the first such sale is made, nor provide a location or space for 3659
the sale of motor vehicles at a flea market, without obtaining a 3660
license as a dealer under sections 4517.01 to 4517.45 of the 3661
Revised Code, provided that nothing in this section shall be 3662
construed to prohibit the disposition without a license of a motor 3663
vehicle originally acquired and held for purposes other than sale, 3664
rental, or lease to an employee, retiree, officer, or director of 3665
the person making the disposition, to a corporation affiliated 3666
with the person making the disposition, or to a person licensed 3667
under sections 4517.01 to 4517.45 of the Revised Code; 3668

(7) Engage in the business of auctioning large construction 3669
or transportation equipment and motor vehicles incident thereto, 3670

unless the person is a construction equipment auctioneer or the 3671
person is licensed as a motor vehicle auction owner and the person 3672
uses an auctioneer who is licensed under Chapter 4707. of the 3673
Revised Code to conduct the auction. 3674

(B) Nothing in this section shall be construed to require an 3675
auctioneer licensed under sections 4707.01 to 4707.19 of the 3676
Revised Code, to obtain a motor vehicle salesperson's license 3677
under sections 4517.01 to 4517.45 of the Revised Code when 3678
conducting an auction sale for a licensed motor vehicle dealer on 3679
the dealer's premises, or when conducting an auction sale for a 3680
licensed motor vehicle auction owner; nor shall such an auctioneer 3681
be required to obtain a motor vehicle auction owner's license 3682
under sections 4517.01 to 4517.45 of the Revised Code when engaged 3683
in auctioning for a licensed motor vehicle auction owner. 3684

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 3685
apply to any of the following: 3686

(1) Persons engaging in the business of selling commercial 3687
tractors, trailers, or semitrailers incidentally to engaging 3688
primarily in business other than the selling or leasing of motor 3689
vehicles; 3690

(2) Mortgagees selling at retail only those motor vehicles 3691
that have come into their possession by a default in the terms of 3692
a mortgage contract; 3693

(3) The leasing, rental, and interchange of motor vehicles 3694
used directly in the rendition of a public utility service by 3695
regulated motor carriers. 3696

(D) When a partnership licensed under sections 4517.01 to 3697
4517.45 of the Revised Code is dissolved by death, the surviving 3698
partners may operate under the license for a period of sixty days, 3699
and the heirs or representatives of deceased persons and receivers 3700
or trustees in bankruptcy appointed by any competent authority may 3701

operate under the license of the person succeeded in possession by 3702
that heir, representative, receiver, or trustee in bankruptcy. 3703

(E) No remanufacturer shall engage in the business of selling 3704
at retail any new motor vehicle without having written authority 3705
from the manufacturer or distributor of the vehicle to sell new 3706
motor vehicles and to perform repairs under the terms of the 3707
manufacturer's or distributor's new motor vehicle warranty, 3708
unless, at the time of the sale of the vehicle, each customer is 3709
furnished with a binding agreement ensuring that the customer has 3710
the right to have the vehicle serviced or repaired by a new motor 3711
vehicle dealer who is franchised to sell and service vehicles of 3712
the same line-make as the chassis of the remanufactured vehicle 3713
purchased by the customer and whose service or repair facility is 3714
located within either twenty miles of the remanufacturer's 3715
location and place of business or twenty miles of the customer's 3716
residence or place of business. If there is no such new motor 3717
vehicle dealer located within twenty miles of the remanufacturer's 3718
location and place of business or the customer's residence or 3719
place of business, the binding agreement furnished to the customer 3720
may be with the new motor vehicle dealer who is franchised to sell 3721
and service vehicles of the same line-make as the chassis of the 3722
remanufactured vehicle purchased by the customer and whose service 3723
or repair facility is located nearest to the remanufacturer's 3724
location and place of business or the customer's residence or 3725
place of business. Additionally, at the time of sale of any 3726
vehicle, each customer of the remanufacturer shall be furnished 3727
with a warranty issued by the remanufacturer for a term of at 3728
least one year. 3729

(F) Except as otherwise provided in this division, whoever 3730
violates this section is guilty of a minor misdemeanor and shall 3731
be subject to a mandatory fine of one hundred dollars. If the 3732
offender previously has been convicted of or pleaded guilty to a 3733

violation of this section, whoever violates this section is guilty 3734
of a misdemeanor of the first degree and shall be subject to a 3735
mandatory fine of one thousand dollars. 3736

Sec. 4517.16. A person is eligible for a construction 3737
equipment auction license under section 4517.17 of the Revised 3738
Code if the person meets all of the following requirements: 3739

(A) Maintains a primary permanent auction site within this 3740
state that is at least ninety acres in size and maintains over 3741
sixty thousand square feet of total facility space; 3742

(B) Is engaged primarily in the business of selling large 3743
construction and transportation equipment at auction, receives 3744
more than one million dollars in gross annual sales in this state, 3745
and derives not more than ten per cent of the person's gross 3746
annual sales revenue from the sale of motor vehicles having a 3747
gross vehicle weight rating of ten thousand pounds or less to 3748
buyers domiciled or having their principal place of business in 3749
Ohio. 3750

Sec. 4517.17. (A) Each person applying for a construction 3751
equipment auction license shall make out and deliver an 3752
application to the registrar of motor vehicles, upon a form 3753
furnished by the registrar for that purpose. The application shall 3754
be signed and sworn to by the applicant and shall include such 3755
information as the registrar may require by rule. 3756

(B) The registrar shall issue a construction equipment 3757
auction license to any applicant who meets the requirements of 3758
this section and section 4517.16 of the Revised Code and pays the 3759
fee required by this section. 3760

(C) A construction equipment auction license shall expire 3761
five years after the date of issuance unless sooner revoked. The 3762
fee for a construction equipment auction license shall be seven 3763

thousand five hundred dollars and shall accompany the application. 3764
The registrar shall deposit all fees received under this section 3765
into the state treasury to the credit of the state bureau of motor 3766
vehicles fund established by section 4501.25 of the Revised Code. 3767

(D) In accordance with Chapter 119. of the Revised Code, the 3768
registrar shall adopt rules necessary for the regulation of 3769
construction equipment auction sales and licensees. 3770

(E) At the time the registrar grants the application of any 3771
person for a construction equipment auction license, the registrar 3772
shall issue to the person a license, which shall include the name 3773
and post-office address of the person licensed. 3774

(F) The business records of a construction equipment auction 3775
licensee shall be open for reasonable inspection by the registrar 3776
or the registrar's authorized agent. 3777

(G) Each construction equipment auction licensee shall keep 3778
the license, or a certified copy of the license, posted in a 3779
conspicuous place in each place of its business. 3780

Sec. 4517.171. (A) The registrar of motor vehicles shall deny 3781
the application of any person for a construction equipment auction 3782
license or may revoke a license previously issued if the registrar 3783
finds that the person: 3784

(1) Is not eligible for the license pursuant to section 3785
4517.16 of the Revised Code; 3786

(2) Has made any false statement of a material fact in the 3787
application; 3788

(3) Is of bad business repute or has habitually defaulted on 3789
financial obligations; 3790

(4) Has been guilty of a fraudulent act in connection with 3791
selling or otherwise dealing in auctions, vehicles, or equipment; 3792

<u>(5) Is insolvent;</u>	3793
<u>(6) Is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of the construction equipment auction business during the period of the license applied for, or has failed to satisfy any such judgment.</u>	3794 3795 3796 3797 3798
<u>(B) Any person who has been denied a license or has had a license revoked under this section may appeal from the action of the registrar to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code.</u>	3799 3800 3801 3802
<u>Sec. 4517.18. (A) A construction equipment auction licensee may hold not more than seven auctions per year in this state, including auctions at the permanent auction site and at any other location in this state, to sell at auction large construction or transportation equipment and shall do all of the following:</u>	3803 3804 3805 3806 3807
<u>(1) Have title present for all vehicles to be sold by auction;</u>	3808 3809
<u>(2) Except as provided in division (B) of this section, sell, at auction, only vehicles with a gross vehicle weight rating of more than ten thousand pounds;</u>	3810 3811 3812
<u>(3) File with the bureau of motor vehicles on an annual basis a certification stating the gross proceeds generated from auctions held at the auction site during the prior calendar year and the gross proceeds generated from the sale of motor vehicles having a gross vehicle weight rating of ten thousand pounds or less during such year.</u>	3813 3814 3815 3816 3817 3818
<u>(B)(1) A construction equipment auctioneer may sell, at auction, motor vehicles having a gross vehicle weight rating of ten thousand pounds or less, only if the construction equipment auctioneer complies with all applicable provisions of Chapter</u>	3819 3820 3821 3822

4505. of the Revised Code concerning the titling of such vehicles, 3823
Chapter 5739. of the Revised Code concerning the withholding and 3824
payment of sales taxes in connection with the sale of such motor 3825
vehicles, and Chapter 5751. of the Revised Code concerning the 3826
payment of commercial activity taxes on the sale of such motor 3827
vehicles in the same manner as a motor vehicle dealer, including 3828
transferring title to such vehicles to the licensee's name prior 3829
including to the auction. 3830

(2) A construction equipment auction licensee who sells motor 3831
vehicles having a gross vehicle weight rating of ten thousand 3832
pounds or less is not required to comply with section 4517.03, 3833
4517.20, 4517.21, or 4517.22 of the Revised Code, or any 3834
provisions of the Ohio Administrative Code adopted pursuant to 3835
such provisions. 3836

(C) No construction equipment auction licensee shall do any 3837
of the following: 3838

(1) Sell vehicles with a manufacturer's statement of origin 3839
only unless authorized by the vehicle manufacturer; 3840

(2) Hold any additional motor vehicle dealer licenses issued 3841
by this state at the same time as holding a construction equipment 3842
auction license; 3843

(3) Sell at auction a motor vehicle having a gross vehicle 3844
weight rating of ten thousand pounds or less unless the owner of 3845
such motor vehicle also sells large construction or transportation 3846
equipment through the construction equipment auction licensee. 3847

(D) Whoever violates this section is guilty of a minor 3848
misdemeanor on a first offense and a misdemeanor of the fourth 3849
degree on subsequent offenses. In addition, the court shall impose 3850
on the offender a fine of up to ten thousand dollars. 3851

Sec. 4517.33. The motor vehicle dealers board shall hear 3852

appeals which may be taken from an order of the registrar of motor vehicles, refusing to issue a license. All appeals from any order of the registrar refusing to issue any license upon proper application must be taken within thirty days from the date of the order, or the order is final and conclusive. All appeals from orders of the registrar must be by petition in writing and verified under oath by the applicant whose application for license has been denied, and must set forth the reason for the appeal and the reason why, in the petitioner's opinion, the order of the registrar is not correct. In such appeals the board may make investigation to determine the correctness and legality of the order of the registrar.

The board may make rules governing its actions relative to the suspension and revocation of dealers', motor vehicle leasing dealers', distributors', auction owners', ~~and~~ salespersons', and construction equipment auction licenses, and may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under sections 4517.01 to 4517.65 of the Revised Code. The board shall suspend or revoke or notify the registrar to refuse to renew any dealer's, motor vehicle leasing dealer's, distributor's, auction owner's, ~~or~~ salesperson's, or construction equipment auction license, if any ground existed upon which the license might have been refused, or if a ground exists that would be cause for refusal to issue a license.

The board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections 4517.01 to 4517.65 of the Revised Code, or has violated section 4501.02 of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

Sec. 4582.12. (A)(1) Except as otherwise provided in division 3885
(E) of section 307.671 of the Revised Code, division (A) of this 3886
section does not apply to a port authority educational and 3887
cultural facility acquired, constructed, and equipped pursuant to 3888
a cooperative agreement entered into under section 307.671 of the 3889
Revised Code. 3890

(2)(a) Except as provided in division (C) of this section, 3891
when the cost of a contract for the construction of any building, 3892
structure, or other improvement undertaken by a port authority 3893
involves an expenditure exceeding ~~twenty-five~~ the higher of one 3894
hundred thousand dollars or the amount as adjusted under division 3895
(A)(2)(b) of this section and the port authority is the 3896
contracting entity, the port authority shall make a written 3897
contract after notice calling for bids for the award of the 3898
contract has been given by publication twice, with at least seven 3899
days between publications, in a newspaper of general circulation 3900
in the area of the jurisdiction of the port authority. Each such 3901
contract shall be let to the lowest responsive and responsible 3902
bidder in accordance with section 9.312 of the Revised Code. Every 3903
contract let shall be in writing and if the contract involves work 3904
or construction, it shall be accompanied by or shall refer to 3905
plans and specifications for the work to be done, prepared for and 3906
approved by the port authority, signed by an authorized officer of 3907
the port authority and by the contractor, and shall be executed in 3908
triplicate. 3909

Each bid shall be awarded in accordance with sections 153.54, 3910
153.57, and 153.571 of the Revised Code. 3911

The port authority may reject any and all bids. 3912

(b) On January 1, 2012, and the first day of January of every 3913
even-numbered year thereafter, the director of commerce shall 3914
adjust the threshold level for contracts subject to the bidding 3915

requirements contained in division (A)(2)(a) of this section. The 3916
director shall adjust this amount according to the average 3917
increase for each of the two years immediately preceding the 3918
adjustment as set forth in the producer price index for material 3919
and supply inputs for new nonresidential construction as 3920
determined by the bureau of labor statistics of the United States 3921
department of labor or, if that index no longer is published, a 3922
generally available comparable index. If there is no resulting 3923
increase, the threshold shall remain the same until the next 3924
scheduled adjustment on the first day of January of the next 3925
even-numbered year. 3926

(B) The board of directors of a port authority by rule may 3927
provide criteria for the negotiation and award without competitive 3928
bidding of any contract as to which the port authority is the 3929
contracting entity for the construction of any building, 3930
structure, or other improvement under any of the following 3931
circumstances: 3932

(1) There exists a real and present emergency that threatens 3933
damage or injury to persons or property of the port authority or 3934
other persons, provided that a statement specifying the nature of 3935
the emergency that is the basis for the negotiation and award of a 3936
contract without competitive bidding shall be signed by the 3937
officer of the port authority that executes that contract at the 3938
time of the contract's execution and shall be attached to the 3939
contract. 3940

(2) A commonly recognized industry or other standard or 3941
specification does not exist and cannot objectively be articulated 3942
for the improvement. 3943

(3) The contract is for any energy conservation measure as 3944
defined in section 307.041 of the Revised Code. 3945

(4) With respect to material to be incorporated into the 3946

improvement, only a single source or supplier exists for the 3947
material. 3948

(5) A single bid is received by the port authority after 3949
complying with the provisions of division (A) of this section. 3950

(C)(1) If a contract is to be negotiated and awarded without 3951
competitive bidding for the reason set forth in division (B)(2) of 3952
this section, the port authority shall publish a notice calling 3953
for technical proposals at least twice, with at least seven days 3954
between publications, in a newspaper of general circulation in the 3955
area of the port authority. After receipt of the technical 3956
proposals, the port authority may negotiate with and award a 3957
contract for the improvement to the proposer making the proposal 3958
considered to be the most advantageous to the port authority. 3959

(2) If a contract is to be negotiated and awarded without 3960
competitive bidding for the reason set forth in division (B)(4) of 3961
this section, any construction activities related to the 3962
incorporation of the material into the improvement also may be 3963
provided without competitive bidding by the source or supplier of 3964
that material. 3965

(D) No contract for the construction or repair of any 3966
building, structure, or other improvement and no loan agreement 3967
for the borrowing of funds for any such improvement undertaken by 3968
a port authority, where the port authority is the contracting 3969
entity, shall be executed unless laborers and mechanics employed 3970
on such improvements are paid at the prevailing rates of wages of 3971
laborers and mechanics for the class of work called for by the 3972
improvement. The wages shall be determined in accordance with the 3973
requirements of Chapter 4115. of the Revised Code for the 3974
determination of prevailing wage rates, provided that the 3975
requirements of this section do not apply where the federal 3976
government or any of its agencies furnishes by loan or grant all 3977
or any part of the funds used in connection with such project and 3978

prescribes predetermined minimum wages to be paid to the laborers 3979
and mechanics. 3980

Sec. 4582.31. (A) A port authority created in accordance with 3981
section 4582.22 of the Revised Code may: 3982

(1) Adopt bylaws for the regulation of its affairs and the 3983
conduct of its business; 3984

(2) Adopt an official seal; 3985

(3) Maintain a principal office within its jurisdiction, and 3986
maintain such branch offices as it may require; 3987

(4) Acquire, construct, furnish, equip, maintain, repair, 3988
sell, exchange, lease to or from, or lease with an option to 3989
purchase, convey other interests in real or personal property, or 3990
any combination thereof, related to, useful for, or in furtherance 3991
of any authorized purpose and operate any property in connection 3992
with transportation, recreational, governmental operations, or 3993
cultural activities; 3994

(5) Straighten, deepen, and improve any channel, river, 3995
stream, or other water course or way which may be necessary or 3996
proper in the development of the facilities of a port authority; 3997

(6) Make available the use or services of any port authority 3998
facility to one or more persons, one or more governmental 3999
agencies, or any combination thereof; 4000

(7) Issue bonds or notes for the acquisition, construction, 4001
furnishing, or equipping of any port authority facility or other 4002
permanent improvement that a port authority is authorized to 4003
acquire, construct, furnish, or equip, in compliance with Chapter 4004
133. of the Revised Code, except that such bonds or notes may only 4005
be issued pursuant to a vote of the electors residing within the 4006
area of jurisdiction of the port authority. The net indebtedness 4007
incurred by a port authority shall never exceed two per cent of 4008

the total value of all property within the territory comprising 4009
the port authority as listed and assessed for taxation. 4010

(8) Issue port authority revenue bonds beyond the limit of 4011
bonded indebtedness provided by law, payable solely from revenues 4012
as provided in section 4582.48 of the Revised Code, for the 4013
purpose of providing funds to pay the costs of any port authority 4014
facility or facilities or parts thereof; 4015

(9) Apply to the proper authorities of the United States 4016
pursuant to appropriate law for the right to establish, operate, 4017
and maintain foreign trade zones and establish, operate, and 4018
maintain foreign trade zones and to acquire, exchange, sell, lease 4019
to or from, lease with an option to purchase, or operate 4020
facilities, land, or property therefor in accordance with the 4021
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 4022
81u; 4023

(10) Enjoy and possess the same rights, privileges, and 4024
powers granted municipal corporations under sections 721.04 to 4025
721.11 of the Revised Code; 4026

(11) Maintain such funds as it considers necessary; 4027

(12) Direct its agents or employees, when properly identified 4028
in writing, and after at least five days' written notice, to enter 4029
upon lands within the confines of its jurisdiction in order to 4030
make surveys and examinations preliminary to location and 4031
construction of works for the purposes of the port authority, 4032
without liability of the port authority or its agents or employees 4033
except for actual damage done; 4034

(13) Promote, advertise, and publicize the port authority and 4035
its facilities; provide information to shippers and other 4036
commercial interests; and appear before rate-making authorities to 4037
represent and promote the interests of the port authority; 4038

(14) Adopt rules, not in conflict with general law, it finds 4039

necessary or incidental to the performance of its duties and the 4040
execution of its powers under sections 4582.21 to 4582.54 of the 4041
Revised Code. Any such rule shall be posted at no less than five 4042
public places in the port authority, as determined by the board of 4043
directors, for a period of not fewer than fifteen days, and shall 4044
be available for public inspection at the principal office of the 4045
port authority during regular business hours. No person shall 4046
violate any lawful rule adopted and posted as provided in this 4047
division. 4048

(15) Do any of the following, in regard to any interests in 4049
any real or personal property, or any combination thereof, 4050
including, without limitation, machinery, equipment, plants, 4051
factories, offices, and other structures and facilities related 4052
to, useful for, or in furtherance of any authorized purpose, for 4053
such consideration and in such manner, consistent with Article 4054
VIII of the Ohio Constitution, as the board in its sole discretion 4055
may determine: 4056

(a) Loan moneys to any person or governmental entity for the 4057
acquisition, construction, furnishing, and equipping of the 4058
property; 4059

(b) Acquire, construct, maintain, repair, furnish, and equip 4060
the property; 4061

(c) Sell to, exchange with, lease, convey other interests in, 4062
or lease with an option to purchase the same or any lesser 4063
interest in the property to the same or any other person or 4064
governmental entity; 4065

(d) Guarantee the obligations of any person or governmental 4066
entity. 4067

A port authority may accept and hold as consideration for the 4068
conveyance of property or any interest therein such property or 4069
interests therein as the board in its discretion may determine, 4070

notwithstanding any restrictions that apply to the investment of 4071
funds by a port authority. 4072

(16) Sell, lease, or convey other interests in real and 4073
personal property, and grant easements or rights-of-way over 4074
property of the port authority. The board of directors shall 4075
specify the consideration and any terms for the sale, lease, or 4076
conveyance of other interests in real and personal property. Any 4077
determination made by the board under this division shall be 4078
conclusive. The sale, lease, or conveyance may be made without 4079
advertising and the receipt of bids. 4080

(17) Exercise the right of eminent domain to appropriate any 4081
land, rights, rights-of-way, franchises, easements, or other 4082
property, necessary or proper for any authorized purpose, pursuant 4083
to the procedure provided in sections 163.01 to 163.22 of the 4084
Revised Code, if funds equal to the appraised value of the 4085
property to be acquired as a result of such proceedings are 4086
available for that purpose. However, nothing contained in sections 4087
4582.201 to 4582.59 of the Revised Code shall authorize a port 4088
authority to take or disturb property or facilities belonging to 4089
any agency or political subdivision of this state, public utility, 4090
or common carrier, which property or facilities are necessary and 4091
convenient in the operation of the agency or political 4092
subdivision, public utility, or common carrier, unless provision 4093
is made for the restoration, relocation, or duplication of such 4094
property or facilities, or upon the election of the agency or 4095
political subdivision, public utility, or common carrier, for the 4096
payment of compensation, if any, at the sole cost of the port 4097
authority, provided that: 4098

(a) If any restoration or duplication proposed to be made 4099
under this section involves a relocation of the property or 4100
facilities, the new facilities and location shall be of at least 4101
comparable utilitarian value and effectiveness and shall not 4102

impair the ability of the public utility or common carrier to 4103
compete in its original area of operation; 4104

(b) If any restoration or duplication made under this section 4105
involves a relocation of the property or facilities, the port 4106
authority shall acquire no interest or right in or to the 4107
appropriated property or facilities, except as provided in 4108
division (O) of this section, until the relocated property or 4109
facilities are available for use and until marketable title 4110
thereto has been transferred to the public utility or common 4111
carrier. 4112

(18)(a) Make and enter into all contracts and agreements and 4113
execute all instruments necessary or incidental to the performance 4114
of its duties and the execution of its powers under sections 4115
4582.21 to 4582.59 of the Revised Code. 4116

(b)(i) Except as provided in division (A)(18)(c) of this 4117
section, when the cost of a contract for the construction of any 4118
building, structure, or other improvement undertaken by a port 4119
authority involves an expenditure exceeding ~~twenty-five~~ the higher 4120
of one hundred thousand dollars or the amount as adjusted under 4121
division (A)(18)(b)(ii) of this section, and the port authority is 4122
the contracting entity, the port authority shall make a written 4123
contract after notice calling for bids for the award of the 4124
contract has been given by publication twice, with at least seven 4125
days between publications, in a newspaper of general circulation 4126
in the area of the port authority. Each such contract shall be let 4127
to the lowest responsive and responsible bidder in accordance with 4128
section 9.312 of the Revised Code. Every contract shall be 4129
accompanied by or shall refer to plans and specifications for the 4130
work to be done, prepared for and approved by the port authority, 4131
signed by an authorized officer of the port authority and by the 4132
contractor, and shall be executed in triplicate. 4133

Each bid shall be awarded in accordance with sections 153.54, 4134

153.57, and 153.571 of the Revised Code. The port authority may 4135
reject any and all bids. 4136

(ii) On January 1, 2012, and the first day of January of 4137
every even-numbered year thereafter, the director of commerce 4138
shall adjust the threshold level for contracts subject to the 4139
bidding requirements contained in division (A)(18)(b)(i) of this 4140
section. The director shall adjust this amount according to the 4141
average increase for each of the two years immediately preceding 4142
the adjustment as set forth in the producer price index for 4143
material and supply inputs for new nonresidential construction as 4144
determined by the bureau of labor statistics of the United States 4145
department of labor or, if that index no longer is published, a 4146
generally available comparable index. If there is no resulting 4147
increase, the threshold shall remain the same until the next 4148
scheduled adjustment on the first day of January of the next 4149
even-numbered year. 4150

(c) The board of directors by rule may provide criteria for 4151
the negotiation and award without competitive bidding of any 4152
contract as to which the port authority is the contracting entity 4153
for the construction of any building or structure or other 4154
improvement under any of the following circumstances: 4155

(i) There exists a real and present emergency that threatens 4156
damage or injury to persons or property of the port authority or 4157
other persons, provided that a statement specifying the nature of 4158
the emergency that is the basis for the negotiation and award of a 4159
contract without competitive bidding shall be signed by the 4160
officer of the port authority that executes that contract at the 4161
time of the contract's execution and shall be attached to the 4162
contract. 4163

(ii) A commonly recognized industry or other standard or 4164
specification does not exist and cannot objectively be articulated 4165
for the improvement. 4166

(iii) The contract is for any energy conservation measure as 4167
defined in section 307.041 of the Revised Code. 4168

(iv) With respect to material to be incorporated into the 4169
improvement, only a single source or supplier exists for the 4170
material. 4171

(v) A single bid is received by the port authority after 4172
complying with the provisions of division (A)(18)(b) of this 4173
section. 4174

(d)(i) If a contract is to be negotiated and awarded without 4175
competitive bidding for the reason set forth in division 4176
(A)(18)(c)(ii) of this section, the port authority shall publish a 4177
notice calling for technical proposals at least twice, with at 4178
least seven days between publications, in a newspaper of general 4179
circulation in the area of the port authority. After receipt of 4180
the technical proposals, the port authority may negotiate with and 4181
award a contract for the improvement to the proposer making the 4182
proposal considered to be the most advantageous to the port 4183
authority. 4184

(ii) If a contract is to be negotiated and awarded without 4185
competitive bidding for the reason set forth in division 4186
(A)(18)(c)(iv) of this section, any construction activities 4187
related to the incorporation of the material into the improvement 4188
also may be provided without competitive bidding by the source or 4189
supplier of that material. 4190

(e)(i) Any purchase, exchange, sale, lease, lease with an 4191
option to purchase, conveyance of other interests in, or other 4192
contract with a person or governmental entity that pertains to the 4193
acquisition, construction, maintenance, repair, furnishing, 4194
equipping, or operation of any real or personal property, or any 4195
combination thereof, related to, useful for, or in furtherance of 4196
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 4197

Constitution, shall be made in such manner and subject to such 4198
terms and conditions as may be determined by the board of 4199
directors in its discretion. 4200

(ii) Division (A)(18)(e)(i) of this section applies to all 4201
contracts that are subject to the division, notwithstanding any 4202
other provision of law that might otherwise apply, including, 4203
without limitation, any requirement of notice, any requirement of 4204
competitive bidding or selection, or any requirement for the 4205
provision of security. 4206

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 4207
apply to either of the following: any contract secured by or to be 4208
paid from moneys raised by taxation or the proceeds of obligations 4209
secured by a pledge of moneys raised by taxation; or any contract 4210
secured exclusively by or to be paid exclusively from the general 4211
revenues of the port authority. For the purposes of this section, 4212
any revenues derived by the port authority under a lease or other 4213
agreement that, by its terms, contemplates the use of amounts 4214
payable under the agreement either to pay the costs of the 4215
improvement that is the subject of the contract or to secure 4216
obligations of the port authority issued to finance costs of such 4217
improvement, are excluded from general revenues. 4218

(19) Employ managers, superintendents, and other employees 4219
and retain or contract with consulting engineers, financial 4220
consultants, accounting experts, architects, attorneys, and any 4221
other consultants and independent contractors as are necessary in 4222
its judgment to carry out this chapter, and fix the compensation 4223
thereof. All expenses thereof shall be payable from any available 4224
funds of the port authority or from funds appropriated for that 4225
purpose by a political subdivision creating or participating in 4226
the creation of the port authority. 4227

(20) Receive and accept from any state or federal agency 4228
grants and loans for or in aid of the construction of any port 4229

authority facility or for research and development with respect to 4230
port authority facilities, and receive and accept aid or 4231
contributions from any source of money, property, labor, or other 4232
things of value, to be held, used, and applied only for the 4233
purposes for which the grants and contributions are made; 4234

(21) Engage in research and development with respect to port 4235
authority facilities; 4236

(22) Purchase fire and extended coverage and liability 4237
insurance for any port authority facility and for the principal 4238
office and branch offices of the port authority, insurance 4239
protecting the port authority and its officers and employees 4240
against liability for damage to property or injury to or death of 4241
persons arising from its operations, and any other insurance the 4242
port authority may agree to provide under any resolution 4243
authorizing its port authority revenue bonds or in any trust 4244
agreement securing the same; 4245

(23) Charge, alter, and collect rentals and other charges for 4246
the use or services of any port authority facility as provided in 4247
section 4582.43 of the Revised Code; 4248

(24) Provide coverage for its employees under Chapters 145., 4249
4123., and 4141. of the Revised Code; 4250

(25) Do all acts necessary or proper to carry out the powers 4251
expressly granted in sections 4582.21 to 4582.59 of the Revised 4252
Code. 4253

(B) Any instrument by which real property is acquired 4254
pursuant to this section shall identify the agency of the state 4255
that has the use and benefit of the real property as specified in 4256
section 5301.012 of the Revised Code. 4257

(C) Whoever violates division (A)(14) of this section is 4258
guilty of a minor misdemeanor. 4259

Sec. 4749.031. (A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is available.

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code.

~~Sec. 4905.802 4905.801.~~ (A)(1) ~~All fees collected under section 4905.801 of the Revised Code shall be credited to the~~ The radioactive waste transportation fund, ~~which~~ is hereby created in the state treasury. All investment earnings of the fund shall be credited to it.

(2) Money in the radioactive waste transportation fund shall be used only for the following purposes related to the shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code as determined by the public utilities commission:

(a) State and local expenses, including inspections, escorts, security, emergency management services, and accident response;

(b) Planning, coordination, education, and training of 4290
emergency response providers, law enforcement agencies, and other 4291
appropriate state or local entities; 4292

(c) Purchase and maintenance of monitoring, medical, safety, 4293
or emergency response equipment and supplies; 4294

(d) Administrative costs of the commission and other state or 4295
local entities; 4296

(e) Other similar expenses determined by the commission to be 4297
appropriate. 4298

(B)(1) The commission may adopt rules as necessary to 4299
implement ~~sections 4905.801 and 4905.802 of the Revised Code~~ this 4300
section. 4301

~~(2) In administering section 4905.801 of the Revised Code,~~ 4302
~~the commission shall work with any department or agency of~~ 4303
~~federal, state, or local government that also regulates the~~ 4304
~~shipment of material that is subject to division (A)(1) of section~~ 4305
~~4163.07 of the Revised Code.~~ 4306

~~(3)~~ Subject to division (C) of section 4163.07 of the Revised 4307
Code, the commission, consistent with national security 4308
requirements, may notify any law enforcement agency or other state 4309
or local entity affected by the shipment of material that is 4310
subject to division (A)(1) of section 4163.07 of the Revised Code 4311
that the commission considers necessary for public safety. 4312

~~(4) Not later than December 31, 2010, the commission shall~~ 4313
~~prepare and submit to both houses of the general assembly a report~~ 4314
~~on the fees received by the commission under section 4905.801 of~~ 4315
~~the Revised Code and on expenditures made from the radioactive~~ 4316
~~waste transportation fund.~~ 4317

Sec. 5501.51. (A) The state shall reimburse a utility for the 4318
cost of relocation of utility facilities necessitated by the 4319

construction of a highway project only in the event that the 4320
utility can evidence a vested interest in the nature of a fee 4321
interest, an easement interest, or a lesser estate in the real 4322
property it occupies in the event that the utility possesses a 4323
vested interest in such property. The utility shall present 4324
evidence satisfactory to the state substantiating the cost of 4325
relocation. The director may audit all financial records which the 4326
director determines necessary to verify such actual costs. 4327

(B) The director of transportation may establish and enforce 4328
such rules and procedures as ~~he~~ the director may determine to be 4329
necessary to assure consistency governing any and all aspects of 4330
the cost of utility relocations. The director may adopt such 4331
amendments to such rules as are necessary and within the 4332
guidelines of this section. 4333

(C) As used in this section: 4334

(1) ~~"Utility" includes publicly, privately, and cooperatively~~ 4335
~~owned utilities that are subject to the authority of the public~~ 4336
~~utilities commission of Ohio~~ "Actual cost" means those costs that 4337
are eligible for reimbursement in accordance with 23 C.F.R. 645. 4338

(2) "Cost of relocation" ~~includes~~ means the actual cost paid 4339
by a utility directly attributable to relocation after deducting 4340
any increase in the value of the new facility and any salvage 4341
value derived from the old facility. 4342

(3) "Utility" includes publicly, privately, and cooperatively 4343
owned utilities that are subject to the authority of the public 4344
utilities commission of Ohio. 4345

Sec. 5501.55. (A) The department of transportation is the 4346
designated state agency responsible for overseeing the safety 4347
practices of rail fixed guideway systems and the administration of 4348
49 U.S.C. 5330. The director of transportation shall develop any 4349

guidelines necessary to oversee the safety practices of rail fixed 4350
guideway systems that are consistent with the federal act and 4351
rules adopted thereunder. 4352

(B) In accordance with guidelines developed by the director, 4353
the department shall do all of the following: 4354

(1) Establish a safety program plan standard for transit 4355
agencies operating a rail fixed guideway system within the state; 4356

(2) Adopt standards for the personal security of passengers 4357
and employees of rail fixed guideway systems; 4358

(3) Review and approve or disapprove the annual internal 4359
safety audit conducted by a transit agency under section 5501.56 4360
of the Revised Code; 4361

(4) Periodically, conduct an on-site safety review of each 4362
transit agency and make recommendations based on the review of the 4363
system safety program plan; 4364

(5)(a) Establish procedures for the investigation of 4365
accidents and unacceptable hazardous conditions as defined in the 4366
guidelines developed by the director; 4367

(b) Investigate accidents and unacceptable hazardous 4368
conditions at transit agencies; 4369

(c) Approve or disapprove any plan of a transit agency to 4370
minimize, control, correct, or eliminate any investigated hazard. 4371

(6) Submit to the federal transit administration any reports 4372
or other information necessary to remain in compliance with 49 4373
U.S.C. 5330 and the rules adopted under it. 4374

(C) The department may use a contractor to act on its behalf 4375
in carrying out the duties of the Department under this section 4376
and section 5501.56 of the Revised Code and 49 U.S.C. 5330 and the 4377
rules adopted under it. 4378

(D)(1) Reports of any investigation conducted by the 4379

department, a transit agency operating a rail fixed guideway 4380
system, or a contractor acting on behalf of the department or such 4381
a transit agency are confidential and are not subject to 4382
disclosure, inspection, or copying under section 149.43 of the 4383
Revised Code. Information contained in investigative files shall 4384
be disclosed only at the discretion of the director or as 4385
otherwise provided in this section. 4386

(2) Reports of any investigation conducted by the ~~Department~~ 4387
department, a transit agency operating a rail fixed guideway 4388
system, or a contractor acting on behalf of the ~~Department~~ 4389
department or such a transit agency shall not be admitted in 4390
evidence or used for any purpose in any action or proceeding 4391
arising out of any matter referred to in the investigation, except 4392
in actions or proceedings instituted by the state or by the 4393
department on behalf of the state, nor shall any member of the 4394
department or its employees, a transit agency acting on behalf of 4395
the department, or a contractor acting on behalf of the department 4396
or such a transit agency be required to testify to any facts 4397
ascertained in, or information obtained by reason of, the person's 4398
official capacity, or to testify as an expert witness in any 4399
action or proceeding involving or pertaining to rail fixed 4400
guideway systems to which the state is not a party. 4401

(E) In accordance with the guidelines developed by the 4402
director, the department may establish such programs, procedures, 4403
and administrative mandates as may be necessary to carry out its 4404
duties under this section and section 5501.56 of the Revised Code 4405
and 49 U.S.C. 5330 and the rules adopted under it. 4406

(F) As used in this section and in section 5501.56 of the 4407
Revised Code: 4408

(1) "Rail fixed guideway system" means any light, heavy, or 4409
rapid rail system, monorail, inclined plane, funicular, trolley, 4410
or automated guideway that is included in the federal transit 4411

administration's calculation of fixed guideway route miles or 4412
receives funding for urbanized areas under 49 U.S.C. 5336 and is 4413
not regulated by the federal railroad administration. 4414

(2) "Transit agency" means an entity operating a rail fixed 4415
guideway system. 4416

Sec. 5502.011. (A) As used in this section, "department of 4417
public safety" and "department" include all divisions within the 4418
department of public safety. 4419

(B) The director of the department of public safety is the 4420
chief executive and administrative officer of the department. The 4421
director may establish policies governing the department, the 4422
performance of its employees and officers, the conduct of its 4423
business, and the custody, use, and preservation of departmental 4424
records, papers, books, documents, and property. The director also 4425
may authorize and approve investigations to be conducted by any of 4426
the department's divisions. Whenever the Revised Code imposes a 4427
duty upon or requires an action of the department, the director 4428
may perform the action or duty in the name of the department or 4429
direct such performance to be performed by the director's 4430
designee. 4431

(C) In addition to any other duties enumerated in the Revised 4432
Code, the director or the director's designee shall do all of the 4433
following: 4434

(1) Administer and direct the performance of the duties of 4435
the department; 4436

(2) Pursuant to Chapter 119. of the Revised Code, approve, 4437
adopt, and prescribe such forms and rules as are necessary to 4438
carry out the duties of the department; 4439

(3) On behalf of the department and in addition to any 4440
authority the Revised Code otherwise grants to the department, 4441

have the authority and responsibility for approving and entering 4442
into contracts, agreements, and other business arrangements; 4443

(4) Make appointments for the department as needed to comply 4444
with requirements of the Revised Code; 4445

(5) Approve employment actions of the department, including 4446
appointments, promotions, discipline, investigations, and 4447
terminations; 4448

(6) Accept, hold, and use, for the benefit of the department, 4449
any gift, donation, bequest, or devise, and may agree to and 4450
perform all conditions of the gift, donation, bequest, or devise, 4451
that are not contrary to law; 4452

(7) Apply for, allocate, disburse, and account for grants 4453
made available under federal law or from other federal, state, or 4454
private sources; 4455

(8) Do all other acts necessary or desirable to carry out 4456
this chapter. 4457

(D)(1) The director of public safety may assess a reasonable 4458
fee, plus the amount of any charge or fee passed on from a 4459
financial institution, on a drawer or indorser for each of the 4460
following: 4461

(a) A check, draft, or money order that is returned or 4462
dishonored; 4463

(b) An automatic bank transfer that is declined, due to 4464
insufficient funds or for any other reason; 4465

(c) Any financial transaction device that is returned or 4466
dishonored for any reason. 4467

(2) The director shall deposit any fee collected under this 4468
division in an appropriate fund as determined by the director 4469
based on the tax, fee, or fine being paid. 4470

(3) As used in this division, "financial transaction device" 4471

has the same meaning as in section 113.40 of the Revised Code. 4472

(E) The director shall establish a homeland security advisory 4473
council to advise the director on homeland security, including 4474
homeland security funding efforts. The advisory council shall 4475
include, but not be limited to, state and local government 4476
officials who have homeland security or emergency management 4477
responsibilities and who represent first responders. The director 4478
shall appoint the members of the council, who shall serve without 4479
compensation. 4480

(F) The director of public safety shall adopt rules in 4481
accordance with Chapter 119. of the Revised Code as required by 4482
section 2909.28 of the Revised Code and division (A)(1) of section 4483
2909.32 of the Revised Code. The director shall adopt rules as 4484
required by division (D) of section 2909.32 of the Revised Code, 4485
division (E) of section 2909.33 of the Revised Code, and division 4486
(D) of section 2909.34 of the Revised Code. The director may adopt 4487
rules pursuant to division (A)(2) of section 2909.32 of the 4488
Revised Code, division (A)(2) of section 2909.33 of the Revised 4489
Code, and division (A)(2) of section 2909.34 of the Revised Code. 4490

Sec. 5525.15. The director of transportation may provide that 4491
prior to the bid opening, the official engineer's estimate of cost 4492
of any project to be constructed by the department ~~by the taking~~ 4493
~~of bids and awarding of contracts~~ of transportation shall be 4494
confidential information ~~and so remain until after all bids on the~~ 4495
~~project have been received. The~~ After the bid opening, only the 4496
~~total amount of the official engineer's estimate then shall of~~ 4497
cost may be published. 4498

~~When the director exercises the authority conferred by this~~ 4499
~~section, all information with respect to the total estimate of~~ 4500
~~cost of the project to be built by contract and with respect to~~ 4501
The unit price components and the estimate of cost of any 4502

particular item of work involved therein shall be kept and 4503
regarded by the director and all the director's subordinates as 4504
confidential, and ~~shall are not be revealed to any person not~~ 4505
~~employed in the department, or by the United States department of~~ 4506
~~transportation in the case of projects financed in whole or part~~ 4507
~~by federal funds, until after the bids on the project have been~~ 4508
~~opened and published. Section 5517.01 public records for purposes~~ 4509
~~of section 149.43 of the Revised Code with respect to the public~~ 4510
~~inspection of estimates of cost prior to the opening of bids and~~ 4511
~~with respect to filing estimates of cost in the office of the~~ 4512
~~district deputy director of transportation does not apply when the~~ 4513
~~authority conferred by this section is exercised. This section~~ 4514
does not prohibit the department from furnishing estimates unit 4515
price components and the estimate of cost for any particular item 4516
of work involved therein to the federal government, counties, 4517
municipal corporations, or other local political subdivisions or 4518
to railroad or railway companies proposing to pay any portion of 4519
the cost of an improvement. Planning estimates are those estimates 4520
created for management of the capital program of the department 4521
and are public records for purposes of section 149.43 of the 4522
Revised Code. 4523

Section 5525.10 of the Revised Code, which provides that no 4524
contract for any improvement shall be awarded for a greater sum 4525
than the estimated cost thereof plus five per cent, does not apply 4526
in the case of any project with respect to which the authority 4527
conferred by this section is exercised. In cases in which the 4528
authority conferred by this section is exercised and in which the 4529
bid of the successful bidder exceeds the estimate, the director, 4530
before entering into a contract, shall determine that the bid of 4531
the successful bidder is fair and reasonable, and as long as the 4532
federal government imposes regulation on prices charged for 4533
construction service, shall require the successful bidder to 4534
certify that the bidder's bid does not exceed the maximum 4535

permitted by such federal regulation. 4536

Sec. 5577.042. (A) As used in this section: 4537

(1) "Farm machinery" has the same meaning as in section 4538
4501.01 of the Revised Code. 4539

(2) "Farm commodities" includes livestock, bulk milk, corn, 4540
soybeans, tobacco, ~~and~~ wheat, manure, turf, sod, and silage. 4541

(3) "Farm truck" means a truck used in the transportation 4542
from a farm of farm commodities when the truck is operated in 4543
accordance with this section. 4544

(4) "Forest products" includes logs, chips, sawdust, mulch, 4545
bark, pulpwood, biomass, and firewood. 4546

(5) "Log Forest product truck" means a truck used in the 4547
transportation of timber from the site of its cutting transporting 4548
forest products from the site where the forest product is 4549
harvested when the truck is operated in accordance with this 4550
section. 4551

~~(5)~~(6) "Coal truck" means a truck transporting coal from the 4552
site where it is mined when the truck is operated in accordance 4553
with this section. 4554

~~(6)~~(7) "Solid waste" has the same meaning as in section 4555
3734.01 of the Revised Code. 4556

~~(7)~~(8) "Solid waste haul vehicle" means a vehicle hauling 4557
solid waste for which a bill of lading has not been issued. 4558

(9) "Minerals" has the same meaning as in section 1514.01 of 4559
the Revised Code. 4560

(10) "Surface mining vehicle" means a truck used in the 4561
transportation of minerals from the earth or from the surface of 4562
the land by surface excavation methods when the truck is operated 4563
in accordance with this section. 4564

(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, ~~a coal truck transporting coal, a farm truck or farm machinery transporting farm commodities, a log truck transporting timber, or a solid waste haul vehicle hauling solid waste, from the place of production to the first point of delivery where the commodities are weighed and title to the commodities, coal, or timber is transferred, or, in the case of solid waste, from the place of production to the first point of delivery where the solid waste is disposed of or title to the solid waste is transferred,~~ the following vehicles under the described conditions may exceed by no more than seven and one-half per cent the weight provisions of sections 5577.01 to 5577.09 of the Revised Code and no penalty prescribed in section 5577.99 of the Revised Code shall be imposed. ~~If a coal truck so transporting coal, a farm truck or farm machinery so transporting farm commodities, a timber truck so transporting timber, or a solid waste haul vehicle hauling solid waste,:~~

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

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

(c) A forest product truck transporting forest products, from the place of production to the first point of delivery where title to the forest product is transferred;

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

(e) A surface mining vehicle transporting minerals from the

place where the minerals are removed from the earth or the surface 4596
of the land to the first place where the minerals are transferred 4597
from the vehicle; 4598

(f) A vehicle transporting hot mix asphalt material from the 4599
place where the material is first mixed to the paving site where 4600
the material is discharged 4601

(2) In addition, if any of the vehicles listed in division 4602
(B)(1) of this section and operated under the conditions described 4603
in that division does not exceed by more than seven and one-half 4604
per cent the gross vehicle weight provisions of sections 5577.01 4605
to 5577.09 of the Revised Code, no wheel or axle-load limits shall 4606
apply and no penalty prescribed in section 5577.99 of the Revised 4607
Code for a wheel or axle overload shall be imposed. 4608

(C) If any of the vehicles listed in division (B)(1) of this 4609
section and operated under the conditions described in that 4610
division exceeds by more than seven and one-half per cent the 4611
weight provisions of these sections 5577.01 to 5577.09 of the 4612
Revised Code, both of the following apply without regard to the 4613
seven and one-half per cent allowance provided by this division: 4614

(1) The applicable penalty prescribed in section 5577.99 of 4615
the Revised Code; 4616

(2) The civil liability imposed by section 5577.12 of the 4617
Revised Code. 4618

~~(C)~~(D)(1) Division (B) of this section does not apply to the 4619
operation of a farm truck, ~~log~~ forest product truck, or farm 4620
machinery transporting farm commodities during the months of 4621
February and March. 4622

(2) Regardless of when the operation occurs, division (B) of 4623
this section does not apply to the operation of a ~~coal truck, a~~ 4624
~~farm truck, a log truck, a solid waste haul vehicle, or farm~~ 4625
~~machinery transporting farm commodities~~ on either of the 4626

following:	4627
(a) A highway that is part of the interstate system;	4628
(b) A highway, road, or bridge that is subject to reduced maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42 of the Revised Code.	4629 4630 4631
Sec. 5751.01. As used in this chapter:	4632
(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.	4633 4634 4635 4636 4637 4638 4639 4640 4641
(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.	4642 4643 4644 4645
(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.	4646 4647 4648
(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.	4649 4650 4651 4652
(E) "Excluded person" means any of the following:	4653
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is	4654 4655 4656

a member of a consolidated elected taxpayer; 4657

(2) A public utility that paid the excise tax imposed by 4658
section 5727.24 or 5727.30 of the Revised Code based on one or 4659
more measurement periods that include the entire tax period under 4660
this chapter, except that a public utility that is a combined 4661
company is a taxpayer with regard to the following gross receipts: 4662

(a) Taxable gross receipts directly attributed to a public 4663
utility activity, but not directly attributed to an activity that 4664
is subject to the excise tax imposed by section 5727.24 or 5727.30 4665
of the Revised Code; 4666

(b) Taxable gross receipts that cannot be directly attributed 4667
to any activity, multiplied by a fraction whose numerator is the 4668
taxable gross receipts described in division (E)(2)(a) of this 4669
section and whose denominator is the total taxable gross receipts 4670
that can be directly attributed to any activity; 4671

(c) Except for any differences resulting from the use of an 4672
accrual basis method of accounting for purposes of determining 4673
gross receipts under this chapter and the use of the cash basis 4674
method of accounting for purposes of determining gross receipts 4675
under section 5727.24 of the Revised Code, the gross receipts 4676
directly attributed to the activity of a natural gas company shall 4677
be determined in a manner consistent with division (D) of section 4678
5727.03 of the Revised Code. 4679

As used in division (E)(2) of this section, "combined 4680
company" and "public utility" have the same meanings as in section 4681
5727.01 of the Revised Code. 4682

(3) A financial institution, as defined in section 5725.01 of 4683
the Revised Code, that paid the corporation franchise tax charged 4684
by division (D) of section 5733.06 of the Revised Code based on 4685
one or more taxable years that include the entire tax period under 4686
this chapter; 4687

(4) A dealer in intangibles, as defined in section 5725.01 of the Revised Code, that paid the dealer in intangibles tax levied by division (D) of section 5707.03 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p);

(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a);

(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);

(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.

For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person

owns the company if that person's membership interest, as defined 4719
in section 1705.01 of the Revised Code, is fifty per cent or more 4720
of the combined membership interests of all persons owning such 4721
interests in the company; 4722

(c) In the case of a partnership, trust, or other 4723
unincorporated business organization other than a limited 4724
liability company, one person owns the organization if, under the 4725
articles of organization or other instrument governing the affairs 4726
of the organization, that person has a beneficial interest in the 4727
organization's profits, surpluses, losses, or distributions of 4728
fifty per cent or more of the combined beneficial interests of all 4729
persons having such an interest in the organization; 4730

(d) In the case of multiple ownership, the ownership 4731
interests of more than one person may be aggregated to meet the 4732
fifty per cent ownership tests in this division only when each 4733
such owner is described in division (E)(3), (5), (6), or (7) of 4734
this section and is engaged in activities permissible for a 4735
financial holding company under 12 U.S.C. 1843(k) or is a person 4736
directly or indirectly owned by one or more insurance companies 4737
described in division (E)(9) of this section that is authorized to 4738
do the business of insurance in this state. 4739

(9) A domestic insurance company or foreign insurance 4740
company, as defined in section 5725.01 of the Revised Code, that 4741
paid the insurance company premiums tax imposed by section 5725.18 4742
or Chapter 5729. of the Revised Code based on one or more 4743
measurement periods that include the entire tax period under this 4744
chapter; 4745

(10) A person that solely facilitates or services one or more 4746
securitizations or similar transactions for any person described 4747
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 4748
For purposes of this division, "securitization" means transferring 4749
one or more assets to one or more persons and then issuing 4750

securities backed by the right to receive payment from the asset 4751
or assets so transferred. 4752

(11) Except as otherwise provided in this division, a 4753
pre-income tax trust as defined in division (FF)(4) of section 4754
5747.01 of the Revised Code and any pass-through entity of which 4755
such pre-income tax trust owns or controls, directly, indirectly, 4756
or constructively through related interests, more than five per 4757
cent of the ownership or equity interests. If the pre-income tax 4758
trust has made a qualifying pre-income tax trust election under 4759
division (FF)(3) of section 5747.01 of the Revised Code, then the 4760
trust and the pass-through entities of which it owns or controls, 4761
directly, indirectly, or constructively through related interests, 4762
more than five per cent of the ownership or equity interests, 4763
shall not be excluded persons for purposes of the tax imposed 4764
under section 5751.02 of the Revised Code. 4765

(12) Nonprofit organizations or the state and its agencies, 4766
instrumentalities, or political subdivisions. 4767

(F) Except as otherwise provided in divisions (F)(2), (3), 4768
and (4) of this section, "gross receipts" means the total amount 4769
realized by a person, without deduction for the cost of goods sold 4770
or other expenses incurred, that contributes to the production of 4771
gross income of the person, including the fair market value of any 4772
property and any services received, and any debt transferred or 4773
forgiven as consideration. 4774

(1) The following are examples of gross receipts: 4775

(a) Amounts realized from the sale, exchange, or other 4776
disposition of the taxpayer's property to or with another; 4777

(b) Amounts realized from the taxpayer's performance of 4778
services for another; 4779

(c) Amounts realized from another's use or possession of the 4780
taxpayer's property or capital; 4781

(d) Any combination of the foregoing amounts.	4782
(2) "Gross receipts" excludes the following amounts:	4783
(a) Interest income except interest on credit sales;	4784
(b) Dividends and distributions from corporations, and	4785
distributive or proportionate shares of receipts and income from a	4786
pass-through entity as defined under section 5733.04 of the	4787
Revised Code;	4788
(c) Receipts from the sale, exchange, or other disposition of	4789
an asset described in section 1221 or 1231 of the Internal Revenue	4790
Code, without regard to the length of time the person held the	4791
asset. Notwithstanding section 1221 of the Internal Revenue Code,	4792
receipts from hedging transactions also are excluded to the extent	4793
the transactions are entered into primarily to protect a financial	4794
position, such as managing the risk of exposure to (i) foreign	4795
currency fluctuations that affect assets, liabilities, profits,	4796
losses, equity, or investments in foreign operations; (ii)	4797
interest rate fluctuations; or (iii) commodity price fluctuations.	4798
As used in division (F)(2)(c) of this section, "hedging	4799
transaction" has the same meaning as used in section 1221 of the	4800
Internal Revenue Code and also includes transactions accorded	4801
hedge accounting treatment under statement of financial accounting	4802
standards number 133 of the financial accounting standards board.	4803
For the purposes of division (F)(2)(c) of this section, the actual	4804
transfer of title of real or tangible personal property to another	4805
entity is not a hedging transaction.	4806
(d) Proceeds received attributable to the repayment,	4807
maturity, or redemption of the principal of a loan, bond, mutual	4808
fund, certificate of deposit, or marketable instrument;	4809
(e) The principal amount received under a repurchase	4810
agreement or on account of any transaction properly characterized	4811
as a loan to the person;	4812

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	4813 4814 4815 4816
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	4817 4818 4819 4820 4821 4822 4823 4824 4825
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	4826 4827 4828
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	4829 4830 4831
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	4832 4833 4834 4835 4836 4837 4838
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	4839 4840 4841
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's	4842 4843

commission, fee, or other remuneration;	4844
(m) Tax refunds, other tax benefit recoveries, and	4845
reimbursements for the tax imposed under this chapter made by	4846
entities that are part of the same combined taxpayer or	4847
consolidated elected taxpayer group, and reimbursements made by	4848
entities that are not members of a combined taxpayer or	4849
consolidated elected taxpayer group that are required to be made	4850
for economic parity among multiple owners of an entity whose tax	4851
obligation under this chapter is required to be reported and paid	4852
entirely by one owner, pursuant to the requirements of sections	4853
5751.011 and 5751.012 of the Revised Code;	4854
(n) Pension reversions;	4855
(o) Contributions to capital;	4856
(p) Sales or use taxes collected as a vendor or an	4857
out-of-state seller on behalf of the taxing jurisdiction from a	4858
consumer or other taxes the taxpayer is required by law to collect	4859
directly from a purchaser and remit to a local, state, or federal	4860
tax authority;	4861
(q) In the case of receipts from the sale of cigarettes or	4862
tobacco products by a wholesale dealer, retail dealer,	4863
distributor, manufacturer, or seller, all as defined in section	4864
5743.01 of the Revised Code, an amount equal to the federal and	4865
state excise taxes paid by any person on or for such cigarettes or	4866
tobacco products under subtitle E of the Internal Revenue Code or	4867
Chapter 5743. of the Revised Code;	4868
(r) In the case of receipts from the sale of motor fuel by a	4869
licensed motor fuel dealer, licensed retail dealer, or licensed	4870
permissive motor fuel dealer, all as defined in section 5735.01 of	4871
the Revised Code, an amount equal to federal and state excise	4872
taxes paid by any person on such motor fuel under section 4081 of	4873
the Internal Revenue Code or Chapter 5735. of the Revised Code;	4874

(s) In the case of receipts from the sale of beer or 4875
intoxicating liquor, as defined in section 4301.01 of the Revised 4876
Code, by a person holding a permit issued under Chapter 4301. or 4877
4303. of the Revised Code, an amount equal to federal and state 4878
excise taxes paid by any person on or for such beer or 4879
intoxicating liquor under subtitle E of the Internal Revenue Code 4880
or Chapter 4301. or 4305. of the Revised Code; 4881

(t) Receipts realized by a new motor vehicle dealer or used 4882
motor vehicle dealer, as defined in section 4517.01 of the Revised 4883
Code, from the sale or other transfer of a motor vehicle, as 4884
defined in that section, to another motor vehicle dealer for the 4885
purpose of resale by the transferee motor vehicle dealer, but only 4886
if the sale or other transfer was based upon the transferee's need 4887
to meet a specific customer's preference for a motor vehicle; 4888

(u) Receipts from a financial institution described in 4889
division (E)(3) of this section for services provided to the 4890
financial institution in connection with the issuance, processing, 4891
servicing, and management of loans or credit accounts, if such 4892
financial institution and the recipient of such receipts have at 4893
least fifty per cent of their ownership interests owned or 4894
controlled, directly or constructively through related interests, 4895
by common owners; 4896

(v) Receipts realized from administering anti-neoplastic 4897
drugs and other cancer chemotherapy, biologicals, therapeutic 4898
agents, and supportive drugs in a physician's office to patients 4899
with cancer; 4900

(w) Funds received or used by a mortgage broker that is not a 4901
dealer in intangibles, other than fees or other consideration, 4902
pursuant to a table-funding mortgage loan or warehouse-lending 4903
mortgage loan. Terms used in division (F)(2)(w) of this section 4904
have the same meanings as in section 1322.01 of the Revised Code, 4905
except "mortgage broker" means a person assisting a buyer in 4906

obtaining a mortgage loan for a fee or other consideration paid by 4907
the buyer or a lender, or a person engaged in table-funding or 4908
warehouse-lending mortgage loans that are first lien mortgage 4909
loans. 4910

(x) Property, money, and other amounts received by a 4911
professional employer organization, as defined in section 4125.01 4912
of the Revised Code, from a client employer, as defined in that 4913
section, in excess of the administrative fee charged by the 4914
professional employer organization to the client employer; 4915

(y) In the case of amounts retained as commissions by a 4916
permit holder under Chapter 3769. of the Revised Code, an amount 4917
equal to the amounts specified under that chapter that must be 4918
paid to or collected by the tax commissioner as a tax and the 4919
amounts specified under that chapter to be used as purse money; 4920

(z) Qualifying distribution center receipts. 4921

(i) For purposes of division (F)(2)(z) of this section: 4922

(I) "Qualifying distribution center receipts" means receipts 4923
of a supplier from qualified property that is delivered to a 4924
qualified distribution center, multiplied by a quantity that 4925
equals one minus the Ohio delivery percentage. 4926

(II) "Qualified property" means tangible personal property 4927
delivered to a qualified distribution center that is shipped to 4928
that qualified distribution center solely for further shipping by 4929
the qualified distribution center to another location in this 4930
state or elsewhere. "Further shipping" includes storing and 4931
repackaging such property into smaller or larger bundles, so long 4932
as such property is not subject to further manufacturing or 4933
processing. 4934

(III) "Qualified distribution center" means a warehouse or 4935
other similar facility in this state that, for the qualifying 4936
year, is operated by a person that is not part of a combined 4937

taxpayer group and that has a qualifying certificate. However, all 4938
warehouses or other similar facilities that are operated by 4939
persons in the same taxpayer group and that are located within one 4940
mile of each other shall be treated as one qualified distribution 4941
center. 4942

(IV) "Qualifying year" means the calendar year to which the 4943
qualifying certificate applies. 4944

(V) "Qualifying period" means the period of the first day of 4945
July of the second year preceding the qualifying year through the 4946
thirtieth day of June of the year preceding the qualifying year. 4947

(VI) "Qualifying certificate" means the certificate issued by 4948
the tax commissioner after the operator of a distribution center 4949
files an annual application with the commissioner. The application 4950
and annual fee shall be filed and paid for each qualified 4951
distribution center on or before the first day of September before 4952
the qualifying year or within forty-five days after the 4953
distribution center opens, whichever is later. 4954

The applicant must substantiate to the commissioner's 4955
satisfaction that, for the qualifying period, all persons 4956
operating the distribution center have more than fifty per cent of 4957
the cost of the qualified property shipped to a location such that 4958
it would be situated outside this state under the provisions of 4959
division (E) of section 5751.033 of the Revised Code. The 4960
applicant must also substantiate that the distribution center 4961
cumulatively had costs from its suppliers equal to or exceeding 4962
five hundred million dollars during the qualifying period. (For 4963
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 4964
excludes any person that is part of the consolidated elected 4965
taxpayer group, if applicable, of the operator of the qualified 4966
distribution center.) The commissioner may require the applicant 4967
to have an independent certified public accountant certify that 4968
the calculation of the minimum thresholds required for a qualified 4969

distribution center by the operator of a distribution center has 4970
been made in accordance with generally accepted accounting 4971
principles. The commissioner shall issue or deny the issuance of a 4972
certificate within sixty days after the receipt of the 4973
application. A denial is subject to appeal under section 5717.02 4974
of the Revised Code. If the operator files a timely appeal under 4975
section 5717.02 of the Revised Code, the operator shall be granted 4976
a qualifying certificate, provided that the operator is liable for 4977
any tax, interest, or penalty upon amounts claimed as qualifying 4978
distribution center receipts, other than those receipts exempt 4979
under division (C)(1) of section 5751.011 of the Revised Code, 4980
that would have otherwise not been owed by its suppliers if the 4981
qualifying certificate was valid. 4982

(VII) "Ohio delivery percentage" means the proportion of the 4983
total property delivered to a destination inside Ohio from the 4984
qualified distribution center during the qualifying period 4985
compared with total deliveries from such distribution center 4986
everywhere during the qualifying period. 4987

(ii) If the distribution center is new and was not open for 4988
the entire qualifying period, the operator of the distribution 4989
center may request that the commissioner grant a qualifying 4990
certificate. If the certificate is granted and it is later 4991
determined that more than fifty per cent of the qualified property 4992
during that year was not shipped to a location such that it would 4993
be situated outside of this state under the provisions of division 4994
(E) of section 5751.033 of the Revised Code or if it is later 4995
determined that the person that operates the distribution center 4996
had average monthly costs from its suppliers of less than forty 4997
million dollars during that year, then the operator of the 4998
distribution center shall be liable for any tax, interest, or 4999
penalty upon amounts claimed as qualifying distribution center 5000
receipts, other than those receipts exempt under division (C)(1) 5001

of section 5751.011 of the Revised Code, that would have not 5002
otherwise been owed by its suppliers during the qualifying year if 5003
the qualifying certificate was valid. (For purposes of division 5004
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 5005
is part of the consolidated elected taxpayer group, if applicable, 5006
of the operator of the qualified distribution center.) 5007

(iii) When filing an application for a qualifying certificate 5008
under division (F)(2)(z)(i)(VI) of this section, the operator of a 5009
qualified distribution center also shall provide documentation, as 5010
the commissioner requires, for the commissioner to ascertain the 5011
Ohio delivery percentage. The commissioner, upon issuing the 5012
qualifying certificate, also shall certify the Ohio delivery 5013
percentage. The operator of the qualified distribution center may 5014
appeal the commissioner's certification of the Ohio delivery 5015
percentage in the same manner as an appeal is taken from the 5016
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 5017
of this section. 5018

Within thirty days after all appeals have been exhausted, the 5019
operator of the qualified distribution center shall notify the 5020
affected suppliers of qualified property that such suppliers are 5021
required to file, within sixty days after receiving notice from 5022
the operator of the qualified distribution center, amended reports 5023
for the impacted calendar quarter or quarters or calendar year, 5024
whichever the case may be. Any additional tax liability or tax 5025
overpayment shall be subject to interest but shall not be subject 5026
to the imposition of any penalty so long as the amended returns 5027
are timely filed. The supplier of tangible personal property 5028
delivered to the qualified distribution center shall include in 5029
its report of taxable gross receipts the receipts from the total 5030
sales of property delivered to the qualified distribution center 5031
for the calendar quarter or calendar year, whichever the case may 5032
be, multiplied by the Ohio delivery percentage for the qualifying 5033

year. Nothing in division (F)(2)(z)(iii) of this section shall be 5034
construed as imposing liability on the operator of a qualified 5035
distribution center for the tax imposed by this chapter arising 5036
from any change to the Ohio delivery percentage. 5037

(iv) In the case where the distribution center is new and not 5038
open for the entire qualifying period, the operator shall make a 5039
good faith estimate of an Ohio delivery percentage for use by 5040
suppliers in their reports of taxable gross receipts for the 5041
remainder of the qualifying period. The operator of the facility 5042
shall disclose to the suppliers that such Ohio delivery percentage 5043
is an estimate and is subject to recalculation. By the due date of 5044
the next application for a qualifying certificate, the operator 5045
shall determine the actual Ohio delivery percentage for the 5046
estimated qualifying period and proceed as provided in division 5047
(F)(2)(z)(iii) of this section with respect to the calculation and 5048
recalculation of the Ohio delivery percentage. The supplier is 5049
required to file, within sixty days after receiving notice from 5050
the operator of the qualified distribution center, amended reports 5051
for the impacted calendar quarter or quarters or calendar year, 5052
whichever the case may be. Any additional tax liability or tax 5053
overpayment shall be subject to interest but shall not be subject 5054
to the imposition of any penalty so long as the amended returns 5055
are timely filed. 5056

(v) Qualifying certificates and Ohio delivery percentages 5057
issued by the commissioner shall be open to public inspection and 5058
shall be timely published by the commissioner. A supplier relying 5059
in good faith on a certificate issued under this division shall 5060
not be subject to tax on the qualifying distribution center 5061
receipts under division (F)(2)(z) of this section. A person 5062
receiving a qualifying certificate is responsible for paying the 5063
tax, interest, and penalty upon amounts claimed as qualifying 5064
distribution center receipts that would not otherwise have been 5065

owed by the supplier if the qualifying certificate were available 5066
when it is later determined that the qualifying certificate should 5067
not have been issued because the statutory requirements were in 5068
fact not met. 5069

(vi) The annual fee for a qualifying certificate shall be one 5070
hundred thousand dollars for each qualified distribution center. 5071
If a qualifying certificate is not issued, the annual fee is 5072
subject to refund after the exhaustion of all appeals provided for 5073
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 5074
under this division may be assessed in the same manner as the tax 5075
imposed under this chapter. The first one hundred thousand dollars 5076
of the annual application fees collected each calendar year shall 5077
be credited to the commercial activity tax administrative fund. 5078
The remainder of the annual application fees collected shall be 5079
distributed in the same manner required under section 5751.20 of 5080
the Revised Code. 5081

(vii) The tax commissioner may require that adequate security 5082
be posted by the operator of the distribution center on appeal 5083
when the commissioner disagrees that the applicant has met the 5084
minimum thresholds for a qualified distribution center as set 5085
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 5086
section. 5087

(aa) Receipts of an employer from payroll deductions relating 5088
to the reimbursement of the employer for advancing moneys to an 5089
unrelated third party on an employee's behalf; 5090

(bb) Cash discounts allowed and taken; 5091

(cc) Returns and allowances; 5092

(dd) Bad debts from receipts on the basis of which the tax 5093
imposed by this chapter was paid in a prior quarterly tax payment 5094
period. For the purpose of this division, "bad debts" means any 5095
debts that have become worthless or uncollectible between the 5096

preceding and current quarterly tax payment periods, have been 5097
uncollected for at least six months, and that may be claimed as a 5098
deduction under section 166 of the Internal Revenue Code and the 5099
regulations adopted under that section, or that could be claimed 5100
as such if the taxpayer kept its accounts on the accrual basis. 5101
"Bad debts" does not include repossessed property, uncollectible 5102
amounts on property that remains in the possession of the taxpayer 5103
until the full purchase price is paid, or expenses in attempting 5104
to collect any account receivable or for any portion of the debt 5105
recovered; 5106

(ee) Any amount realized from the sale of an account 5107
receivable to the extent the receipts from the underlying 5108
transaction giving rise to the account receivable were included in 5109
the gross receipts of the taxpayer; 5110

(ff) Any receipts for which the tax imposed by this chapter 5111
is prohibited by the Constitution or laws of the United States or 5112
the Constitution of Ohio. 5113

(gg) Amounts realized by licensed motor fuel dealers or 5114
licensed permissive motor fuel dealers from the exchange of 5115
petroleum products, including motor fuel, between such dealers, 5116
provided that delivery of the petroleum products occurs at a 5117
refinery, terminal, pipeline, or marine vessel and that the 5118
exchanging dealers agree neither dealer shall require monetary 5119
compensation from the other for the value of the exchanged 5120
petroleum products other than such compensation for differences in 5121
product location or grade. Division (F)(2)(gg) of this section 5122
does not apply to amounts realized as a result of differences in 5123
location or grade of exchanged petroleum products or from 5124
handling, lubricity, dye, or other additive injections fees, 5125
pipeline security fees, or similar fees. As used in this division, 5126
"motor fuel," "licensed motor fuel dealer," "licensed permissive 5127
motor fuel dealer," and "terminal" have the same meanings as in 5128

section 5735.01 of the Revised Code. 5129

(3) In the case of a taxpayer when acting as a real estate 5130
broker, "gross receipts" includes only the portion of any fee for 5131
the service of a real estate broker, or service of a real estate 5132
salesperson associated with that broker, that is retained by the 5133
broker and not paid to an associated real estate salesperson or 5134
another real estate broker. For the purposes of this division, 5135
"real estate broker" and "real estate salesperson" have the same 5136
meanings as in section 4735.01 of the Revised Code. 5137

(4) A taxpayer's method of accounting for gross receipts for 5138
a tax period shall be the same as the taxpayer's method of 5139
accounting for federal income tax purposes for the taxpayer's 5140
federal taxable year that includes the tax period. If a taxpayer's 5141
method of accounting for federal income tax purposes changes, its 5142
method of accounting for gross receipts under this chapter shall 5143
be changed accordingly. 5144

(G) "Taxable gross receipts" means gross receipts sitused to 5145
this state under section 5751.033 of the Revised Code. 5146

(H) A person has "substantial nexus with this state" if any 5147
of the following applies. The person: 5148

(1) Owns or uses a part or all of its capital in this state; 5149

(2) Holds a certificate of compliance with the laws of this 5150
state authorizing the person to do business in this state; 5151

(3) Has bright-line presence in this state; 5152

(4) Otherwise has nexus with this state to an extent that the 5153
person can be required to remit the tax imposed under this chapter 5154
under the Constitution of the United States. 5155

(I) A person has "bright-line presence" in this state for a 5156
reporting period and for the remaining portion of the calendar 5157
year if any of the following applies. The person: 5158

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal

Revenue Code includes other laws of the United States relating to 5189
federal income taxes. 5190

(L) "Calendar quarter" means a three-month period ending on 5191
the thirty-first day of March, the thirtieth day of June, the 5192
thirtieth day of September, or the thirty-first day of December. 5193

(M) "Tax period" means the calendar quarter or calendar year 5194
on the basis of which a taxpayer is required to pay the tax 5195
imposed under this chapter. 5196

(N) "Calendar year taxpayer" means a taxpayer for which the 5197
tax period is a calendar year. 5198

(O) "Calendar quarter taxpayer" means a taxpayer for which 5199
the tax period is a calendar quarter. 5200

(P) "Agent" means a person authorized by another person to 5201
act on its behalf to undertake a transaction for the other, 5202
including any of the following: 5203

(1) A person receiving a fee to sell financial instruments; 5204

(2) A person retaining only a commission from a transaction 5205
with the other proceeds from the transaction being remitted to 5206
another person; 5207

(3) A person issuing licenses and permits under section 5208
1533.13 of the Revised Code; 5209

(4) A lottery sales agent holding a valid license issued 5210
under section 3770.05 of the Revised Code; 5211

(5) A person acting as an agent of the division of liquor 5212
control under section 4301.17 of the Revised Code. 5213

(Q) "Received" includes amounts accrued under the accrual 5214
method of accounting. 5215

(R) "Reporting person" means a person in a consolidated 5216
elected taxpayer or combined taxpayer group that is designated by 5217

that group to legally bind the group for all filings and tax 5218
liabilities and to receive all legal notices with respect to 5219
matters under this chapter, or, for the purposes of section 5220
5751.04 of the Revised Code, a separate taxpayer that is not a 5221
member of such a group. 5222

Section 101.02. That existing sections 122.075, 125.11, 5223
127.12, 164.04, 164.08, 306.35, 4163.07, 4301.62, 4501.02, 5224
4501.06, 4501.21, 4501.81, 4503.03, 4503.04, 4503.521, 4503.62, 5225
4503.94, 4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43, 5226
4511.108, 4511.53, 4511.69, 4513.24, 4517.01, 4517.02, 4517.33, 5227
4582.12, 4582.31, 4905.802, 5501.51, 5501.55, 5502.011, 5525.15, 5228
5577.042, and 5751.01 of the Revised Code are hereby repealed. 5229

Section 105.01. That sections 4501.14 and 4905.801 of the 5230
Revised Code are hereby repealed. 5231

Section 201.10. Except as otherwise provided, all 5232
appropriation items in this act are hereby appropriated out of any 5233
moneys in the state treasury to the credit of the designated fund 5234
that are not otherwise appropriated. For all appropriations made 5235
in this act, the amounts in the first column are for fiscal year 5236
2012 and the amounts in the second column are for fiscal year 5237
2013. 5238

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 5239

FUND	TITLE	FY 2012	FY 2013	
Highway Operating Fund Group				5241
2120 772426	Highway	\$ 6,775,000	\$ 6,725,000	5242
	Infrastructure Bank -			
	Federal			
2120 772427	Highway	\$ 12,700,000	\$ 12,750,000	5243
	Infrastructure Bank -			

		State					
2120	772430	Infrastructure Debt	\$	525,000	\$	525,000	5244
		Reserve Title 23-49					
2130	772431	Roadway	\$	2,500,000	\$	2,500,000	5245
		Infrastructure Bank -					
		State					
2130	772433	Infrastructure Debt	\$	1,000,000	\$	1,000,000	5246
		Reserve - State					
2130	775457	Transit	\$	250,000	\$	250,000	5247
		Infrastructure Bank -					
		State					
2130	777477	Aviation	\$	1,250,000	\$	1,250,000	5248
		Infrastructure Bank -					
		State					
7002	771411	Planning and Research	\$	23,474,971	\$	23,057,800	5249
		- State					
7002	771412	Planning and Research	\$	28,647,965	\$	28,925,138	5250
		- Federal					
7002	772421	Highway Construction	\$	495,573,672	\$	472,982,710	5251
		- State					
7002	772422	Highway Construction	\$	1,146,641,723	\$	1,180,471,714	5252
		- Federal					
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000	5253
		- Other					
7002	772437	GARVEE Debt Service -	\$	31,918,500	\$	33,276,100	5254
		State					
7002	772438	GARVEE Debt Service -	\$	139,155,600	\$	144,590,400	5255
		Federal					
7002	773431	Highway Maintenance -	\$	454,853,435	\$	469,400,101	5256
		State					
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785	5257
		- Federal					
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000	5258

	- Other				
7002 775459	Elderly and Disabled	\$ 4,730,000	\$ 4,730,000		5259
	Special Equipment				
7002 776462	Grade Crossings -	\$ 14,200,000	\$ 14,240,000		5260
	Federal				
7002 777472	Airport Improvements	\$ 405,000	\$ 405,000		5261
	- Federal				
7002 777475	Aviation	\$ 5,453,108	\$ 5,374,144		5262
	Administration				
7002 779491	Administration -	\$ 136,462,349	\$ 140,904,501		5263
	State				
TOTAL HOF Highway Operating					5264
Fund Group					
		\$ 2,615,077,108	\$ 2,651,918,393		5265
State Special Revenue Fund Group					5266
4N40 776663	Panhandle Lease	\$ 764,300	\$ 0		5267
	Reserve Payments				
4N40 776664	Rail Transportation -	\$ 2,111,500	\$ 2,875,800		5268
	Other				
5W90 777615	County Airport	\$ 620,000	\$ 620,000		5269
	Maintenance				
TOTAL SSR State Special Revenue					5270
Fund Group					
		\$ 3,495,800	\$ 3,495,800		5271
Infrastructure Bank Obligations Fund Group					5272
7045 772428	Highway	\$ 45,400,000	\$ 98,000,000		5273
	Infrastructure Bank -				
	Bonds				
TOTAL 045 Infrastructure Bank					5274
Obligations Fund Group					
		\$ 45,400,000	\$ 98,000,000		5275
Highway Capital Improvement Fund Group					5276
7042 772723	Highway Construction	\$ 36,600,000	\$ 91,600,000		5277
	- Bonds				
TOTAL 042 Highway Capital					5278

Improvement Fund Group	\$ 36,600,000	\$ 91,600,000	5279
TOTAL ALL BUDGET FUND GROUPS	\$ 2,700,572,908	\$ 2,845,014,193	5280

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 5282

Of the foregoing appropriation item 772421, Highway 5283
Construction - State, \$5,000,000 shall be used in each fiscal year 5284
for the construction, reconstruction, or maintenance of public 5285
access roads, including support features, to and within state 5286
facilities owned or operated by the Department of Natural 5287
Resources. 5288

Section 203.30. PUBLIC ACCESS FOR ROADS FOR PARKS AND 5289
EXPOSITIONS COMMISSION'S FACILITIES 5290

Notwithstanding section 5511.06 of the Revised Code, of the 5291
foregoing appropriation item 772421, Highway Construction - State, 5292
\$2,228,000 in each fiscal year shall be used for the construction, 5293
reconstruction, or maintenance of park drives or park roads within 5294
the boundaries of metropolitan parks. 5295

The Department of Transportation may use the foregoing 5296
appropriation item 772421, Highway Construction - State, to 5297
perform related road work on behalf of the Ohio Expositions 5298
Commission at the state fairgrounds, including reconstruction or 5299
maintenance of public access roads and support features to and 5300
within fairgrounds facilities, as requested by the Commission and 5301
approved by the Director of Transportation. 5302

Section 203.30.10. SHARONVILLE RAIL YARD STUDY 5303

Of the foregoing appropriation item 776664, Rail 5304
Transportation - Other, \$25,000 shall be used in fiscal year 2012 5305
for a study of the capacity and design of the Sharonville Rail 5306
Yard. The study shall include recommendations for possible 5307
improvements to or redesign of the rail yard. 5308

Section 203.40. ISSUANCE OF BONDS 5309

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, in the aggregate amount of \$123,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly.

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

Section 203.50. TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND ADMINISTRATION 5329

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of Highway Operating Fund (Fund 7002) appropriations for planning and research (appropriation items 771411 and 771412), highway construction and debt service (appropriation items 772421, 772422, 772424, 772437, and 772438), highway maintenance (appropriation

item 773431), public transportation - federal (appropriation item 5339
775452), elderly and disabled special equipment (appropriation 5340
item 775459), rail grade crossings (appropriation item 776462), 5341
aviation (appropriation item 777475), and administration 5342
(appropriation item 779491). The Director of Budget and Management 5343
may not make transfers out of debt service appropriation items 5344
unless the Director determines that the appropriated amounts 5345
exceed the actual and projected debt service requirements. 5346
Transfers of appropriations may be made upon the written request 5347
of the Director of Transportation and with the approval of the 5348
Director of Budget and Management. The transfers shall be reported 5349
to the Controlling Board at the next regularly scheduled meeting 5350
of the board. 5351

This transfer authority is intended to provide for emergency 5352
situations and flexibility to meet unforeseen conditions that 5353
could arise during the budget period. It also is intended to allow 5354
the department to optimize the use of available resources and 5355
adjust to circumstances affecting the obligation and expenditure 5356
of federal funds. 5357

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 5358
AVIATION, AND RAIL AND LOCAL TRANSIT 5359

The Director of Budget and Management may approve written 5360
requests from the Director of Transportation for the transfer of 5361
appropriations between appropriation items 772422, Highway 5362
Construction - Federal, 775452, Public Transportation - Federal, 5363
775454, Public Transportation - Other, 775459, Elderly and 5364
Disabled Special Equipment, 776475, Federal Rail Administration, 5365
and 777472, Airport Improvements - Federal. The transfers shall be 5366
reported to the Controlling Board at its next regularly scheduled 5367
meeting. 5368

TRANSFER OF APPROPRIATIONS - ARRA 5369

The Director of Budget and Management may approve written requests from the Director of Transportation for the transfer of appropriations between appropriation items 771412, Planning and Research - Federal, 772422, Highway Construction - Federal, 772424, Highway Construction - Other, 775452, Public Transportation - Federal, 776462, Grade Crossing - Federal, and 777472, Airport Improvements - Federal, based upon the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE BANK

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2012 and 2013. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

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

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS

The Director of Budget and Management may approve requests 5401
from the Director of Transportation for transfer of appropriations 5402
and cash of the Ohio Toll Fund and any subaccounts created in 5403
section 5531.14 of the Revised Code, including transfers between 5404
fiscal years 2012 and 2013. The transfers shall be reported to the 5405
Controlling Board at its next regularly scheduled meeting. 5406

INCREASING APPROPRIATIONS: STATE FUNDS 5407

In the event that receipts or unexpended balances credited to 5408
the Highway Operating Fund (Fund 7002) exceed the estimates upon 5409
which the appropriations have been made in this act, upon the 5410
request of the Director of Transportation, the Controlling Board 5411
may increase those appropriations in the manner prescribed in 5412
section 131.35 of the Revised Code. 5413

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 5414

In the event that receipts or unexpended balances credited to 5415
the Highway Operating Fund (Fund 7002) or apportionments or 5416
allocations made available from the federal and local government 5417
exceed the estimates upon which the appropriations have been made 5418
in this act, upon the request of the Director of Transportation, 5419
the Controlling Board may increase those appropriations in the 5420
manner prescribed in section 131.35 of the Revised Code. 5421

REAPPROPRIATIONS 5422

Upon approval of the Director of Budget and Management, all 5423
appropriations of the Highway Operating Fund (Fund 7002), the 5424
Highway Capital Improvement Fund (Fund 7042), and the 5425
Infrastructure Bank funds created in section 5531.09 of the 5426
Revised Code remaining unencumbered on June 30, 2011, are hereby 5427
reappropriated for the same purpose in fiscal year 2012. 5428

Upon approval of the Director of Budget and Management, all 5429
appropriations of the Highway Operating Fund (Fund 7002), the 5430
Highway Capital Improvement Fund (Fund 7042), and the 5431

Infrastructure Bank funds created in section 5531.09 of the 5432
Revised Code remaining unencumbered on June 30, 2012, are hereby 5433
reappropriated for the same purpose in fiscal year 2013. 5434

Any balances of prior years' appropriations to the Highway 5435
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5436
(Fund 7042), and the Infrastructure Bank funds created in section 5437
5531.09 of the Revised Code that are unencumbered on June 30, 5438
2011, subject to the availability of revenue as determined by the 5439
Director of Transportation, are hereby reappropriated for the same 5440
purpose in fiscal year 2012 upon the request of the Director of 5441
Transportation and with the approval of the Director of Budget and 5442
Management. The reappropriations shall be reported to the 5443
Controlling Board. 5444

Any balances of prior years' appropriations to the Highway 5445
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5446
(Fund 7042), and the Infrastructure Bank funds created in section 5447
5531.09 of the Revised Code that are unencumbered on June 30, 5448
2012, subject to the availability of revenue as determined by the 5449
Director of Transportation, are hereby reappropriated for the same 5450
purpose in fiscal year 2013 upon the request of the Director of 5451
Transportation and with the approval of the Director of Budget and 5452
Management. The reappropriations shall be reported to the 5453
Controlling Board. 5454

LIQUIDATION OF UNFORESEEN LIABILITIES 5455

Any appropriation made from the Highway Operating Fund (Fund 5456
7002) not otherwise restricted by law is available to liquidate 5457
unforeseen liabilities arising from contractual agreements of 5458
prior years when the prior year encumbrance is insufficient. 5459

Section 203.60. MAINTENANCE OF INTERSTATE HIGHWAYS 5460

The Director of Transportation may remove snow and ice and 5461

maintain, repair, improve, or provide lighting upon interstate 5462
highways that are located within the boundaries of municipal 5463
corporations, adequate to meet the requirements of federal law. 5464
When agreed in writing by the Director of Transportation and the 5465
legislative authority of a municipal corporation and 5466
notwithstanding sections 125.01 and 125.11 of the Revised Code, 5467
the Department of Transportation may reimburse a municipal 5468
corporation for all or any part of the costs, as provided by such 5469
agreement, incurred by the municipal corporation in maintaining, 5470
repairing, lighting, and removing snow and ice from the interstate 5471
system. 5472

Section 203.70. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 5473

The Director of Transportation may use revenues from the 5474
state motor vehicle fuel tax to match approved federal grants 5475
awarded to the Department of Transportation, regional transit 5476
authorities, or eligible public transportation systems, for public 5477
transportation highway purposes, or to support local or state 5478
funded projects for public transportation highway purposes. Public 5479
transportation highway purposes include: the construction or 5480
repair of high-occupancy vehicle traffic lanes, the acquisition or 5481
construction of park-and-ride facilities, the acquisition or 5482
construction of public transportation vehicle loops, the 5483
construction or repair of bridges used by public transportation 5484
vehicles or that are the responsibility of a regional transit 5485
authority or other public transportation system, or other similar 5486
construction that is designated as an eligible public 5487
transportation highway purpose. Motor vehicle fuel tax revenues 5488
may not be used for operating assistance or for the purchase of 5489
vehicles, equipment, or maintenance facilities. 5490

Section 203.80. The federal payments made to the state for 5491
highway infrastructure or for transit agencies under Title XII of 5492

Division A of the American Recovery and Reinvestment Act of 2009 5493
 shall be deposited to the credit of the Highway Operating Fund 5494
 (Fund 7002), which is created in section 5735.291 of the Revised 5495
 Code. 5496

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 5497

State Highway Safety Fund Group 5498

4W40 762321 Operating Expense - \$ 71,431,380 \$ 71,431,380 5499
 BMV

4W40 762410 Registrations \$ 23,741,735 \$ 23,741,735 5500
 Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 5501
 Contributions

7036 761321 Operating Expense - \$ 7,124,366 \$ 7,338,097 5502
 Information and
 Education

7036 761401 Lease Rental Payments \$ 9,978,300 \$ 2,315,700 5503

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 5504
 Projects

7036 764321 Operating Expense - \$ 260,744,934 \$ 258,365,903 5505
 Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 5506
 Enforcement Expenses

8300 761603 Salvage and Exchange \$ 19,469 \$ 20,053 5507
 - Administration

8310 761610 Information and \$ 422,084 \$ 434,746 5508
 Education - Federal

8310 764610 Patrol - Federal \$ 2,209,936 \$ 2,276,234 5509

8310 764659 Transportation \$ 5,519,333 \$ 5,684,913 5510
 Enforcement - Federal

8310 765610 EMS - Federal \$ 532,007 \$ 532,007 5511

8310 769610 Food Stamp \$ 1,546,319 \$ 1,546,319 5512

		Trafficking Enforcement - Federal				
8310	769631	Homeland Security - Federal	\$	2,184,000	\$	2,184,000 5513
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565 5514
8350	762616	Financial Responsibility Compliance	\$	5,457,240	\$	5,549,068 5515
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 5516
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000 5517
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 5518
83F0	764657	Law Enforcement Automated Data System	\$	9,053,266	\$	9,053,266 5519
83G0	764633	OMVI Enforcement/Education	\$	623,230	\$	641,927 5520
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000 5521
83M0	765624	Operating Expense - Trauma and EMS	\$	2,632,106	\$	2,711,069 5522
83N0	761611	Elementary School Seat Belt Program	\$	305,600	\$	305,600 5523
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819 5524
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000 5525
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000 5526
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354 5527
8400	764617	Security and Investigations	\$	6,432,686	\$	6,432,686 5528
8400	764626	State Fairgrounds Police Force	\$	849,883	\$	849,883 5529

8400	769632	Homeland Security - Operating	\$	737,791	\$	737,791	5530
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	5531
8440	761613	Seat Belt Education Program	\$	360,000	\$	370,800	5532
8460	761625	Motorcycle Safety Education	\$	3,185,013	\$	3,280,563	5533
8490	762627	Automated Title Processing Board	\$	17,316,755	\$	14,335,513	5534
TOTAL HSF State Highway Safety Fund Group			\$	476,695,526	\$	464,588,243	5535
General Services Fund Group							5536
4P60	768601	Justice Program Services	\$	998,104	\$	1,028,047	5537
4S30	766661	Hilltop Utility Reimbursement	\$	540,800	\$	540,800	5538
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400	5539
5Y10	764695	Highway Patrol Continuing Professional Training	\$	170,000	\$	170,000	5540
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	5541
TOTAL GSF General Services Fund Group			\$	5,503,904	\$	5,647,247	5542
Federal Special Revenue Fund Group							5543
3290	763645	Federal Mitigation Program	\$	10,110,332	\$	10,413,642	5544
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	5545
3390	763647	Emergency Management	\$	75,664,821	\$	77,934,765	5546

		Assistance and Training				
3CB0	768691	Federal Justice Grants - FFY06	\$	200,000	\$	50,000 5547
3CC0	768609	Justice Assistance Grants - FFY07	\$	583,222	\$	310,000 5548
3CD0	768610	Justice Assistance Grants - FFY08	\$	310,000	\$	150,000 5549
3CE0	768611	Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000 5550
3CV0	768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0 5551
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,015,000	\$	1,015,000 5552
3DH0	768613	Federal Stimulus - Justice Programs	\$	150,000	\$	150,000 5553
3DU0	762628	BMV Grants	\$	1,525,000	\$	1,580,000 5554
3EU0	768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000 5555
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000 5556
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672 5557
TOTAL FED	Federal Special Revenue		\$	130,214,683	\$	132,862,715 5558
Fund Group						
State Special Revenue Fund Group 5559						
4V30	763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420 5560
5390	762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400 5561
5B90	766632	Private Investigator and Security Guard	\$	1,562,637	\$	1,562,637 5562

		Provider				
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000
		Services - Operating				5563
5BK0	768689	Family Violence	\$	750,000	\$	750,000
		Shelter Programs				5564
5CM0	767691	Federal Investigative	\$	300,000	\$	300,000
		Seizure				5565
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000
		and Alcohol				5567
		Monitoring				
5FL0	769634	Investigations	\$	899,300	\$	899,300
6220	767615	Investigative	\$	375,000	\$	375,000
		Contraband and				5569
		Forfeiture				
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945
		Safety				5570
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438
		Planning				5571
8500	767628	Investigative Unit	\$	90,000	\$	92,700
		Salvage				5572
TOTAL SSR	State Special Revenue		\$	14,018,073	\$	14,157,224
	Fund Group					5573
	Liquor Control Fund Group					5574
7043	767321	Liquor Enforcement -	\$	11,897,178	\$	11,897,178
		Operating				5575
TOTAL LCF	Liquor Control Fund Group		\$	11,897,178	\$	11,897,178
	Agency Fund Group					5577
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000
TOTAL AGY	Agency Fund Group		\$	1,500,000	\$	1,500,000
	Holding Account Redistribution Fund Group					5580
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000
						5581

Vehicle Receipts

R052 762623	Security Deposits	\$	350,000	\$	350,000	5582
TOTAL 090	Holding Account	\$	2,235,000	\$	2,235,000	5583
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	642,064,364	\$	632,887,607	5584

MOTOR VEHICLE REGISTRATION 5585

The Registrar of Motor Vehicles may deposit revenues to meet 5586
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 5587
4W40) established in section 4501.25 of the Revised Code, obtained 5588
under sections 4503.02 and 4504.02 of the Revised Code, less all 5589
other available cash. Revenue deposited pursuant to this paragraph 5590
shall support, in part, appropriations for operating expenses and 5591
defray the cost of manufacturing and distributing license plates 5592
and license plate stickers and enforcing the law relative to the 5593
operation and registration of motor vehicles. Notwithstanding 5594
section 4501.03 of the Revised Code, the revenues shall be paid 5595
into Fund 4W40 before any revenues obtained pursuant to sections 5596
4503.02 and 4504.02 of the Revised Code are paid into any other 5597
fund. The deposit of revenues to meet the aforementioned cash 5598
needs shall be in approximately equal amounts on a monthly basis 5599
or as otherwise determined by the Director of Budget and 5600
Management pursuant to a plan submitted by the Registrar of Motor 5601
Vehicles. 5602

CAPITAL PROJECTS 5603

The Registrar of Motor Vehicles may transfer cash from the 5604
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 5605
Highway Safety Fund (Fund 7036) to meet its obligations for 5606
capital projects CIR-047, Department of Public Safety Office 5607
Building and CIR-049, Warehouse Facility. 5608

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 5609

The foregoing appropriation item 761401, Lease Rental 5610

Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2011, to June 30, 2013, under the primary leases and agreements for public safety related buildings financed by obligations issued under Chapter 152. of the Revised Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Director of Budget and Management, lease capital facilities to the Department of Public Safety.

HILLTOP TRANSFER

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made out of appropriation item 761401, Lease Rental Payments, that relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer the amounts of such shares from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

CASH TRANSFERS BETWEEN FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, upon the written request of the Director of Public Safety, may approve the transfer of cash between the following six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Justice Program Services Fund (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 4W40).

CASH TRANSFERS OF SEAT BELT FINE REVENUES

Notwithstanding any provision of law to the contrary, the Controlling Board, upon request of the Director of Public Safety,

may approve the transfer of cash between the following four funds 5642
that receive fine revenues from enforcement of the mandatory seat 5643
belt law: the Trauma and Emergency Medical Services Fund (Fund 5644
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma 5645
and Emergency Medical Services Grants Fund (Fund 83P0), and the 5646
Seat Belt Education Fund (Fund 8440). 5647

STATE DISASTER RELIEF 5648

The State Disaster Relief Fund (Fund 5330) may accept 5649
transfers of cash and appropriations from Controlling Board 5650
appropriation items for Ohio Emergency Management Agency disaster 5651
response costs and disaster program management costs, and may also 5652
be used for the following purposes: 5653

(A) To accept transfers of cash and appropriations from 5654
Controlling Board appropriation items for Ohio Emergency 5655
Management Agency public assistance and mitigation program match 5656
costs to reimburse eligible local governments and private 5657
nonprofit organizations for costs related to disasters; 5658

(B) To accept and transfer cash to reimburse the costs 5659
associated with Emergency Management Assistance Compact (EMAC) 5660
deployments; 5661

(C) To accept disaster related reimbursement from federal, 5662
state, and local governments. The Director of Budget and 5663
Management may transfer cash from reimbursements received by this 5664
fund to other funds of the state from which transfers were 5665
originally approved by the Controlling Board. 5666

(D) To accept transfers of cash and appropriations from 5667
Controlling Board appropriation items to fund the State Disaster 5668
Relief Program, for disasters that have been declared by the 5669
Governor, and the State Individual Assistance Program for 5670
disasters that have been declared by the Governor and the federal 5671
Small Business Administration. The Ohio Emergency Management 5672

Agency shall publish and make available application packets 5673
outlining procedures for the State Disaster Relief Program and the 5674
State Individual Assistance Program. 5675

JUSTICE ASSISTANCE GRANT FUND 5676

The federal payments made to the state for the Byrne Justice 5677
Assistance Grants Program under Title II of Division A of the 5678
American Recovery and Reinvestment Act of 2009 shall be deposited 5679
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 5680
which is hereby created in the state treasury. All investment 5681
earnings of the fund shall be credited to the fund. 5682

FEDERAL STIMULUS - JUSTICE PROGRAMS 5683

The federal payments made to the state for the Violence 5684
Against Women Formula Grant under Title II of Division A of the 5685
American Recovery and Reinvestment Act of 2009 shall be deposited 5686
to the credit of the Federal Stimulus - Justice Programs Fund 5687
(Fund 3DH0). 5688

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 5689
AGENCY SERVICE AND REIMBURSEMENT FUND 5690

On July 1 of each fiscal year, or as soon as possible 5691
thereafter, the Director of Budget and Management shall transfer 5692
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 5693
the Emergency Management Agency Service and Reimbursement Fund 5694
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 5695
Search and Rescue Unit and other urban search and rescue programs 5696
around the state. 5697

FAMILY VIOLENCE PREVENTION FUND 5698

Notwithstanding any provision of law to the contrary, in each 5699
of fiscal years 2012 and 2013, the first \$750,000 received to the 5700
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 5701
appropriated to appropriation item 768689, Family Violence Shelter 5702

Programs, and the next \$400,000 received to the credit of Fund 5703
5BK0 in each of those fiscal years shall be appropriated to 5704
appropriation item 768687, Criminal Justice Services - Operating. 5705
Any moneys received to the credit of Fund 5BK0 in excess of the 5706
aforementioned appropriated amounts in each fiscal year shall, 5707
upon the approval of the Controlling Board, be used to provide 5708
grants to family violence shelters in Ohio. 5709

SARA TITLE III HAZMAT PLANNING 5710

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 5711
entitled to receive grant funds from the Emergency Response 5712
Commission to implement the Emergency Management Agency's 5713
responsibilities under Chapter 3750. of the Revised Code. 5714

COLLECTIVE BARGAINING INCREASES 5715

Notwithstanding division (D) of section 127.14 and division 5716
(B) of section 131.35 of the Revised Code, except for the General 5717
Revenue Fund, the Controlling Board may, upon the request of 5718
either the Director of Budget and Management, or the Department of 5719
Public Safety with the approval of the Director of Budget and 5720
Management, increase appropriations for any fund, as necessary for 5721
the Department of Public Safety, to assist in paying the costs of 5722
increases in employee compensation that have occurred pursuant to 5723
collective bargaining agreements under Chapter 4117. of the 5724
Revised Code and, for exempt employees, under section 124.152 of 5725
the Revised Code. 5726

CASH BALANCE FUND REVIEW 5727

Not later than the first day of April in each fiscal year of 5728
the biennium, the Director of Budget and Management shall review 5729
the cash balances for each fund, except the State Highway Safety 5730
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 5731
4W40), in the State Highway Safety Fund Group, and shall recommend 5732
to the Controlling Board an amount to be transferred to the credit 5733

of Fund 7036 or Fund 4W40, as appropriate. 5734

Section 207.10. DEV DEPARTMENT OF DEVELOPMENT 5735

State Special Revenue Fund Group 5736

4W00 195629 Roadwork Development \$ 18,699,900 \$ 18,699,900 5737

TOTAL SSR State Special Revenue 5738

Fund Group \$ 18,699,900 \$ 18,699,900 5739

TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 5740

ROADWORK DEVELOPMENT FUND 5741

The Roadwork Development Fund shall be used for road 5742

improvements associated with economic development opportunities 5743

that will retain or attract businesses for Ohio. "Road 5744

improvements" are improvements to public roadway facilities 5745

located on, or serving or capable of serving, a project site. 5746

The Department of Transportation, under the direction of the 5747

Department of Development, shall provide these funds in accordance 5748

with all guidelines and requirements established for Department of 5749

Development appropriation item 195412, Business Development, 5750

including Controlling Board review and approval as well as the 5751

requirements for usage of gas tax revenue prescribed in Section 5a 5752

of Article XII, Ohio Constitution. Should the Department of 5753

Development require the assistance of the Department of 5754

Transportation to bring a project to completion, the Department of 5755

Transportation shall use its authority under Title LV of the 5756

Revised Code to provide such assistance and may enter into 5757

contracts on behalf of the Department of Development. In addition, 5758

these funds may be used in conjunction with appropriation item 5759

195412, Business Development, or any other state funds 5760

appropriated for infrastructure improvements. 5761

The Director of Budget and Management, pursuant to a plan 5762

submitted by the Director of Development or as otherwise 5763

determined by the Director of Budget and Management, shall set a 5764
cash transfer schedule to meet the cash needs of the Department of 5765
Development's Roadwork Development Fund (Fund 4W00), less any 5766
other available cash. The Director shall transfer to the Roadwork 5767
Development Fund from the Highway Operating Fund (Fund 7002), 5768
established in section 5735.291 of the Revised Code, such amounts 5769
at such times as determined by the transfer schedule. 5770

TRANSPORTATION IMPROVEMENT DISTRICTS 5771

Notwithstanding section 5540.151 of the Revised Code, and any 5772
other restrictions that apply to the distribution of Roadwork 5773
Development Grants, of the foregoing appropriation item 195629, 5774
Roadwork Development, \$2,750,000 in each fiscal year shall be 5775
distributed by the Director of Development to Transportation 5776
Improvement Districts. The Director shall develop eligibility 5777
criteria for Transportation Improvement Districts to receive 5778
funding under this section and no Transportation Improvement 5779
District shall receive funding unless it is certified as eligible 5780
by the Director. Eligibility criteria shall include the 5781
requirement that a Transportation Improvement District designate a 5782
specific project for which the funds will be used. Funds released 5783
to a Transportation Improvement District under this section shall 5784
be used to facilitate eligible projects and shall not be used to 5785
cover the full cost of a project or to cover any administrative 5786
costs of a project. 5787

SECURITY DEPOSIT FUND CASH TRANSFER 5788

Notwithstanding any other provision of law to the contrary, 5789
on July 1, 2011, or as soon as possible thereafter, the Director 5790
of Budget and Management shall transfer \$32,027.17 in cash from 5791
the Security Deposit Fund (Fund R052) to the Roadwork Development 5792
Fund (Fund 4W00). 5793

Section 209.10. PWC PUBLIC WORKS COMMISSION 5794

Local Transportation Improvements Fund Group				5795
7052 150402 Local Transportation	\$	299,246	\$ 296,555	5796
Improvement Program -				
Operating				
7052 150701 Local Transportation	\$	56,000,000	\$ 56,000,000	5797
Improvement Program				
TOTAL 052 Local Transportation				5798
Improvements Fund Group	\$	56,299,246	\$ 56,296,555	5799
Local Infrastructure Improvements Fund Group				5800
7038 150321 State Capital	\$	918,000	\$ 910,000	5801
Improvements Program				
- Operating Expenses				
TOTAL LIF Local Infrastructure				5802
Improvements Fund Group	\$	918,000	\$ 910,000	5803
TOTAL ALL BUDGET FUND GROUPS	\$	57,217,246	\$ 57,206,555	5804
PUBLIC WORKS OPERATING EXPENSES				5805
The forgoing appropriation item 150321, State Capital				5806
Improvements Program-Operating Expenses, shall be used by the Ohio				5807
Public Works Commission to administer the State Capital				5808
Improvement Program under sections 164.01 to 164.16 of the Revised				5809
Code.				5810
DISTRICT ADMINISTRATION COSTS				5811
The Director of the Public Works Commission is authorized to				5812
create a District Administration Costs Program from interest				5813
earnings of the Capital Improvements Fund and Local Transportation				5814
Improvement Program Fund proceeds. The program shall be used to				5815
provide for the direct costs of district administration of the				5816
nineteen public works districts. Districts choosing to participate				5817
in the program shall only expend State Capital Improvements Fund				5818
moneys for State Capital Improvements Fund costs and Local				5819
Transportation Improvement Program Fund moneys for Local				5820

Transportation Improvement Program Fund costs. The account shall 5821
not exceed \$1,235,000 per fiscal year. Each public works district 5822
may be eligible for up to \$65,000 per fiscal year from its 5823
district allocation as provided in sections 164.08 and 164.14 of 5824
the Revised Code. 5825

The Director, by rule, shall define allowable and 5826
nonallowable costs for the purpose of the District Administration 5827
Costs Program. Nonallowable costs include indirect costs, elected 5828
official salaries and benefits, and project-specific costs. No 5829
district public works committee may participate in the District 5830
Administration Costs Program without the approval of those costs 5831
by the district public works committee under section 164.04 of the 5832
Revised Code. 5833

REAPPROPRIATIONS 5834

All capital appropriations from the Local Transportation 5835
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 2 of the 5836
128th General Assembly remaining unencumbered as of June 30, 2011, 5837
are reappropriated for use during the period July 1, 2011, through 5838
June 30, 2012, for the same purpose. 5839

Notwithstanding division (B) of section 127.14 of the Revised 5840
Code, all capital appropriations and reappropriations from the 5841
Local Transportation Improvement Program Fund (Fund 7052) in this 5842
act remaining unencumbered as of June 30, 2012, are reappropriated 5843
for use during the period July 1, 2012, through June 30, 2013, for 5844
the same purposes, subject to the availability of revenue as 5845
determined by the Director of the Public Works Commission. 5846

Section 209.20. All items in this section are hereby 5847
appropriated as designated out of any moneys in the state treasury 5848
to the credit of the State Capital Improvements Fund (Fund 7038) 5849
that are not otherwise appropriated. The appropriations made in 5850
this section are in addition to any other appropriations made for 5851

the biennium ending June 30, 2012.		5852	
	Appropriations		
	PWC PUBLIC WORKS COMMISSION	5853	
C15000	Local Public	\$ 150,000,000	5854
	Infrastructure		
TOTAL Public Works Commission		\$ 150,000,000	5855
TOTAL State Capital Improvements		\$ 150,000,000	5856
Fund			

The foregoing appropriation item C15000, Local Public
 Infrastructure, shall be used in accordance with sections 164.01
 to 164.12 of the Revised Code. The Director of the Public Works
 Commission may certify to the Director of Budget and Management
 that a need exists to appropriate investment earnings to be used
 in accordance with sections 164.01 to 164.12 of the Revised Code.
 If the Director of Budget and Management determines pursuant to
 division (D) of section 164.08 and section 164.12 of the Revised
 Code that investment earnings are available to support additional
 appropriations, such amounts are hereby appropriated.

Section 209.21. The Ohio Public Facilities Commission is
 hereby authorized to issue and sell, in accordance with Section 2p
 of Article VIII, Ohio Constitution, and pursuant to sections
 151.01 and 151.08 of the Revised Code, original obligations of the
 state, in an aggregate principal amount not to exceed
 \$150,000,000, in addition to the original obligations heretofore
 authorized by prior acts of the General Assembly. These authorized
 obligations shall be issued and sold from time to time, subject to
 applicable constitutional and statutory limitations, as needed to
 ensure sufficient moneys to the credit of the State Capital
 Improvements Fund (Fund 7038) to pay costs of the state in
 financing or assisting in the financing of local subdivision
 capital improvement projects.

Section 209.30. All items in this section are hereby 5880
 appropriated as designated out of any moneys in the state treasury 5881
 to the credit of the State Capital Improvements Revolving Loan 5882
 Fund (Fund 7040) that are not otherwise appropriated. Revenues to 5883
 the State Capital Improvements Revolving Loan Fund shall consist 5884
 of all repayments of loans made to local subdivisions for capital 5885
 improvements, investment earnings on moneys in the fund, and 5886
 moneys obtained from federal or private grants or from other 5887
 sources for the purpose of making loans to finance or to assist in 5888
 the financing of the cost of capital improvement projects of local 5889
 subdivisions. The appropriations made in this section are in 5890
 addition to any other appropriations made for the biennium ending 5891
 June 30, 2012. 5892

	Appropriations	
PWC PUBLIC WORKS COMMISSION		5893
C15030 Revolving Loan	\$ 49,000,000	5894
TOTAL Public Works Commission	\$ 49,000,000	5895
TOTAL State Capital Improvements Revolving Loan Fund	\$ 49,000,000	5896

The foregoing appropriation item C15030, Revolving Loan, 5897
 shall be used in accordance with sections 164.01 to 164.12 of the 5898
 Revised Code. 5899

Section 209.40. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 5900
 AND MANAGEMENT 5901

Notwithstanding section 126.14 of the Revised Code, the 5902
 appropriations from the State Capital Improvements Fund (Fund 5903
 7038) and the State Capital Improvements Revolving Loan Fund (Fund 5904
 7040) to the Public Works Commission shall be released upon 5905
 presentation of a request to release the funds by the Director of 5906
 the Public Works Commission to the Director of Budget and 5907
 Management. 5908

Section 209.50. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 5909
REVISED CODE 5910

The capital improvements for which appropriations are made in 5911
this act from the State Capital Improvements Fund (Fund 7038) are 5912
determined to be capital improvements and capital facilities for 5913
local subdivision capital improvement projects and are designated 5914
as capital facilities to which proceeds of obligations issued 5915
under Chapter 151. of the Revised Code are to be applied. 5916

Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 5917
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 5918

The Director of Budget and Management shall initiate and 5919
process payments from lease rental payment appropriation items 5920
during the period from July 1, 2011, to June 30, 2013, pursuant to 5921
the lease agreements for bonds or notes issued under Section 2i of 5922
Article VIII of the Ohio Constitution and Chapter 152. of the 5923
Revised Code. Payments shall be made upon certification by the 5924
Ohio Building Authority of the dates and amounts due on those 5925
dates. 5926

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS TO OBA AND 5927
TREASURER 5928

Certain appropriations are in this act for the purpose of 5929
lease rental and other payments to the Ohio Building Authority or 5930
to the Treasurer of State under leases and agreements relating to 5931
bonds or notes issued by the Ohio Building Authority or the 5932
Treasurer of State under the Ohio Constitution and acts of the 5933
General Assembly. If it is determined that additional 5934
appropriations are necessary for this purpose, such amounts are 5935
hereby appropriated. 5936

Section 515.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 5937

OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 5938

Upon the request of the Director of Transportation, the 5939
Director of Budget and Management may transfer cash from the 5940
Highway Operating Fund (Fund 7002) to the Highway Capital 5941
Improvement Fund (Fund 7042) created in section 5528.53 of the 5942
Revised Code. The Director of Budget and Management may transfer 5943
from Fund 7042 to Fund 7002 up to the amounts previously 5944
transferred to Fund 7042 under this section. 5945

Section 515.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 5946

The Director of Budget and Management shall transfer cash in 5947
equal monthly increments totaling \$163,918,656 in fiscal year 2012 5948
and in equal monthly increments totaling \$170,424,912 in fiscal 5949
year 2013 from the Highway Operating Fund, created in section 5950
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 5951
created in division (A) of section 5735.27 of the Revised Code. 5952
The monthly amounts transferred under this section shall be 5953
distributed as follows: 42.86 per cent shall be distributed among 5954
the municipal corporations within the state under division (A)(2) 5955
of section 5735.27 of the Revised Code; 37.14 per cent shall be 5956
distributed among the counties within the state under division 5957
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 5958
shall be distributed among the townships within the state under 5959
division (A)(5)(b) of section 5735.27 of the Revised Code. 5960

Section 515.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 5961

On July 1, 2011, and on January 1, 2012, or as soon as 5962
possible thereafter, respectively, the Director of Budget and 5963
Management shall transfer \$200,000 in cash, for each period, from 5964
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 5965
General for ODOT Fund (Fund 5FA0). 5966

On July 1, 2012, and on January 1, 2013, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers.

Section 515.40. CASH TRANSFER TO GRF

On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Transit Capital Fund (Fund 5E70), as of June 30, 2011, to the General Revenue Fund.

Section 515.50. On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$17,900,000 of the money in the International Registration Plan Distribution Fund created by section 4501.044 of the Revised Code and that is specified in division (A)(3) of that section to the State Highway Safety Fund created by section 4501.06 of the Revised Code. The Director shall make such transfer before any money that is described in division (A)(3) of section 4501.044 of the Revised Code is distributed, deposited, or credited in accordance with that division.

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$14,600,000 of the money in the International Registration Plan Distribution Fund created by section 4501.044 of the Revised Code and that is

specified in division (A)(3) of that section to the State Highway 5997
Safety Fund created by section 4501.06 of the Revised Code. The 5998
Director shall make such transfer before any money that is 5999
described in division (A)(3) of section 4501.044 of the Revised 6000
Code is distributed, deposited, or credited in accordance with 6001
that division. 6002

Section 610.10. That Section 512.90 of Am. Sub. H.B. 1 of the 6003
128th General Assembly be amended to read as follows: 6004

Sec. 512.90. CASH TRANSFERS FROM THE TOBACCO USE PREVENTION 6005
AND CONTROL FOUNDATION ENDOWMENT FUND 6006

The Director of Budget and Management may request the 6007
Treasurer of State to transfer \$258,622,890 cash from moneys in 6008
the custody of the Treasurer of State that were formerly to the 6009
credit of the Tobacco Use Prevention and Control Foundation 6010
Endowment Fund, to the General Health and Human Service 6011
Pass-Through Fund (Fund 5HC0). If any cash is transferred to the 6012
General Health and Human Service Pass-Through Fund (Fund 5HC0) the 6013
Director of Budget and Management shall transfer the cash as 6014
follows: 6015

(A) Up to \$46,000,000 cash in each fiscal year to the Child 6016
and Adult Protective Services Fund (Fund 5GV0), used by the 6017
Department of Job and Family Services, to support child and adult 6018
protective services under Title XX of the "Social Security Act," 6019
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and any 6020
allowable service activity defined in Section 309.45.21 of Am. 6021
Sub. H.B. 1 of the 128th General Assembly. The amount transferred 6022
is hereby appropriated. 6023

(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health 6024
Care Services - Other Fund (Fund 5HA0), used by the Department of 6025
Job and Family Services and up to \$129,814,027 cash in fiscal year 6026

2011 to Fund 5HA0, to support health care services under the state Medicaid plan. The amount transferred is hereby appropriated.

(C) Up to \$2,500,000 cash in each fiscal year to the Breast and Cervical Cancer Fund (Fund 5HB0), used by the Department of Health, to support breast and cervical cancer screenings. The amount transferred is hereby appropriated.

Section 610.11. That existing Section 512.90 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

Section 753.10. (A) The Governor is authorized to execute a deed in the name of the state conveying to the City of Massillon (hereinafter the "grantee"), its successors and assigns, all of the right, title, and interest of the state in the following described real estate:

Situated in the City of Massillon, County of Stark, State of Ohio and being part of Massillon City Out Lot 538. Also being part of a 40.00 acre tract conveyed to State of Ohio Youth Commission.

Beginning at a 1/2-inch iron bar with an H&A cap set at the southeast corner of said Out Lot 538 and the true place of beginning;

1. Thence N 60°13'44" W along the north line of a tract now or formerly owned by Massillon Materials, Inc. (O.R. Vol. 1167, Pg. 223) a distance of 1411.25 feet to a 1/2-inch iron bar with an H&A cap set;

2. Thence N 39°37'36" E along the east line a tract of land now or formerly owned by the City of Massillon (21.46 ac.) a distance of 34.07 feet to a 1/2-inch iron bar with an H&A cap set;

3. Thence N 48°54'16" E continuing along the east line of said City of Massillon tract (21.46 ac.) a distance of 100.03 feet to a 1/2-inch iron bar with an H&A cap set;

4. Thence N 56°10'56" E continuing along the east line of 6056
said City of Massillon tract (21.46 ac.) a distance of 101.15 feet 6057
to a 1/2-inch iron bar with an H&A cap set; 6058

5. Thence N 55°38'06" E continuing along the east line of 6059
said City of Massillon tract (21.46 ac.) a distance of 89.92 feet 6060
to a 1/2-inch iron bar with an H&A cap set; 6061

6. Thence N 55°25'36" E continuing along the east line of 6062
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 6063
to a 1/2-inch iron bar with an H&A cap set; 6064

7. Thence N 54°13'26" E continuing along the east line of 6065
said City of Massillon tract (21.46 ac.) a. distance of 100.00 6066
feet to a 1/2-inch iron bar with an H&A cap set; 6067

8. Thence N 44°40'56" E continuing along the east line of 6068
said City of Massillon tract (21.46 ac.) a distance of 101.37 feet 6069
to a 1/2-inch iron bar with an H&A cap set; 6070

9. Thence S 06°28'18" E along a new division line a distance 6071
of 469.59 feet to a 1/2-inch iron bar with an H&A cap set; 6072

10. Thence S 60°13'44" E continuing along a new division line 6073
a distance of 700.00 feet to a 1/2-inch iron bar with an H&A cap 6074
set; 6075

11. Thence N 74°46'16" E continuing along a new division line 6076
a distance of 282.84 feet to a 1/2-inch iron bar with an H&A cap 6077
set; 6078

12. Thence S 29°46'16" W along the west line of said 6079
Massillon Materials, Inc. tract (O.R. Vol. 1167, Pg. 223) a 6080
distance of 400.00 feet to a 1/2-inch iron bar with an H&A cap set 6081
and the true place of beginning. 6082

The above described tract contains 8.622 acres of which no 6083
acres lie within the public right-of-way as surveyed under the 6084
supervision of Gary L. Toussant, P.S. #6332 of Hammontree and 6085

Associates, Limited, Engineers, Planners and Surveyors of North 6086
Canton, Ohio on November 2, 2006. 6087

The basis of bearings is the Ohio State Plane Coordinate 6088
System, North Zone, NAD83 from the City of Massillon Control 6089
Survey. 6090

In preparing the deed, the Auditor of State, with the 6091
assistance of the Attorney General, may modify the foregoing 6092
description insofar as necessary to bring it into conformity with 6093
the actual bounds of the real estate being described. 6094

(B) Consideration for the conveyance of the real estate is 6095
fifteen thousand dollars, to be paid to the state at closing, as 6096
derived by mutual agreement reached between the state and the 6097
grantee through an executed Offer to Purchase (hereinafter the 6098
"Offer to Purchase"). 6099

(C) The grantee, following the conveyance of the real estate, 6100
and in accordance with the terms of the Offer to Purchase, shall 6101
do all of the following: 6102

(1) Construct and maintain, at the grantee's sole expense, a 6103
detention basin on the real estate; 6104

(2) Permit the state to discharge water into the detention 6105
basin; and 6106

(3) Maintain or relocate the state's existing storm sewer 6107
connections. 6108

(D) The real estate shall be sold as an entire tract and not 6109
in parcels. 6110

(E) Upon payment of the purchase price, the Auditor of State, 6111
with the assistance of the Attorney General, shall prepare a deed 6112
to the real estate. The deed shall state the consideration and the 6113
conditions, and shall be executed by the Governor in the name of 6114
the state, countersigned by the Secretary of State, sealed with 6115

the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Stark County Recorder.

(F) The grantee shall pay the costs of the conveyance of the real estate, including recordation costs of the deed.

(G) This section expires one year after its effective date.

Section 755.30. Notwithstanding Chapter 5735. of the Revised Code, the following shall apply for the period of July 1, 2011, through June 30, 2013:

(A) For the discount under section 5735.06 of the Revised Code, if the monthly report is timely filed and the tax is timely paid, one per cent of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month, less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less one-half of one per cent of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(B) For the semiannual periods ending December 31, 2011, June 30, 2012, December 31, 2012, and June 30, 2013, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be one-half of one per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

Section 755.40. On July 1, 2011, and on the first day of the month for each month thereafter, the Treasurer of State, before making any of the distributions specified in sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit the first two per cent of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway

Operating Fund (Fund 7002). 6146

Upon the written request of the Director of Public Safety, 6147
the Director of Budget and Management may make periodic transfers 6148
of cash totaling \$16,200,000 in each fiscal year from the Highway 6149
Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 6150
7036). 6151

Section 755.50. To the extent permitted by federal law, 6152
federal money received by the state for fiscal stabilization and 6153
recovery purposes shall be used in accordance with the preferences 6154
for products and services made or performed in the United States 6155
and Ohio established in section 125.09 of the Revised Code. 6156

Section 755.60. From July 1, 2011, through June 30, 2013, 6157
three or fewer steel coils are deemed to be a nondivisible load 6158
for purposes of special permits issued under section 4513.34 of 6159
the Revised Code, provided that the maximum overall gross vehicle 6160
weight of the vehicle and load shall not exceed 92,000 pounds. 6161

Section 757.10. The amendment by this act of section 5751.01 6162
of the Revised Code is intended to clarify the law as it existed 6163
prior to the enactment of this act and shall be construed 6164
accordingly. The amendment shall apply to all tax periods 6165
beginning on or after July 1, 2005. 6166

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 6167
APPROPRIATIONS 6168

Law contained in the main operating appropriations act of the 6169
129th General Assembly that is generally applicable to the 6170
appropriations made in the main operating appropriations act also 6171
is generally applicable to the appropriations made in this act. 6172

Section 801.20. As used in the uncodified law of this act, 6173
"American Recovery and Reinvestment Act of 2009" means the 6174
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 6175
111-5, 123 Stat. 115. 6176

Section 806.10. The items of law contained in this act, and 6177
their applications, are severable. If any item of law contained in 6178
this act, or if any application of any item of law contained in 6179
this act, is held invalid, the invalidity does not affect other 6180
items of law contained in this act and their applications that can 6181
be given effect without the invalid item or application. 6182

Section 812.10. Except as otherwise provided in this act, the 6183
amendment, enactment, or repeal by this act of a section of law is 6184
subject to the referendum under Ohio Constitution, Article II, 6185
Section 1c and therefore takes effect on the ninety-first day 6186
after this act is filed with the Secretary of State or, if a later 6187
effective date is specified below, on that date. 6188

Section 812.20. In this section, an "appropriation" includes 6189
another provision of law in this act that relates to the subject 6190
of the appropriation. 6191

An appropriation of money made in this act is not subject to 6192
the referendum insofar as a contemplated expenditure authorized 6193
thereby is wholly to meet a current expense within the meaning of 6194
Ohio Constitution, Article II, Section 1d and section 1.471 of the 6195
Revised Code. To that extent, the appropriation takes effect 6196
immediately when this act becomes law. Conversely, the 6197
appropriation is subject to the referendum insofar as a 6198
contemplated expenditure authorized thereby is wholly or partly 6199
not to meet a current expense within the meaning of Ohio 6200
Constitution, Article II, Section 1d and section 1.471 of the 6201
Revised Code. To that extent, the appropriation takes effect on 6202

the ninety-first day after this act is filed with the Secretary of State. 6203
6204