

**As Reported by the House Finance and Appropriations
Committee**

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

Sub. H. B. No. 114

Representative McGregor

Cosponsors: Representatives Amstutz, Carey

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A B I L L

To amend sections 122.075, 125.11, 127.12, 164.04,	1
164.08, 4163.07, 4301.62, 4501.02, 4501.06,	2
4501.21, 4501.81, 4503.03, 4503.031, 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
4517.16, 4517.17, 4517.171, 4517.18, and 4749.031,	12
to repeal sections 4501.14 and 4905.801 of the	13
Revised Code, and to amend Section 512.90 of Am.	14
Sub. H.B. 1 of the 128th General Assembly, to make	15
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, 4163.07, 4301.62, 4501.02, 4501.06, 4501.21, 22
4501.81, 4503.03, 4503.031, 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, 4517.16, 4517.17, 4517.171, 29
4517.18, and 4749.031 of the Revised Code be enacted to read as 30
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 81
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	82 83 84
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	85 86 87
(e) Entities that will be purchasing or installing facilities or terminals for both blended biodiesel and blended gasoline <u>any type of alternative fuel</u> .	88 89 90
(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 92 93 94 95 96
(4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the incremental cost of the fuel <u>or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;</u>	97 98 99 100 101
(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program.	102 103
(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 <u>or gallon equivalent</u> amounts of blended gasoline and blended biodiesel <u>alternative fuel</u> the applicant sells at retail in this state for a period of three years after the grant is awarded.	104 105 106 107 108 109 110

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. 4163.07. (A)(1) Prior to transporting any high-level 595
radioactive waste, spent nuclear fuel, transuranic waste, or any 596
quantity of special nuclear material or by-product material that 597
meets or exceeds the highway route controlled quantity, within, 598
into, or through the state, the carrier or shipper of the material 599
shall notify the executive director of the emergency management 600
agency established under section 5502.22 of the Revised Code of 601
the shipment. The notice shall be in writing and be sent by 602
certified mail and shall include the name of the shipper; the name 603
of the carrier; the type and quantity of the material; the 604
transportation mode of the shipment; the proposed date and time of 605
shipment of the material within, into, or through the state; and 606
the starting point, termination or exit point, scheduled route, 607
and each alternate route, if any, of the shipment. In order to 608
constitute effective notification under division (A)(1) of this 609
section, notification shall be received by the executive director 610
at least four days prior to shipment within, into, or through the 611
state. 612

(2) The carrier or shipper of any shipment subject to 613

division (A)(1) of this section shall immediately notify the 614
executive director of any change in the date and time of the 615
shipment or in the route of the shipment within, into, or through 616
the state. 617

(B) Upon receipt of a notice of any shipment of material that 618
is subject to division (A)(1) of this section within, into, or 619
through the state, the executive director of the emergency 620
management agency shall immediately notify the director of public 621
safety, the director of environmental protection, the director of 622
health, the chairperson of the public utilities commission, and 623
the county emergency management agency and sheriff of each county 624
along the proposed route, or any alternate route, of the shipment. 625

(C) The executive director of the emergency management agency 626
shall not disclose to any person other than those persons 627
enumerated in division (B) of this section any information 628
pertaining to any shipment of special nuclear material or 629
by-product material prior to the time that the shipment is 630
completed. 631

(D) This section does not apply to radioactive materials, 632
other than by-products, shipped by or for the United States 633
department of defense and United States department of energy for 634
military or national defense purposes. Nothing in this section 635
requires the disclosure of any defense information or restricted 636
data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 637
42 U.S.C. 2011, as amended. 638

(E) No person shall transport or cause to be transported 639
within, into, or through the state any material that is subject to 640
division (A)(1) of this section without first providing the notice 641
required in that division. 642

(F) Whoever violates division (E) of this section, in 643
addition to any penalty imposed under section 4163.99 of the 644

Revised Code, is liable for a civil penalty in an amount not to exceed ~~ten times the amount of the fee due under section 4905.801~~ of the Revised Code. The the following, as applicable:

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

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

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

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

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

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

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) In a state liquor store;

(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;

(3) In any other public place;

(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 674
property open to the public for purposes of vehicular travel or 675
parking; 676

(5) Except as provided in division (D) or (E) of this 677
section, while being in or on a stationary motor vehicle on any 678
street, highway, or other public or private property open to the 679
public for purposes of vehicular travel or parking. 680

(C)(1) A person may have in the person's possession an opened 681
container of any of the following: 682

(a) Beer or intoxicating liquor that has been lawfully 683
purchased for consumption on the premises where bought from the 684
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 685
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 686
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 687
F-8 permit; 688

(b) Beer, wine, or mixed beverages served for consumption on 689
the premises by the holder of an F-3 permit or wine served for 690
consumption on the premises by the holder of an F-4 or F-6 permit; 691

(c) Beer or intoxicating liquor consumed on the premises of a 692
convention facility as provided in section 4303.201 of the Revised 693
Code; 694

(d) Beer or intoxicating liquor to be consumed during 695
tastings and samplings approved by rule of the liquor control 696
commission. 697

(2) A person may have in the person's possession on an F 698
liquor permit premises an opened container of beer or intoxicating 699
liquor that was not purchased from the holder of the F permit if 700
the premises for which the F permit is issued is a music festival 701
and the holder of the F permit grants permission for that 702
possession on the premises during the period for which the F 703
permit is issued. As used in this division, "music festival" means 704

a series of outdoor live musical performances, extending for a 705
period of at least three consecutive days and located on an area 706
of land of at least forty acres. 707

(3)(a) A person may have in the person's possession on a D-2 708
liquor permit premises an opened or unopened container of wine 709
that was not purchased from the holder of the D-2 permit if the 710
premises for which the D-2 permit is issued is an outdoor 711
performing arts center, the person is attending an orchestral 712
performance, and the holder of the D-2 permit grants permission 713
for the possession and consumption of wine in certain 714
predesignated areas of the premises during the period for which 715
the D-2 permit is issued. 716

(b) As used in division (C)(3)(a) of this section: 717

(i) "Orchestral performance" means a concert comprised of a 718
group of not fewer than forty musicians playing various musical 719
instruments. 720

(ii) "Outdoor performing arts center" means an outdoor 721
performing arts center that is located on not less than ~~eight~~ one 722
hundred fifty acres of land and that is open for performances from 723
the first day of April to the last day of October of each year. 724

(4) A person may have in the person's possession an opened or 725
unopened container of beer or intoxicating liquor at an outdoor 726
location at which the person is attending an orchestral 727
performance as defined in division (C)(3)(b)(i) of this section if 728
the person with supervision and control over the performance 729
grants permission for the possession and consumption of beer or 730
intoxicating liquor in certain predesignated areas of that outdoor 731
location. 732

(D) This section does not apply to a person who pays all or a 733
portion of the fee imposed for the use of a chauffeured limousine 734
pursuant to a prearranged contract, or the guest of the person, 735

when all of the following apply: 736

(1) The person or guest is a passenger in the limousine. 737

(2) The person or guest is located in the limousine, but is 738
not occupying a seat in the front compartment of the limousine 739
where the operator of the limousine is located. 740

(3) The limousine is located on any street, highway, or other 741
public or private property open to the public for purposes of 742
vehicular travel or parking. 743

(E) An opened bottle of wine that was purchased from the 744
holder of a permit that authorizes the sale of wine for 745
consumption on the premises where sold is not an opened container 746
for the purposes of this section if both of the following apply: 747

(1) The opened bottle of wine is securely resealed by the 748
permit holder or an employee of the permit holder before the 749
bottle is removed from the premises. The bottle shall be secured 750
in such a manner that it is visibly apparent if the bottle has 751
been subsequently opened or tampered with. 752

(2) The opened bottle of wine that is resealed in accordance 753
with division (E)(1) of this section is stored in the trunk of a 754
motor vehicle or, if the motor vehicle does not have a trunk, 755
behind the last upright seat or in an area not normally occupied 756
by the driver or passengers and not easily accessible by the 757
driver. 758

Sec. 4501.02. (A) There is hereby created in the department 759
of public safety a bureau of motor vehicles, which shall be 760
administered by a registrar of motor vehicles. The registrar shall 761
be appointed by the director of public safety and shall serve at 762
the director's pleasure. 763

The registrar shall administer the laws of the state relative 764
to the registration of and certificates of title for motor 765

vehicles, and the licensing of motor vehicle dealers, motor 766
vehicle leasing dealers, distributors, and salespersons, and of 767
motor vehicle salvage dealers, salvage motor vehicle auctions, and 768
salvage motor vehicle pools. The registrar also shall, in 769
accordance with section 4503.61 of the Revised Code, take those 770
steps necessary to enter this state into membership in the 771
international registration plan and carry out the registrar's 772
other duties under that section. The registrar, with the approval 773
of the director of public safety, may do all of the following: 774

(1) Adopt such forms and rules as are necessary to carry out 775
all laws the registrar is required to administer; 776

(2) Appoint such number of assistants, deputies, clerks, 777
stenographers, and other employees as are necessary to carry out 778
such laws; 779

(3) Acquire or lease such facilities as are necessary to 780
carry out the duties of the registrar's office; 781

(4) Apply for, allocate, disburse, and account for grants 782
made available under federal law or from other federal, state, or 783
private sources; 784

(5) Establish accounts in a bank or depository and deposit 785
any funds collected by the registrar in those accounts to the 786
credit of "state of Ohio, bureau of motor vehicles." Within three 787
days after the deposit of funds in such an account, the registrar 788
shall draw on that account in favor of the treasurer of state. The 789
registrar may reserve funds against the draw to the treasurer of 790
state to the extent reasonably necessary to ensure that the 791
deposited items are not dishonored. The registrar may pay any 792
service charge usually collected by the bank or depository. 793

The registrar shall give a bond for the faithful performance 794
of the registrar's duties in such amount and with such security as 795
the director approves. When in the opinion of the director it is 796

advisable, any deputy or other employee may be required to give 797
bond in such amount and with such security as the director 798
approves. In the discretion of the director, the bonds authorized 799
to be taken on deputies or other employees may be individual, 800
schedule, or blanket bonds. 801

The director of public safety may investigate the activities 802
of the bureau and have access to its records at any time, and the 803
registrar shall make a report to the director at any time upon 804
request. 805

All laws relating to the licensing of motor vehicle dealers, 806
motor vehicle leasing dealers, distributors, and salespersons, and 807
of motor vehicle salvage dealers, salvage motor vehicle auctions, 808
and salvage motor vehicle pools, designating and granting power to 809
the registrar shall be liberally construed to the end that the 810
practice or commission of fraud in the business of selling motor 811
vehicles and of disposing of salvage motor vehicles may be 812
prohibited and prevented. 813

(B) There is hereby created in the department of public 814
safety a division of emergency medical services, which shall be 815
administered by an executive director of emergency medical 816
services appointed under section 4765.03 of the Revised Code. 817

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 818
referred to in division (O) of section 4503.04, division (E) of 819
section 4503.042, division (B) of section 4503.07, division (C)(1) 820
of section 4503.10, division (D) of section 4503.182, division (A) 821
of section 4503.19, division (D)(2) of section 4507.24, division 822
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 823
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 824
of the Revised Code, and the taxes charged in section 4503.65 that 825
are distributed in accordance with division (A)(2) of section 826
4501.044 of the Revised Code unless otherwise designated by law, 827

shall be deposited in the state treasury to the credit of the 828
state highway safety fund, which is hereby created, and shall, 829
after receipt of certifications from the commissioners of the 830
sinking fund certifying, ~~as required by sections 5528.15 and~~ 831
~~5528.35 of the Revised Code, that there are sufficient moneys to~~ 832
~~the credit of the highway improvement bond retirement fund created~~ 833
~~by section 5528.12 of the Revised Code to meet in full all~~ 834
~~payments of interest, principal, and charges for the retirement of~~ 835
~~bonds and other obligations issued pursuant to Section 2g of~~ 836
~~Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11~~ 837
~~of the Revised Code due and payable during the current calendar~~ 838
~~year, and~~ that there are sufficient moneys to the credit of the 839
highway obligations bond retirement fund created by section 840
5528.32 of the Revised Code to meet in full all payments of 841
interest, principal, and charges for the retirement of highway 842
obligations issued pursuant to Section 2i of Article VIII, Ohio 843
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 844
due and payable during the current calendar year, be used for the 845
purpose of enforcing and paying the expenses of administering the 846
law relative to the registration and operation of motor vehicles 847
on the public roads or highways. Amounts credited to the fund may 848
also be used to pay the expenses of administering and enforcing 849
the laws under which such fees were collected. All investment 850
earnings of the state highway safety fund shall be credited to the 851
fund. 852

Sec. 4501.21. (A) There is hereby created in the state 853
treasury the license plate contribution fund. The fund shall 854
consist of all contributions paid by motor vehicle registrants and 855
collected by the registrar of motor vehicles pursuant to sections 856
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 857
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 858
4503.523, 4503.531, 4503.545, 4503.55, 4503.551, 4503.552, 859

4503.553, 4503.561, 4503.562, 4503.591, 4503.67, 4503.68, 4503.69, 860
4503.71, 4503.711, 4503.712, 4503.72, 4503.73, 4503.74, 4503.75, 861
4503.85, 4503.89, ~~and~~ 4503.92, and 4503.94 of the Revised Code. 862

(B) The registrar shall pay the contributions the registrar 863
collects in the fund as follows: 864

The registrar shall pay the contributions received pursuant 865
to section 4503.491 of the Revised Code to the breast cancer fund 866
of Ohio, which shall use that money only to pay for programs that 867
provide assistance and education to Ohio breast cancer patients 868
and that improve access for such patients to quality health care 869
and clinical trials and shall not use any of the money for 870
abortion information, counseling, services, or other 871
abortion-related activities. 872

The registrar shall pay the contributions received pursuant 873
to section 4503.493 of the Revised Code to the autism society of 874
Ohio, which shall use the contributions for programs and autism 875
awareness efforts throughout the state. 876

The registrar shall pay the contributions the registrar 877
receives pursuant to section 4503.494 of the Revised Code to the 878
national multiple sclerosis society for distribution in equal 879
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 880
chapters of the national multiple sclerosis society. These 881
chapters shall use the money they receive under this section to 882
assist in paying the expenses they incur in providing services 883
directly to their clients. 884

The registrar shall pay the contributions the registrar 885
receives pursuant to section 4503.496 of the Revised Code to the 886
Ohio sickle cell and health association, which shall use the 887
contributions to help support educational, clinical, and social 888
support services for adults who have sickle cell disease. 889

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

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

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

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

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

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

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that

section. A university or college that receives contributions from 921
the fund shall deposit the contributions into its general 922
scholarship fund. 923

The registrar shall pay the contributions the registrar 924
receives pursuant to section 4503.522 of the Revised Code to the 925
"friends of Perry's victory and international peace memorial, 926
incorporated," a nonprofit corporation organized under the laws of 927
this state, to assist that organization in paying the expenses it 928
incurs in sponsoring or holding charitable, educational, and 929
cultural events at the monument. 930

The registrar shall pay the contributions the registrar 931
receives pursuant to section 4503.523 of the Revised Code to the 932
fairport lights foundation, which shall use the money to pay for 933
the restoration, maintenance, and preservation of the lighthouses 934
of fairport harbor. 935

The registrar shall pay the contributions the registrar 936
receives pursuant to section 4503.531 of the Revised Code to the 937
thank you foundation, incorporated, a nonprofit corporation 938
organized under the laws of this state, to assist that 939
organization in paying for the charitable activities and programs 940
it sponsors in support of United States military personnel, 941
veterans, and their families. 942

The registrar shall pay the contributions the registrar 943
receives pursuant to section 4503.55 of the Revised Code to the 944
pro football hall of fame, which shall deposit the contributions 945
into a special bank account that it establishes and which shall be 946
separate and distinct from any other account the pro football hall 947
of fame maintains, to be used exclusively for the purpose of 948
promoting the pro football hall of fame as a travel destination. 949

The registrar shall pay the contributions that are paid to 950
the registrar pursuant to section 4503.545 of the Revised Code to 951

the national rifle association foundation, which shall use the 952
money to pay the costs of the educational activities and programs 953
the foundation holds or sponsors in this state. 954

The registrar shall pay to the Ohio pet fund the 955
contributions the registrar receives pursuant to section 4503.551 956
of the Revised Code and any other money from any other source, 957
including donations, gifts, and grants, that is designated by the 958
source to be paid to the Ohio pet fund. The Ohio pet fund shall 959
use the moneys it receives under this section to support programs 960
for the sterilization of dogs and cats and for educational 961
programs concerning the proper veterinary care of those animals, 962
and for expenses of the Ohio pet fund that are reasonably 963
necessary for it to obtain and maintain its tax-exempt status and 964
to perform its duties. 965

The registrar shall pay the contributions the registrar 966
receives pursuant to section 4503.552 of the Revised Code to the 967
rock and roll hall of fame and museum, incorporated. 968

The registrar shall pay the contributions the registrar 969
receives pursuant to section 4503.553 of the Revised Code to the 970
Ohio coalition for animals, incorporated, a nonprofit corporation. 971
Except as provided in division (B) of this section, the coalition 972
shall distribute the money to its members, and the members shall 973
use the money only to pay for educational, charitable, and other 974
programs of each coalition member that provide care for unwanted, 975
abused, and neglected horses. The Ohio coalition for animals may 976
use a portion of the money to pay for reasonable marketing costs 977
incurred in the design and promotion of the license plate and for 978
administrative costs incurred in the disbursement and management 979
of funds received under this section. 980

The registrar shall pay the contributions the registrar 981
receives pursuant to section 4503.561 of the Revised Code to the 982
state of Ohio chapter of ducks unlimited, inc., which shall 983

deposit the contributions into a special bank account that it 984
establishes. The special bank account shall be separate and 985
distinct from any other account the state of Ohio chapter of ducks 986
unlimited, inc., maintains and shall be used exclusively for the 987
purpose of protecting, enhancing, restoring, and managing wetlands 988
and conserving wildlife habitat. The state of Ohio chapter of 989
ducks unlimited, inc., annually shall notify the registrar in 990
writing of the name, address, and account to which such payments 991
are to be made. 992

The registrar shall pay the contributions the registrar 993
receives pursuant to section 4503.562 of the Revised Code to the 994
Mahoning river consortium, which shall use the money to pay the 995
expenses it incurs in restoring and maintaining the Mahoning river 996
watershed. 997

The registrar shall pay to a sports commission created 998
pursuant to section 4503.591 of the Revised Code each contribution 999
the registrar receives under that section that an applicant pays 1000
to obtain license plates that bear the logo of a professional 1001
sports team located in the county of that sports commission and 1002
that is participating in the license plate program pursuant to 1003
division (E) of that section, irrespective of the county of 1004
residence of an applicant. 1005

The registrar shall pay to a community charity each 1006
contribution the registrar receives under section 4503.591 of the 1007
Revised Code that an applicant pays to obtain license plates that 1008
bear the logo of a professional sports team that is participating 1009
in the license plate program pursuant to division (G) of that 1010
section. 1011

The registrar shall pay the contributions the registrar 1012
receives pursuant to section 4503.67 of the Revised Code to the 1013
Dan Beard council of the boy scouts of America. The council shall 1014
distribute all contributions in an equitable manner throughout the 1015

state to regional councils of the boy scouts. 1016

The registrar shall pay the contributions the registrar 1017
receives pursuant to section 4503.68 of the Revised Code to the 1018
great river council of the girl scouts of the United States of 1019
America. The council shall distribute all contributions in an 1020
equitable manner throughout the state to regional councils of the 1021
girl scouts. 1022

The registrar shall pay the contributions the registrar 1023
receives pursuant to section 4503.69 of the Revised Code to the 1024
Dan Beard council of the boy scouts of America. The council shall 1025
distribute all contributions in an equitable manner throughout the 1026
state to regional councils of the boy scouts. 1027

The registrar shall pay the contributions the registrar 1028
receives pursuant to section 4503.71 of the Revised Code to the 1029
fraternal order of police of Ohio, incorporated, which shall 1030
deposit the fees into its general account to be used for purposes 1031
of the fraternal order of police of Ohio, incorporated. 1032

The registrar shall pay the contributions the registrar 1033
receives pursuant to section 4503.711 of the Revised Code to the 1034
fraternal order of police of Ohio, incorporated, which shall 1035
deposit the contributions into an account that it creates to be 1036
used for the purpose of advancing and protecting the law 1037
enforcement profession, promoting improved law enforcement 1038
methods, and teaching respect for law and order. 1039

The registrar shall pay the contributions received pursuant 1040
to section 4503.712 of the Revised Code to Ohio concerns of police 1041
survivors, which shall use those contributions to provide whatever 1042
assistance may be appropriate to the families of Ohio law 1043
enforcement officers who are killed in the line of duty. 1044

The registrar shall pay the contributions the registrar 1045
receives pursuant to section 4503.72 of the Revised Code to the 1046

organization known on March 31, 2003, as the Ohio CASA/GAL 1047
association, a private, nonprofit corporation organized under 1048
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 1049
shall use these contributions to pay the expenses it incurs in 1050
administering a program to secure the proper representation in the 1051
courts of this state of abused, neglected, and dependent children, 1052
and for the training and supervision of persons participating in 1053
that program. 1054

The registrar shall pay the contributions the registrar 1055
receives pursuant to section 4503.73 of the Revised Code to Wright 1056
B. Flyer, incorporated, which shall deposit the contributions into 1057
its general account to be used for purposes of Wright B. Flyer, 1058
incorporated. 1059

The registrar shall pay the contributions the registrar 1060
receives pursuant to section 4503.74 of the Revised Code to the 1061
Columbus zoological park association, which shall disburse the 1062
moneys to Ohio's major metropolitan zoos, as defined in section 1063
4503.74 of the Revised Code, in accordance with a written 1064
agreement entered into by the major metropolitan zoos. 1065

The registrar shall pay the contributions the registrar 1066
receives pursuant to section 4503.75 of the Revised Code to the 1067
rotary foundation, located on March 31, 2003, in Evanston, 1068
Illinois, to be placed in a fund known as the permanent fund and 1069
used to endow educational and humanitarian programs of the rotary 1070
foundation. 1071

The registrar shall pay the contributions the registrar 1072
receives pursuant to section 4503.85 of the Revised Code to the 1073
Ohio sea grant college program to be used for Lake Erie area 1074
research projects. 1075

The registrar shall pay the contributions the registrar 1076
receives pursuant to section 4503.89 of the Revised Code to the 1077

American red cross of greater Columbus on behalf of the Ohio 1078
chapters of the American red cross, which shall use the 1079
contributions for disaster readiness, preparedness, and response 1080
programs on a statewide basis. 1081

The registrar shall pay the contributions received pursuant 1082
to section 4503.92 of the Revised Code to support our troops, 1083
incorporated, a national nonprofit corporation, which shall use 1084
those contributions in accordance with its articles of 1085
incorporation and for the benefit of servicemembers of the armed 1086
forces of the United States and their families when they are in 1087
financial need. 1088

The registrar shall pay the contributions the registrar 1089
receives pursuant to section 4503.94 of the Revised Code to the 1090
Michelle's leading star foundation, which shall use the money 1091
solely to fund the rental, lease, or purchase of the simulated 1092
driving curriculum of the Michelle's leading star foundation by 1093
boards of education of city, exempted village, local, and joint 1094
vocational school districts. 1095

(C) All investment earnings of the license plate contribution 1096
fund shall be credited to the fund. Not later than the first day 1097
of May of every year, the registrar shall distribute to each 1098
entity described in division (B) of this section the investment 1099
income the fund earned the previous calendar year. The amount of 1100
such a distribution paid to an entity shall be proportionate to 1101
the amount of money the entity received from the fund during the 1102
previous calendar year. 1103

Sec. 4501.81. (A) The bureau of motor vehicles shall 1104
establish a database of the next of kin of persons who are issued 1105
~~and~~ driver's licenses, commercial driver's licenses, temporary 1106
instruction permits, motorcycle operator's licenses and 1107
endorsements, and identification cards. Information in the 1108

database shall be accessible only to employees of the bureau and 1109
to criminal justice agencies and is not a public record for 1110
purposes of section 149.43 of the Revised Code. 1111

(B) ~~An~~ When an individual holding a valid Ohio submits an 1112
application to the registrar of motor vehicles or a deputy 1113
registrar for a driver's license, commercial driver's license, 1114
temporary instruction permit, motorcycle operator's license or 1115
endorsement, or identification card, or renewal of any of them, 1116
the individual shall be afforded the opportunity to furnished with 1117
a next of kin information form on which the individual may list 1118
the name, address, telephone number, and relationship to the 1119
individual of at least one contact person whom the individual 1120
wishes to be contacted if the individual is involved in a motor 1121
vehicle accident or emergency situation and the individual dies or 1122
is seriously injured or rendered unconscious and is unable to 1123
communicate with the contact person. The contact person may or may 1124
not be the next of kin of the applicant, except that if the 1125
applicant is under eighteen years of age and is not emancipated, 1126
the contact person shall include the parent, guardian, or 1127
custodian of the applicant. 1128

The form described in this division shall inform the 1129
individual that, after completing the form, the individual may 1130
return the form to the registrar or any deputy registrar, each of 1131
whom shall accept the form from the individual without payment of 1132
any fee. The form also shall contain the mailing address of the 1133
bureau, to which the individual may mail the completed form, and 1134
also instructions whereby the individual may furnish the 1135
information described in this division to the registrar through 1136
use of the internet. 1137

(C) The bureau, in accordance with Chapter 119. of the 1138
Revised Code, shall adopt rules to implement this section. The 1139

rules shall address ~~both~~ all of the following: 1140

(1) The methods whereby a person who has submitted the name 1141
of a contact person for inclusion in the database may make changes 1142
to that entry; 1143

(2) The contents of the next of kin information form; 1144

(3) Any other aspect of the database or its operation that 1145
the registrar ~~of motor vehicles~~ determines is necessary in order 1146
to implement this section. 1147

(D) In the event of a motor vehicle accident or emergency 1148
situation in which a person dies or is seriously injured or 1149
rendered unconscious and is unable to communicate with the contact 1150
person specified in the database, an employee of a criminal 1151
justice agency shall make a good faith effort to notify the 1152
contact person of the situation, but neither the bureau ~~of motor~~ 1153
~~vehicles~~ nor the employee nor the criminal justice agency that 1154
employs that employee incurs any liability if the employee is not 1155
able to make contact with the contact person. 1156

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 1157
designate the county auditor in each county a deputy registrar. If 1158
the population of a county is forty thousand or less according to 1159
the last federal census and if the county auditor is designated by 1160
the registrar as a deputy registrar, no other person need be 1161
designated in the county to act as a deputy registrar. 1162

(b) The registrar may designate a clerk of a court of common 1163
pleas as a deputy registrar if the population of the county is 1164
forty thousand or less according to the last federal census. In a 1165
county with a population greater than forty thousand according to 1166
the last federal census, the clerk of a court of common pleas is 1167
eligible to act as a deputy registrar and may participate in the 1168
competitive selection process for the award of a deputy registrar 1169

contract by applying in the same manner as any other person. All 1170
fees collected and retained by a clerk for conducting deputy 1171
registrar services shall be paid into the county treasury to the 1172
credit of the certificate of title administration fund created 1173
under section 325.33 of the Revised Code. 1174

(c) In all other instances, the registrar shall contract with 1175
one or more other persons in each county to act as deputy 1176
registrars. 1177

(2) Deputy registrars shall accept applications for the 1178
annual license tax for any vehicle not taxed under section 4503.63 1179
of the Revised Code and shall assign distinctive numbers in the 1180
same manner as the registrar. Such deputies shall be located in 1181
such locations in the county as the registrar sees fit. There 1182
shall be at least one deputy registrar in each county. 1183

Deputy registrar contracts are subject to the provisions of 1184
division (B) of section 125.081 of the Revised Code. 1185

(B) The registrar shall not contract with any person to act 1186
as a deputy registrar if the person or, where applicable, the 1187
person's spouse or a member of the person's immediate family has 1188
made, within the current calendar year or any one of the previous 1189
three calendar years, one or more contributions totaling in excess 1190
of one hundred dollars to any person or entity included in 1191
division (A)(2) of section 4503.033 of the Revised Code. As used 1192
in this division, "immediate family" has the same meaning as in 1193
division (D) of section 102.01 of the Revised Code, and "entity" 1194
includes any political party and any "continuing association" as 1195
defined in division (B)(4) of section 3517.01 of the Revised Code 1196
or "political action committee" as defined in division (B)(8) of 1197
that section that is primarily associated with that political 1198
party. For purposes of this division, contributions to any 1199
continuing association or any political action committee that is 1200
primarily associated with a political party shall be aggregated 1201

with contributions to that political party. 1202

The contribution limitations contained in this division do 1203
not apply to any county auditor or clerk of a court of common 1204
pleas. 1205

The registrar shall not contract with either of the following 1206
to act as a deputy registrar: 1207

(1) Any elected public official other than a county auditor 1208
or, as authorized by division (A)(1)(b) of this section, a clerk 1209
of a court of common pleas, acting in an official capacity; 1210

(2) Any person holding a current, valid contract to conduct 1211
motor vehicle inspections under section 3704.14 of the Revised 1212
Code. 1213

(C)(1) Except as provided in division (C)(2) of this section, 1214
deputy registrars are independent contractors and neither they nor 1215
their employees are employees of this state, except that nothing 1216
in this section shall affect the status of county auditors or 1217
clerks of courts of common pleas as public officials, nor the 1218
status of their employees as employees of any of the counties of 1219
this state, which are political subdivisions of this state. Each 1220
deputy registrar shall be responsible for the payment of all 1221
unemployment compensation premiums, all workers' compensation 1222
premiums, social security contributions, and any and all taxes for 1223
which the deputy registrar is legally responsible. Each deputy 1224
registrar shall comply with all applicable federal, state, and 1225
local laws requiring the withholding of income taxes or other 1226
taxes from the compensation of the deputy registrar's employees. 1227
Each deputy registrar shall maintain during the entire term of the 1228
deputy registrar's contract a policy of business liability 1229
insurance satisfactory to the registrar and shall hold the 1230
department of public safety, the director of public safety, the 1231
bureau of motor vehicles, and the registrar harmless upon any and 1232

all claims for damages arising out of the operation of the deputy registrar agency. 1233
1234

(2) For purposes of Chapter 4141. of the Revised Code, 1235
determinations concerning the employment of deputy registrars and 1236
their employees shall be made under Chapter 4141. of the Revised 1237
Code. 1238

(D)(1) With the approval of the director, the registrar shall 1239
adopt rules governing the terms of the contract between the 1240
registrar and each deputy registrar and specifications for the 1241
services to be performed. The rules shall include specifications 1242
relating to the amount of bond to be given as provided in this 1243
section; the size and location of the deputy's office; and the 1244
leasing of equipment necessary to conduct the vision screenings 1245
required under section 4507.12 of the Revised Code and training in 1246
the use of the equipment. The specifications shall permit and 1247
encourage every deputy registrar to inform the public of the 1248
location of the deputy registrar's office and hours of operation 1249
by means of public service announcements and allow any deputy 1250
registrar to advertise in regard to the operation of the deputy 1251
registrar's office. The rules also shall include specifications 1252
for the hours the deputy's office is to be open to the public and 1253
shall require as a minimum that one deputy's office in each county 1254
be open to the public for at least four hours each weekend, 1255
provided that if only one deputy's office is located within the 1256
boundary of the county seat, that office is the office that shall 1257
be open for the four-hour period each weekend, and that every 1258
deputy's office in each county shall be open to the public until 1259
six-thirty p.m. on at least one weeknight each week. The rules 1260
also shall include specifications providing that every deputy in 1261
each county, upon request, provide any person with information 1262
about the location and office hours of all deputy registrars in 1263
the county and that every deputy prominently display within the 1264

deputy's office, the toll-free telephone number of the bureau. The 1265
rules shall not prohibit the award of a deputy registrar contract 1266
to a nonprofit corporation formed under the laws of this state. 1267
The rules shall prohibit any deputy registrar from operating more 1268
than one such office at any time, except that the rules may permit 1269
a nonprofit corporation formed for the purposes of providing 1270
automobile-related services to its members or the public and that 1271
provides such services from more than one location in this state 1272
to operate a deputy registrar office at any such location, 1273
provided that the nonprofit corporation operates no more than one 1274
deputy registrar office in any one county. The rules may include 1275
such other specifications as the registrar and director consider 1276
necessary to provide a high level of service. 1277

(2) With the prior approval of the registrar, each deputy 1278
registrar may conduct at the location of the deputy registrar's 1279
office any business that is consistent with the functions of a 1280
deputy registrar and that is not specifically mandated or 1281
authorized by this or another chapter of the Revised Code or by 1282
implementing rules of the registrar. 1283

(3) As used in this section and in section 4507.01 of the 1284
Revised Code, "nonprofit corporation" has the same meaning as in 1285
section 1702.01 of the Revised Code. 1286

(E) Unless otherwise terminated and except for interim 1287
contracts of less than one year, contracts with deputy registrars 1288
shall be for a term of at least two years, but no more than three 1289
years, and all contracts effective on or after July 1, 1996, shall 1290
be for a term of more than two years, but not more than three 1291
years. All contracts with deputy registrars shall expire on the 1292
last Saturday of June in the year of their expiration. The auditor 1293
of state may examine the accounts, reports, systems, and other 1294
data of each deputy registrar at least every two years. The 1295
registrar, with the approval of the director, shall immediately 1296

remove a deputy who violates any provision of the Revised Code 1297
related to the duties as a deputy, any rule adopted by the 1298
registrar, or a term of the deputy's contract with the registrar. 1299
The registrar also may remove a deputy who, in the opinion of the 1300
registrar, has engaged in any conduct that is either unbecoming to 1301
one representing this state or is inconsistent with the efficient 1302
operation of the deputy's office. 1303

If the registrar, with the approval of the director, 1304
determines that there is good cause to believe that a deputy 1305
registrar or a person proposing for a deputy registrar contract 1306
has engaged in any conduct that would require the denial or 1307
termination of the deputy registrar contract, the registrar may 1308
require the production of books, records, and papers as the 1309
registrar determines are necessary, and may take the depositions 1310
of witnesses residing within or outside the state in the same 1311
manner as is prescribed by law for the taking of depositions in 1312
civil actions in the court of common pleas, and for that purpose 1313
the registrar may issue a subpoena for any witness or a subpoena 1314
duces tecum to compel the production of any books, records, or 1315
papers, directed to the sheriff of the county where the witness 1316
resides or is found. Such a subpoena shall be served and returned 1317
in the same manner as a subpoena in a criminal case is served and 1318
returned. The fees of the sheriff shall be the same as that 1319
allowed in the court of common pleas in criminal cases. Witnesses 1320
shall be paid the fees and mileage provided for under section 1321
119.094 of the Revised Code. The fees and mileage shall be paid 1322
from the fund in the state treasury for the use of the agency in 1323
the same manner as other expenses of the agency are paid. 1324

In any case of disobedience or neglect of any subpoena served 1325
on any person or the refusal of any witness to testify to any 1326
matter regarding which the witness lawfully may be interrogated, 1327
the court of common pleas of any county where the disobedience, 1328

neglect, or refusal occurs or any judge of that court, on 1329
application by the registrar, shall compel obedience by attachment 1330
proceedings for contempt, as in the case of disobedience of the 1331
requirements of a subpoena issued from that court, or a refusal to 1332
testify in that court. 1333

Nothing in this division shall be construed to require a 1334
hearing of any nature prior to the termination of any deputy 1335
registrar contract by the registrar, with the approval of the 1336
director, for cause. 1337

(F) Except as provided in section 2743.03 of the Revised 1338
Code, no court, other than the court of common pleas of Franklin 1339
county, has jurisdiction of any action against the department of 1340
public safety, the director, the bureau, or the registrar to 1341
restrain the exercise of any power or authority, or to entertain 1342
any action for declaratory judgment, in the selection and 1343
appointment of, or contracting with, deputy registrars. Neither 1344
the department, the director, the bureau, nor the registrar is 1345
liable in any action at law for damages sustained by any person 1346
because of any acts of the department, the director, the bureau, 1347
or the registrar, or of any employee of the department or bureau, 1348
in the performance of official duties in the selection and 1349
appointment of, and contracting with, deputy registrars. 1350

(G) The registrar shall assign to each deputy registrar a 1351
series of numbers sufficient to supply the demand at all times in 1352
the area the deputy registrar serves, and the registrar shall keep 1353
a record in the registrar's office of the numbers within the 1354
series assigned. Each deputy shall be required to give bond in the 1355
amount of at least twenty-five thousand dollars, or in such higher 1356
amount as the registrar determines necessary, based on a uniform 1357
schedule of bond amounts established by the registrar and 1358
determined by the volume of registrations handled by the deputy. 1359
The form of the bond shall be prescribed by the registrar. The 1360

bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

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

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

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

Sec. 4503.031. (A)(1) If the registrar determines that space is available at a deputy registrar's office, the clerk of the court of common pleas in the county where the deputy is located shall be given the opportunity to use the space for the purpose of carrying out ~~his~~ the clerk's duties related to the titling of motor vehicles. Each clerk of the court of common pleas using space in a deputy registrar's office shall remit to the deputy a rental fee equal to the percentage of space occupied by the clerk in the deputy's office multiplied by the rental fee or mortgage cost paid for the entire deputy registrar's office plus a pro rata share of all utility costs.

(2) If the clerk of the court of common pleas determines that space is available at any location at which the clerk has an office, the clerk shall inform the registrar of that fact and shall provide the registrar with all pertinent information about the available space. After giving due consideration to the

locations of deputy registrar offices existing in the county in 1392
which the clerk of the court of common pleas is located, the 1393
registrar shall inform the appropriate deputy registrars, if any, 1394
of the available space of the clerk of the court of common pleas. 1395
Each such deputy registrar shall be given the opportunity to use 1396
the space for the purpose of carrying out the deputy registrar's 1397
duties. Each deputy registrar using space in the office of the 1398
clerk of a court of common pleas shall remit to the clerk a rental 1399
fee equal to the percentage of space occupied by the deputy 1400
registrar in the clerk's office multiplied by the rental fee or 1401
mortgage cost, if any, paid for the entire clerk's office plus a 1402
pro rata share of all utility costs. 1403

If no current deputy registrar elects to utilize the 1404
available space of the clerk of the court of common pleas, the 1405
registrar shall inform all persons who express an interest to the 1406
registrar in becoming a deputy registrar in that county of the 1407
available space of the clerk if the space in fact continues to be 1408
available. 1409

(3) A clerk of the court of common pleas and a deputy 1410
registrar may elect to occupy a location at which neither the 1411
clerk nor the deputy currently is an occupant. Any such 1412
arrangement is subject to the approval of the registrar, who shall 1413
give due consideration to all issues and aspects of the proposed 1414
arrangement, including security at the location and service to the 1415
public. 1416

(B) The registrar and the superintendent of the state highway 1417
patrol shall cooperate to the fullest extent possible in locating 1418
a driver's license examination station at or near a deputy 1419
registrar's office. For each driver's license examination station 1420
located at a deputy registrar's office, the superintendent of the 1421
state highway patrol shall remit to the deputy a rental fee equal 1422
to the percentage of space occupied for the driver's license 1423

examination station multiplied by the rental fee or mortgage cost 1424
paid for the entire deputy registrar's office plus a pro rata 1425
share of all utility costs. 1426

(C) During the regular business hours of deputy registrars, 1427
the registrar shall keep the central office open and sufficiently 1428
staffed to be able to respond to the technical needs of the 1429
deputies. 1430

(D) The registrar shall adopt rules to promote public 1431
information regarding motor vehicle registration. The rules shall 1432
include: 1433

(1) The operation by the registrar, during the regular 1434
business hours of deputy registrars, of a toll-free telephone 1435
number to give information and receive complaints; 1436

(2) The listing by the registrar, of each deputy registrar, 1437
together with the toll-free telephone number required under 1438
division (D)(1) of this section, in the local business and 1439
advertising telephone directory for the area served by the deputy, 1440
under the heading of the bureau of motor vehicles. 1441

Sec. 4503.037. (A) To promote the efficient use of 1442
governmental resources, including staff and facilities, and to 1443
improve service to the public, a county auditor who is designated 1444
to act as a deputy registrar and the clerk of the court of common 1445
pleas from the same county, subject to approval by the board of 1446
county commissioners and by the registrar of motor vehicles, may 1447
enter into a memorandum of understanding to allocate motor 1448
vehicle-related duties between the auditor and clerk. The board of 1449
county commissioners shall act by resolution in approving or 1450
rejecting a memorandum. The registrar shall approve or reject a 1451
memorandum in writing. 1452

(B) A memorandum of understanding may allocate the 1453

performance of motor vehicle-related duties only to the extent 1454
that the auditor acting as a deputy registrar or the clerk 1455
otherwise is authorized by law to perform such duties, and except 1456
as provided in this section, the performance of motor 1457
vehicle-related duties under a memorandum of understanding shall 1458
be in accordance with all applicable laws. 1459

A memorandum may allocate motor vehicle-related duties 1460
without regard to whether the duty is allocated by law to a deputy 1461
registrar or a clerk, and the performance of motor-vehicle related 1462
duties by either an auditor or clerk under this section is deemed 1463
sufficient to satisfy laws specifying that a deputy registrar or 1464
clerk perform the duty. A memorandum may allocate any fees that 1465
are retained by a deputy registrar or clerk by law. 1466

(C) For purposes of this section, "motor vehicle-related 1467
duties" means all deputy registrar duties and certificate of title 1468
duties under Chapters 1548., 4505., and 4519. of the Revised Code. 1469

Sec. 4503.04. Except as provided in sections 4503.042 and 1470
4503.65 of the Revised Code for the registration of commercial 1471
cars, trailers, semitrailers, and certain buses, the rates of the 1472
taxes imposed by section 4503.02 of the Revised Code shall be as 1473
follows: 1474

(A) For motor vehicles having three wheels or less, the 1475
license tax is: 1476

(1) For each motorized bicycle, ten dollars; 1477

(2) For each motorcycle, fourteen dollars. 1478

(B) For each passenger car, twenty dollars; 1479

(C) For each manufactured home, each mobile home, and each 1480
travel trailer, ten dollars; 1481

(D) For each noncommercial motor vehicle designed by the 1482
manufacturer to carry a load of no more than three-quarters of one 1483

ton and for each motor home, thirty-five dollars; for each	1484
noncommercial motor vehicle designed by the manufacturer to carry	1485
a load of more than three-quarters of one ton, but not more than	1486
one ton, seventy dollars;	1487
(E) For each noncommercial trailer, the license tax is:	1488
(1) Eighty-five cents for each one hundred pounds or part	1489
thereof for the first two thousand pounds or part thereof of	1490
weight of vehicle fully equipped;	1491
(2) One dollar and forty cents for each one hundred pounds or	1492
part thereof in excess of two thousand pounds up to and including	1493
three thousand pounds.	1494
(F) Notwithstanding its weight, twelve dollars for any:	1495
(1) Vehicle equipped, owned, and used by a charitable or	1496
nonprofit corporation exclusively for the purpose of administering	1497
chest x-rays or receiving blood donations;	1498
(2) Van used principally for the transportation of	1499
handicapped persons that has been modified by being equipped with	1500
adaptive equipment to facilitate the movement of such persons into	1501
and out of the van;	1502
(3) Bus used principally for the transportation of	1503
handicapped persons or persons sixty-five years of age or older;	1504
(G) Notwithstanding its weight, twenty dollars for any bus	1505
used principally for the transportation of persons in a	1506
ridesharing arrangement.	1507
(H) For each transit bus having motor power the license tax	1508
is twelve dollars.	1509
"Transit bus" means either a motor vehicle having a seating	1510
capacity of more than seven persons which is operated and used by	1511
any person in the rendition of a public mass transportation	1512
service primarily in a municipal corporation or municipal	1513

corporations and provided at least seventy-five per cent of the 1514
annual mileage of such service and use is within such municipal 1515
corporation or municipal corporations or a motor vehicle having a 1516
seating capacity of more than seven persons which is operated 1517
solely for the transportation of persons associated with a 1518
charitable or nonprofit corporation, but does not mean any motor 1519
vehicle having a seating capacity of more than seven persons when 1520
such vehicle is used in a ridesharing capacity or any bus 1521
described by division (F)(3) of this section. 1522

The application for registration of such transit bus shall be 1523
accompanied by an affidavit prescribed by the registrar of motor 1524
vehicles and signed by the person or an agent of the firm or 1525
corporation operating such bus stating that the bus has a seating 1526
capacity of more than seven persons, and that it is either to be 1527
operated and used in the rendition of a public mass transportation 1528
service and that at least seventy-five per cent of the annual 1529
mileage of such operation and use shall be within one or more 1530
municipal corporations or that it is to be operated solely for the 1531
transportation of persons associated with a charitable or 1532
nonprofit corporation. 1533

The form of the license plate, and the manner of its 1534
attachment to the vehicle, shall be prescribed by the registrar of 1535
motor vehicles. 1536

(I) The minimum tax for any vehicle having motor power other 1537
than a farm truck, a motorized bicycle, or motorcycle is ten 1538
dollars and eighty cents, and for each noncommercial trailer, five 1539
dollars. 1540

(J)(1) Except as otherwise provided in division (J) of this 1541
section, for each farm truck, except a noncommercial motor 1542
vehicle, that is owned, controlled, or operated by one or more 1543
farmers exclusively in farm use as defined in this section, and 1544
not for commercial purposes, and provided that at least 1545

seventy-five per cent of such farm use is by or for the one or 1546
more owners, controllers, or operators of the farm in the 1547
operation of which a farm truck is used, the license tax is five 1548
dollars plus: 1549

(a) Fifty cents per one hundred pounds or part thereof for 1550
the first three thousand pounds; 1551

(b) Seventy cents per one hundred pounds or part thereof in 1552
excess of three thousand pounds up to and including four thousand 1553
pounds; 1554

(c) Ninety cents per one hundred pounds or part thereof in 1555
excess of four thousand pounds up to and including six thousand 1556
pounds; 1557

(d) Two dollars for each one hundred pounds or part thereof 1558
in excess of six thousand pounds up to and including ten thousand 1559
pounds; 1560

(e) Two dollars and twenty-five cents for each one hundred 1561
pounds or part thereof in excess of ten thousand pounds; 1562

(f) The minimum license tax for any farm truck shall be 1563
twelve dollars. 1564

(2) The owner of a farm truck may register the truck for a 1565
period of one-half year by paying one-half the registration tax 1566
imposed on the truck under this chapter and one-half the amount of 1567
any tax imposed on the truck under Chapter 4504. of the Revised 1568
Code. 1569

(3) A farm bus may be registered for a period of ninety days 1570
from the date of issue of the license plates for the bus, for a 1571
fee of ten dollars, provided such license plates shall not be 1572
issued for more than any two ninety-day periods in any calendar 1573
year. Such use does not include the operation of trucks by 1574
commercial processors of agricultural products. 1575

(4) License plates for farm trucks and for farm buses shall 1576
have some distinguishing marks, letters, colors, or other 1577
characteristics to be determined by the director of public safety. 1578

(5) Every person registering a farm truck or bus under this 1579
section shall furnish an affidavit certifying that the truck or 1580
bus licensed to that person is to be so used as to meet the 1581
requirements necessary for the farm truck or farm bus 1582
classification. 1583

Any farmer may use a truck owned by the farmer for commercial 1584
purposes by paying the difference between the commercial truck 1585
registration fee and the farm truck registration fee for the 1586
remaining part of the registration period for which the truck is 1587
registered. Such remainder shall be calculated from the beginning 1588
of the semiannual period in which application for such commercial 1589
license is made. 1590

Taxes at the rates provided in this section are in lieu of 1591
all taxes on or with respect to the ownership of such motor 1592
vehicles, except as provided in section 4503.042 and section 1593
4503.06 of the Revised Code. 1594

(K) Other than trucks registered under the international 1595
registration plan in another jurisdiction and for which this state 1596
has received an apportioned registration fee, the license tax for 1597
each truck which is owned, controlled, or operated by a 1598
nonresident, and licensed in another state, and which is used 1599
exclusively for the transportation of nonprocessed agricultural 1600
products intrastate, from the place of production to the place of 1601
processing, is twenty-four dollars. 1602

"Truck," as used in this division, means any pickup truck, 1603
straight truck, semitrailer, or trailer other than a travel 1604
trailer. Nonprocessed agricultural products, as used in this 1605
division, does not include livestock or grain. 1606

A license issued under this division shall be issued for a 1607
period of one hundred thirty days in the same manner in which all 1608
other licenses are issued under this section, provided that no 1609
truck shall be so licensed for more than one 1610
one-hundred-thirty-day period during any calendar year. 1611

The license issued pursuant to this division shall consist of 1612
a windshield decal to be designed by the director of public 1613
safety. 1614

Every person registering a truck under this division shall 1615
furnish an affidavit certifying that the truck licensed to the 1616
person is to be used exclusively for the purposes specified in 1617
this division. 1618

(L) Every person registering a motor vehicle as a 1619
noncommercial motor vehicle as defined in section 4501.01 of the 1620
Revised Code, or registering a trailer as a noncommercial trailer 1621
as defined in that section, shall furnish an affidavit certifying 1622
that the motor vehicle or trailer so licensed to the person is to 1623
be so used as to meet the requirements necessary for the 1624
noncommercial vehicle classification. 1625

(M) Every person registering a van or bus as provided in 1626
divisions (F)(2) and (3) of this section shall furnish a notarized 1627
statement certifying that the van or bus licensed to the person is 1628
to be used for the purposes specified in those divisions. The form 1629
of the license plate issued for such motor vehicles shall be 1630
prescribed by the registrar. 1631

(N) Every person registering as a passenger car a motor 1632
vehicle designed and used for carrying more than nine but not more 1633
than fifteen passengers, and every person registering a bus as 1634
provided in division (G) of this section, shall furnish an 1635
affidavit certifying that the vehicle so licensed to the person is 1636
to be used in a ridesharing arrangement and that the person will 1637

have in effect whenever the vehicle is used in a ridesharing 1638
arrangement a policy of liability insurance with respect to the 1639
motor vehicle in amounts and coverages no less than those required 1640
by section 4509.79 of the Revised Code. The form of the license 1641
plate issued for such a motor vehicle shall be prescribed by the 1642
registrar. 1643

(O)(1) Commencing on October 1, 2009, if an application for 1644
registration renewal is not applied for prior to the expiration 1645
date of the registration or within seven days after that date, the 1646
registrar or deputy registrar shall collect a fee of twenty 1647
dollars for the issuance of the vehicle registration, ~~but~~. For any 1648
motor vehicle that is used on a seasonal basis, whether used for 1649
general transportation or not, and that has not been used on the 1650
public roads or highways since the expiration of the registration, 1651
the registrar or deputy registrar shall waive the fee established 1652
under this division if the application is accompanied by 1653
supporting evidence of seasonal use as the registrar may require. 1654
The registrar or deputy registrar may waive the fee for other good 1655
cause shown if the application is accompanied by supporting 1656
evidence as the registrar may require. The fee shall be in 1657
addition to all other fees established by this section. A deputy 1658
registrar shall retain fifty cents of the fee and shall transmit 1659
the remaining amount to the registrar at the time and in the 1660
manner provided by section 4503.10 of the Revised Code. The 1661
registrar shall deposit all moneys received under this division 1662
into the state highway safety fund established in section 4501.06 1663
of the Revised Code. 1664

(2) Division (O)(1) of this section does not apply to a farm 1665
truck or farm bus registered under division (J) of this section. 1666

(P) As used in this section: 1667

(1) "Van" means any motor vehicle having a single rear axle 1668
and an enclosed body without a second seat. 1669

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

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

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

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

Sec. 4503.521. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "share the road" license plates. The application for "share the road" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "share the road" license plates with a validation sticker

or a validation sticker alone when required by section 4503.191 of 1701
the Revised Code. 1702

In addition to the letters and numbers ordinarily inscribed 1703
on the license plates, "share the road" license plates shall be 1704
inscribed with the words "share the road" and markings designed by 1705
the organization known on ~~the effective date of this section~~ March 1706
23, 2005, as the Ohio bicycle federation and approved by the 1707
registrar. "Share the road" license plates shall bear county 1708
identification stickers that identify the county of registration 1709
by name or number. 1710

(B) "Share the road" license plates and validation stickers 1711
shall be issued upon receipt of a contribution as provided in 1712
division (C) of this section and upon payment of the regular 1713
license tax as prescribed under section 4503.04 of the Revised 1714
Code, a fee of ten dollars for the purpose of compensating the 1715
bureau of motor vehicles for additional services required in the 1716
issuing of the "share the road" license plates, any applicable 1717
motor vehicle tax levied under Chapter 4504. of the Revised Code, 1718
any applicable additional fee prescribed by section 4503.40 or 1719
4503.42 of the Revised Code, and compliance with all other 1720
applicable laws relating to the registration of motor vehicles. 1721

(C) For each application for registration and registration 1722
renewal that the registrar receives under this section, the 1723
registrar shall collect a contribution of five dollars. The 1724
registrar shall transmit this contribution to the treasurer of 1725
state for deposit in the state highway safety fund created in 1726
section 4501.06 of the Revised Code ~~to~~. The contribution may be 1727
used only to publish create and distribute a booklet that 1728
~~instructs bicycle riders on the methods and procedures of riding~~ 1729
~~bicycles on the roads and streets of this state in a confident,~~ 1730
~~legal, and safe manner~~ safety education materials. 1731

The registrar shall deposit the additional fee of ten dollars 1732

specified in division (B) of this section that the applicant for 1733
registration pays for the purpose of compensating the bureau for 1734
the additional services required in the issuing of the applicant's 1735
"share the road" license plates in the state bureau of motor 1736
vehicles fund created in section 4501.25 of the Revised Code. 1737

Sec. 4503.62. (A) Application for the registration of an 1738
apportionable vehicle shall be made to the registrar of motor 1739
vehicles in accordance with division (J) of section 4503.10 of the 1740
Revised Code. 1741

(B) Any person applying to register a vehicle or combination 1742
vehicle that has a gross vehicle weight of twenty-six thousand 1743
pounds or less or two axles, or that is a bus used in charter 1744
party service, also may register the vehicle in accordance with 1745
division (J) of section 4503.10 of the Revised Code if the vehicle 1746
is used or intended for use in two or more international 1747
registration plan member jurisdictions. 1748

(C) No later than December 31, 2011, the registrar shall 1749
adopt rules under Chapter 119. of the Revised Code to establish a 1750
program to accept applications for vehicle registration 1751
transactions of apportionable vehicles electronically over the 1752
internet. The program also may provide for vehicle registration 1753
transactions of nonapportionable commercial motor vehicles over 1754
the internet. 1755

(D) The internet registration program shall provide an option 1756
for the payment of all registration taxes and fees by use of a 1757
financial transaction device. In providing for payment by the use 1758
of a financial transaction device, the registrar may, but is not 1759
required to, comply with section 113.40 of the Revised Code. The 1760
registrar, with the approval of the director of public safety, may 1761
contract with a third party to accept and process payments made by 1762
use of a financial transaction device on behalf of the bureau of 1763

motor vehicles. All fees associated with payment by use of a 1764
financial transaction device shall be borne by the applicants 1765
seeking the registration of apportionable or other vehicles under 1766
the program established pursuant to division (C) of this section. 1767
The bureau shall not pay any fees, and shall not collect any 1768
additional fees, associated with the use of a financial 1769
transaction device. 1770

(E) As used in this section, "financial transaction device" 1771
has the same meaning as in section 113.40 of the Revised Code. 1772

Sec. 4503.94. (A) The owner or lessee of any passenger car, 1773
noncommercial motor vehicle, recreational vehicle, or other 1774
vehicle of a class approved by the registrar of motor vehicles may 1775
apply to the registrar for the registration of the vehicle and 1776
issuance of "teen driver education" license plates. The 1777
application may be combined with a request for a special reserved 1778
license plate under section 4503.40 or 4503.42 of the Revised 1779
Code. Upon receipt of the completed application and compliance by 1780
the applicant with divisions (B) and (C) of this section, the 1781
registrar shall issue to the applicant the appropriate vehicle 1782
registration and a set of "teen driver education" license plates 1783
and a validation sticker, or a validation sticker alone when 1784
required by section 4503.191 of the Revised Code. 1785

In addition to the letters and numbers ordinarily inscribed 1786
on the license plates, "teen driver education" license plates 1787
shall bear an appropriate logo and the words "teen driver 1788
education." The bureau of motor vehicles shall design "teen driver 1789
education" license plates, and they shall display county 1790
identification stickers that identify the county of registration 1791
by name or number. 1792

(B) "Teen driver education" license plates and a validation 1793
sticker, or validation sticker alone, shall be issued upon receipt 1794

of an application for registration of a motor vehicle under this 1795
section; payment of the regular license tax as prescribed under 1796
section 4503.04 of the Revised Code, any applicable motor vehicle 1797
license tax levied under Chapter 4504. of the Revised Code, any 1798
applicable additional fee prescribed by section 4503.40 or 4503.42 1799
of the Revised Code, an additional fee of ten dollars, and a 1800
contribution as provided in division (C) of this section; and 1801
compliance with all other applicable laws relating to the 1802
registration of motor vehicles. 1803

(C) For each application for registration and registration 1804
renewal notice the registrar receives under this section, the 1805
registrar shall collect a contribution of fifteen dollars. The 1806
registrar shall transmit this contribution to the treasurer of 1807
state for deposit into the state treasury to the credit of the 1808
~~teen driver education~~ license plate contribution fund created by 1809
section ~~4501.14~~ 4501.21 of the Revised Code. 1810

The registrar shall transmit the additional fee of ten 1811
dollars, which is to compensate the bureau for the additional 1812
services required in the issuing of "teen driver education" 1813
license plates, to the treasurer of state for deposit into the 1814
state treasury to the credit of the state bureau of motor vehicles 1815
fund created by section 4501.25 of the Revised Code. 1816

Sec. 4505.06. (A)(1) Application for a certificate of title 1817
shall be made in a form prescribed by the registrar of motor 1818
vehicles and shall be sworn to before a notary public or other 1819
officer empowered to administer oaths. The application shall be 1820
filed with the clerk of any court of common pleas. An application 1821
for a certificate of title may be filed electronically by any 1822
electronic means approved by the registrar in any county with the 1823
clerk of the court of common pleas of that county. Any payments 1824
required by this chapter shall be considered as accompanying any 1825

electronically transmitted application when payment actually is 1826
received by the clerk. Payment of any fee or taxes may be made by 1827
electronic transfer of funds. 1828

(2) The application for a certificate of title shall be 1829
accompanied by the fee prescribed in section 4505.09 of the 1830
Revised Code. The fee shall be retained by the clerk who issues 1831
the certificate of title and shall be distributed in accordance 1832
with that section. If a clerk of a court of common pleas, other 1833
than the clerk of the court of common pleas of an applicant's 1834
county of residence, issues a certificate of title to the 1835
applicant, the clerk shall transmit data related to the 1836
transaction to the automated title processing system. 1837

(3) If a certificate of title previously has been issued for 1838
a motor vehicle in this state, the application for a certificate 1839
of title also shall be accompanied by that certificate of title 1840
duly assigned, unless otherwise provided in this chapter. If a 1841
certificate of title previously has not been issued for the motor 1842
vehicle in this state, the application, unless otherwise provided 1843
in this chapter, shall be accompanied by a manufacturer's or 1844
importer's certificate or by a certificate of title of another 1845
state from which the motor vehicle was brought into this state. If 1846
the application refers to a motor vehicle last previously 1847
registered in another state, the application also shall be 1848
accompanied by the physical inspection certificate required by 1849
section 4505.061 of the Revised Code. If the application is made 1850
by two persons regarding a motor vehicle in which they wish to 1851
establish joint ownership with right of survivorship, they may do 1852
so as provided in section 2131.12 of the Revised Code. If the 1853
applicant requests a designation of the motor vehicle in 1854
beneficiary form so that upon the death of the owner of the motor 1855
vehicle, ownership of the motor vehicle will pass to a designated 1856
transfer-on-death beneficiary or beneficiaries, the applicant may 1857

do so as provided in section 2131.13 of the Revised Code. A person 1858
who establishes ownership of a motor vehicle that is transferable 1859
on death in accordance with section 2131.13 of the Revised Code 1860
may terminate that type of ownership or change the designation of 1861
the transfer-on-death beneficiary or beneficiaries by applying for 1862
a certificate of title pursuant to this section. The clerk shall 1863
retain the evidence of title presented by the applicant and on 1864
which the certificate of title is issued, except that, if an 1865
application for a certificate of title is filed electronically by 1866
an electronic motor vehicle dealer on behalf of the purchaser of a 1867
motor vehicle, the clerk shall retain the completed electronic 1868
record to which the dealer converted the certificate of title 1869
application and other required documents. The registrar, after 1870
consultation with the attorney general, shall adopt rules that 1871
govern the location at which, and the manner in which, are stored 1872
the actual application and all other documents relating to the 1873
sale of a motor vehicle when an electronic motor vehicle dealer 1874
files the application for a certificate of title electronically on 1875
behalf of the purchaser. Not later than sixty days after the 1876
effective date of this amendment, the registrar shall enable all 1877
electronic motor vehicle dealers to file applications for 1878
certificates of title on behalf of purchasers of motor vehicles 1879
electronically directly with the registrar and not through a third 1880
party. 1881

The clerk shall use reasonable diligence in ascertaining 1882
whether or not the facts in the application for a certificate of 1883
title are true by checking the application and documents 1884
accompanying it or the electronic record to which a dealer 1885
converted the application and accompanying documents with the 1886
records of motor vehicles in the clerk's office. If the clerk is 1887
satisfied that the applicant is the owner of the motor vehicle and 1888
that the application is in the proper form, the clerk, within five 1889
business days after the application is filed and except as 1890

provided in section 4505.021 of the Revised Code, shall issue a 1891
physical certificate of title over the clerk's signature and 1892
sealed with the clerk's seal, unless the applicant specifically 1893
requests the clerk not to issue a physical certificate of title 1894
and instead to issue an electronic certificate of title. For 1895
purposes of the transfer of a certificate of title, if the clerk 1896
is satisfied that the secured party has duly discharged a lien 1897
notation but has not canceled the lien notation with a clerk, the 1898
clerk may cancel the lien notation on the automated title 1899
processing system and notify the clerk of the county of origin. 1900

(4) In the case of the sale of a motor vehicle to a general 1901
buyer or user by a dealer, by a motor vehicle leasing dealer 1902
selling the motor vehicle to the lessee or, in a case in which the 1903
leasing dealer subleased the motor vehicle, the sublessee, at the 1904
end of the lease agreement or sublease agreement, or by a 1905
manufactured housing broker, the certificate of title shall be 1906
obtained in the name of the buyer by the dealer, leasing dealer, 1907
or manufactured housing broker, as the case may be, upon 1908
application signed by the buyer. The certificate of title shall be 1909
issued, or the process of entering the certificate of title 1910
application information into the automated title processing system 1911
if a physical certificate of title is not to be issued shall be 1912
completed, within five business days after the application for 1913
title is filed with the clerk. If the buyer of the motor vehicle 1914
previously leased the motor vehicle and is buying the motor 1915
vehicle at the end of the lease pursuant to that lease, the 1916
certificate of title shall be obtained in the name of the buyer by 1917
the motor vehicle leasing dealer who previously leased the motor 1918
vehicle to the buyer or by the motor vehicle leasing dealer who 1919
subleased the motor vehicle to the buyer under a sublease 1920
agreement. 1921

In all other cases, except as provided in section 4505.032 1922

and division (D)(2) of section 4505.11 of the Revised Code, such 1923
certificates shall be obtained by the buyer. 1924

(5)(a)(i) If the certificate of title is being obtained in 1925
the name of the buyer by a motor vehicle dealer or motor vehicle 1926
leasing dealer and there is a security interest to be noted on the 1927
certificate of title, the dealer or leasing dealer shall submit 1928
the application for the certificate of title and payment of the 1929
applicable tax to a clerk within seven business days after the 1930
later of the delivery of the motor vehicle to the buyer or the 1931
date the dealer or leasing dealer obtains the manufacturer's or 1932
importer's certificate, or certificate of title issued in the name 1933
of the dealer or leasing dealer, for the motor vehicle. Submission 1934
of the application for the certificate of title and payment of the 1935
applicable tax within the required seven business days may be 1936
indicated by postmark or receipt by a clerk within that period. 1937

(ii) Upon receipt of the certificate of title with the 1938
security interest noted on its face, the dealer or leasing dealer 1939
shall forward the certificate of title to the secured party at the 1940
location noted in the financing documents or otherwise specified 1941
by the secured party. 1942

(iii) A motor vehicle dealer or motor vehicle leasing dealer 1943
is liable to a secured party for a late fee of ten dollars per day 1944
for each certificate of title application and payment of the 1945
applicable tax that is submitted to a clerk more than seven 1946
business days but less than twenty-one days after the later of the 1947
delivery of the motor vehicle to the buyer or the date the dealer 1948
or leasing dealer obtains the manufacturer's or importer's 1949
certificate, or certificate of title issued in the name of the 1950
dealer or leasing dealer, for the motor vehicle and, from then on, 1951
twenty-five dollars per day until the application and applicable 1952
tax are submitted to a clerk. 1953

(b) In all cases of transfer of a motor vehicle except the 1954

transfer of a manufactured home or mobile home, the application 1955
for certificate of title shall be filed within thirty days after 1956
the assignment or delivery of the motor vehicle. 1957

(c) An application for a certificate of title for a new 1958
manufactured home shall be filed within thirty days after the 1959
delivery of the new manufactured home to the purchaser. The date 1960
of the delivery shall be the date on which an occupancy permit for 1961
the manufactured home is delivered to the purchaser of the home by 1962
the appropriate legal authority. 1963

(d) An application for a certificate of title for a used 1964
manufactured home or a used mobile home shall be filed as follows: 1965

(i) If a certificate of title for the used manufactured home 1966
or used mobile home was issued to the motor vehicle dealer prior 1967
to the sale of the manufactured or mobile home to the purchaser, 1968
the application for certificate of title shall be filed within 1969
thirty days after the date on which an occupancy permit for the 1970
manufactured or mobile home is delivered to the purchaser by the 1971
appropriate legal authority. 1972

(ii) If the motor vehicle dealer has been designated by a 1973
secured party to display the manufactured or mobile home for sale, 1974
or to sell the manufactured or mobile home under section 4505.20 1975
of the Revised Code, but the certificate of title has not been 1976
transferred by the secured party to the motor vehicle dealer, and 1977
the dealer has complied with the requirements of division (A) of 1978
section 4505.181 of the Revised Code, the application for 1979
certificate of title shall be filed within thirty days after the 1980
date on which the motor vehicle dealer obtains the certificate of 1981
title for the home from the secured party or the date on which an 1982
occupancy permit for the manufactured or mobile home is delivered 1983
to the purchaser by the appropriate legal authority, whichever 1984
occurs later. 1985

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

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

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

entitled under section 5739.12 of the Revised Code. 2018

(2) For receiving and disbursing such taxes paid to the clerk 2019
by a resident of the clerk's county, the clerk may retain a 2020
poundage fee of one and one one-hundredth per cent, and the clerk 2021
shall pay the poundage fee into the certificate of title 2022
administration fund created by section 325.33 of the Revised Code. 2023
The clerk shall not retain a poundage fee from payments of taxes 2024
by persons who do not reside in the clerk's county. 2025

A clerk, however, may retain from the taxes paid to the clerk 2026
an amount equal to the poundage fees associated with certificates 2027
of title issued by other clerks of courts of common pleas to 2028
applicants who reside in the first clerk's county. The registrar, 2029
in consultation with the tax commissioner and the clerks of the 2030
courts of common pleas, shall develop a report from the automated 2031
title processing system that informs each clerk of the amount of 2032
the poundage fees that the clerk is permitted to retain from those 2033
taxes because of certificates of title issued by the clerks of 2034
other counties to applicants who reside in the first clerk's 2035
county. 2036

(3) In the case of casual sales of motor vehicles, as defined 2037
in section 4517.01 of the Revised Code, the price for the purpose 2038
of determining the tax shall be the purchase price on the assigned 2039
certificate of title executed by the seller and filed with the 2040
clerk by the buyer on a form to be prescribed by the registrar, 2041
which shall be prima-facie evidence of the amount for the 2042
determination of the tax. 2043

(4) Each county clerk shall forward to the treasurer of state 2044
all sales and use tax collections resulting from sales of motor 2045
vehicles, off-highway motorcycles, and all-purpose vehicles during 2046
a calendar week on or before the Friday following the close of 2047
that week. If, on any Friday, the offices of the clerk of courts 2048
or the state are not open for business, the tax shall be forwarded 2049

to the treasurer of state on or before the next day on which the 2050
offices are open. Every remittance of tax under division (B)(4) of 2051
this section shall be accompanied by a remittance report in such 2052
form as the tax commissioner prescribes. Upon receipt of a tax 2053
remittance and remittance report, the treasurer of state shall 2054
date stamp the report and forward it to the tax commissioner. If 2055
the tax due for any week is not remitted by a clerk of courts as 2056
required under division (B)(4) of this section, the commissioner 2057
may require the clerk to forfeit the poundage fees for the sales 2058
made during that week. The treasurer of state may require the 2059
clerks of courts to transmit tax collections and remittance 2060
reports electronically. 2061

(C)(1) If the transferor indicates on the certificate of 2062
title that the odometer reflects mileage in excess of the designed 2063
mechanical limit of the odometer, the clerk shall enter the phrase 2064
"exceeds mechanical limits" following the mileage designation. If 2065
the transferor indicates on the certificate of title that the 2066
odometer reading is not the actual mileage, the clerk shall enter 2067
the phrase "nonactual: warning - odometer discrepancy" following 2068
the mileage designation. The clerk shall use reasonable care in 2069
transferring the information supplied by the transferor, but is 2070
not liable for any errors or omissions of the clerk or those of 2071
the clerk's deputies in the performance of the clerk's duties 2072
created by this chapter. 2073

The registrar shall prescribe an affidavit in which the 2074
transferor shall swear to the true selling price and, except as 2075
provided in this division, the true odometer reading of the motor 2076
vehicle. The registrar may prescribe an affidavit in which the 2077
seller and buyer provide information pertaining to the odometer 2078
reading of the motor vehicle in addition to that required by this 2079
section, as such information may be required by the United States 2080
secretary of transportation by rule prescribed under authority of 2081

subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 2082
2083

(2) Division (C)(1) of this section does not require the 2084
giving of information concerning the odometer and odometer reading 2085
of a motor vehicle when ownership of a motor vehicle is being 2086
transferred as a result of a bequest, under the laws of intestate 2087
succession, to a survivor pursuant to section 2106.18, 2131.12, or 2088
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 2089
beneficiaries pursuant to section 2131.13 of the Revised Code, in 2090
connection with the creation of a security interest or for a 2091
vehicle with a gross vehicle weight rating of more than sixteen 2092
thousand pounds. 2093

(D) When the transfer to the applicant was made in some other 2094
state or in interstate commerce, the clerk, except as provided in 2095
this section, shall refuse to issue any certificate of title 2096
unless the tax imposed by or pursuant to Chapter 5741. of the 2097
Revised Code based on the purchaser's county of residence has been 2098
paid as evidenced by a receipt issued by the tax commissioner, or 2099
unless the applicant submits with the application payment of the 2100
tax. Upon payment of the tax in accordance with division (E) of 2101
this section, the clerk shall issue a receipt prescribed by the 2102
registrar and agreed upon by the tax commissioner, showing payment 2103
of the tax. 2104

For receiving and disbursing such taxes paid to the clerk by 2105
a resident of the clerk's county, the clerk may retain a poundage 2106
fee of one and one one-hundredth per cent. The clerk shall not 2107
retain a poundage fee from payments of taxes by persons who do not 2108
reside in the clerk's county. 2109

A clerk, however, may retain from the taxes paid to the clerk 2110
an amount equal to the poundage fees associated with certificates 2111
of title issued by other clerks of courts of common pleas to 2112
applicants who reside in the first clerk's county. The registrar, 2113

in consultation with the tax commissioner and the clerks of the 2114
courts of common pleas, shall develop a report from the automated 2115
title processing system that informs each clerk of the amount of 2116
the poundage fees that the clerk is permitted to retain from those 2117
taxes because of certificates of title issued by the clerks of 2118
other counties to applicants who reside in the first clerk's 2119
county. 2120

When the vendor is not regularly engaged in the business of 2121
selling motor vehicles, the vendor shall not be required to 2122
purchase a vendor's license or make reports concerning those 2123
sales. 2124

(E) The clerk shall accept any payment of a tax in cash, or 2125
by cashier's check, certified check, draft, money order, or teller 2126
check issued by any insured financial institution payable to the 2127
clerk and submitted with an application for a certificate of title 2128
under division (B) or (D) of this section. The clerk also may 2129
accept payment of the tax by corporate, business, or personal 2130
check, credit card, electronic transfer or wire transfer, debit 2131
card, or any other accepted form of payment made payable to the 2132
clerk. The clerk may require bonds, guarantees, or letters of 2133
credit to ensure the collection of corporate, business, or 2134
personal checks. Any service fee charged by a third party to a 2135
clerk for the use of any form of payment may be paid by the clerk 2136
from the certificate of title administration fund created in 2137
section 325.33 of the Revised Code, or may be assessed by the 2138
clerk upon the applicant as an additional fee. Upon collection, 2139
the additional fees shall be paid by the clerk into that 2140
certificate of title administration fund. 2141

The clerk shall make a good faith effort to collect any 2142
payment of taxes due but not made because the payment was returned 2143
or dishonored, but the clerk is not personally liable for the 2144
payment of uncollected taxes or uncollected fees. The clerk shall 2145

notify the tax commissioner of any such payment of taxes that is 2146
due but not made and shall furnish the information to the 2147
commissioner that the commissioner requires. The clerk shall 2148
deduct the amount of taxes due but not paid from the clerk's 2149
periodic remittance of tax payments, in accordance with procedures 2150
agreed upon by the tax commissioner. The commissioner may collect 2151
taxes due by assessment in the manner provided in section 5739.13 2152
of the Revised Code. 2153

Any person who presents payment that is returned or 2154
dishonored for any reason is liable to the clerk for payment of a 2155
penalty over and above the amount of the taxes due. The clerk 2156
shall determine the amount of the penalty, and the penalty shall 2157
be no greater than that amount necessary to compensate the clerk 2158
for banking charges, legal fees, or other expenses incurred by the 2159
clerk in collecting the returned or dishonored payment. The 2160
remedies and procedures provided in this section are in addition 2161
to any other available civil or criminal remedies. Subsequently 2162
collected penalties, poundage fees, and title fees, less any title 2163
fee due the state, from returned or dishonored payments collected 2164
by the clerk shall be paid into the certificate of title 2165
administration fund. Subsequently collected taxes, less poundage 2166
fees, shall be sent by the clerk to the treasurer of state at the 2167
next scheduled periodic remittance of tax payments, with 2168
information as the commissioner may require. The clerk may abate 2169
all or any part of any penalty assessed under this division. 2170

(F) In the following cases, the clerk shall accept for filing 2171
an application and shall issue a certificate of title without 2172
requiring payment or evidence of payment of the tax: 2173

(1) When the purchaser is this state or any of its political 2174
subdivisions, a church, or an organization whose purchases are 2175
exempted by section 5739.02 of the Revised Code; 2176

(2) When the transaction in this state is not a retail sale 2177

as defined by section 5739.01 of the Revised Code;	2178
(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;	2179 2180 2181
(4) When the purchaser is the federal government;	2182
(5) When the motor vehicle was purchased outside this state for use outside this state;	2183 2184
(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	2185 2186 2187 2188 2189 2190
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."	2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202
(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt	2203 2204 2205 2206 2207 2208

issued by the tax commissioner showing payment of the tax. For 2209
sales of manufactured homes or mobile homes occurring on or after 2210
January 1, 2000, the applicant shall pay to the clerk an 2211
additional fee of five dollars for each certificate of title 2212
issued by the clerk for a manufactured or mobile home pursuant to 2213
division (H) of section 4505.11 of the Revised Code and for each 2214
certificate of title issued upon transfer of ownership of the 2215
home. The clerk shall credit the fee to the county certificate of 2216
title administration fund, and the fee shall be used to pay the 2217
expenses of archiving those certificates pursuant to division (A) 2218
of section 4505.08 and division (H)(3) of section 4505.11 of the 2219
Revised Code. The tax commissioner shall administer any tax on a 2220
manufactured or mobile home pursuant to Chapters 5739. and 5741. 2221
of the Revised Code. 2222

(I) Every clerk shall have the capability to transact by 2223
electronic means all procedures and transactions relating to the 2224
issuance of motor vehicle certificates of title that are described 2225
in the Revised Code as being accomplished by electronic means. 2226

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 2227
shall charge and retain fees as follows: 2228

(a) Five dollars for each certificate of title that is not 2229
applied for within thirty days after the later of the assignment 2230
or delivery of the motor vehicle described in it. The entire fee 2231
shall be retained by the clerk. 2232

(b) Fifteen dollars for each certificate of title or 2233
duplicate certificate of title including the issuance of a 2234
memorandum certificate of title, or authorization to print a 2235
non-negotiable evidence of ownership described in division (G) of 2236
section 4505.08 of the Revised Code, non-negotiable evidence of 2237
ownership printed by the clerk under division (H) of that section, 2238
and notation of any lien on a certificate of title that is applied 2239

for at the same time as the certificate of title. The clerk shall 2240
retain eleven dollars and fifty cents of that fee for each 2241
certificate of title when there is a notation of a lien or 2242
security interest on the certificate of title, twelve dollars and 2243
twenty-five cents when there is no lien or security interest noted 2244
on the certificate of title, and eleven dollars and fifty cents 2245
for each duplicate certificate of title. 2246

(c) ~~Five~~ Four dollars and fifty cents for each certificate of 2247
title with no security interest noted that is issued to a licensed 2248
motor vehicle dealer for resale purposes and, in addition, a 2249
separate fee of fifty cents. The clerk shall retain two dollars 2250
and twenty-five cents of that fee. 2251

(d) Five dollars for each memorandum certificate of title or 2252
non-negotiable evidence of ownership that is applied for 2253
separately. The clerk shall retain that entire fee. 2254

(2) The fees that are not retained by the clerk shall be paid 2255
to the registrar of motor vehicles by monthly returns, which shall 2256
be forwarded to the registrar not later than the fifth day of the 2257
month next succeeding that in which the certificate is issued or 2258
that in which the registrar is notified of a lien or cancellation 2259
of a lien. 2260

(B)(1) The registrar shall pay twenty-five cents of the 2261
amount received for each certificate of title issued to a motor 2262
vehicle dealer for resale, one dollar for certificates of title 2263
issued with a lien or security interest noted on the certificate 2264
of title, and twenty-five cents for each certificate of title with 2265
no lien or security interest noted on the certificate of title 2266
into the state bureau of motor vehicles fund established in 2267
section 4501.25 of the Revised Code. 2268

(2) Fifty cents of the amount received for each certificate 2269
of title shall be paid by the registrar as follows: 2270

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

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

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

(3) Two dollars of the amount received by the registrar under divisions (A)(1)(a), (b), and (d) of this section and one dollar

and fifty cents of the amount received by the registrar under 2303
division (A)(1)(c) of this section for each certificate of title 2304
shall be paid into the state treasury to the credit of the 2305
automated title processing fund, which is hereby created and which 2306
shall consist of moneys collected under division (B)(3) of this 2307
section and under sections 1548.10 and 4519.59 of the Revised 2308
Code. All investment earnings of the fund shall be credited to the 2309
fund. The moneys in the fund shall be used as follows: 2310

(a) Except for moneys collected under section 1548.10 of the 2311
Revised Code and as provided in division (B)(3)(c) of this 2312
section, moneys collected under division (B)(3) of this section 2313
shall be used to implement and maintain an automated title 2314
processing system for the issuance of motor vehicle, off-highway 2315
motorcycle, and all-purpose vehicle certificates of title in the 2316
offices of the clerks of the courts of common pleas. 2317

(b) Moneys collected under section 1548.10 of the Revised 2318
Code shall be used to issue marine certificates of title in the 2319
offices of the clerks of the courts of common pleas as provided in 2320
Chapter 1548. of the Revised Code. 2321

(c) Moneys collected under division (B)(3) of this section 2322
shall be used in accordance with section 4505.25 of the Revised 2323
Code to implement Sub. S.B. 59 of the 124th general assembly. 2324

(4) The registrar shall pay the fifty-cent separate fee 2325
collected from a licensed motor vehicle dealer under division 2326
(A)(1)(c) of this section into the title defect recision fund 2327
created by section 1345.52 of the Revised Code. 2328

(C)(1) The automated title processing board is hereby created 2329
consisting of the registrar or the registrar's representative, a 2330
person selected by the registrar, the president of the Ohio clerks 2331
of court association or the president's representative, and two 2332
clerks of courts of common pleas appointed by the governor. The 2333

director of budget and management or the director's designee, the 2334
chief of the division of watercraft in the department of natural 2335
resources or the chief's designee, and the tax commissioner or the 2336
commissioner's designee shall be nonvoting members of the board. 2337
The purpose of the board is to facilitate the operation and 2338
maintenance of an automated title processing system and approve 2339
the procurement of automated title processing system equipment. 2340
Voting members of the board, excluding the registrar or the 2341
registrar's representative, shall serve without compensation, but 2342
shall be reimbursed for travel and other necessary expenses 2343
incurred in the conduct of their official duties. The registrar or 2344
the registrar's representative shall receive neither compensation 2345
nor reimbursement as a board member. 2346

(2) The automated title processing board shall determine each 2347
of the following: 2348

(a) The automated title processing equipment and certificates 2349
of title requirements for each county; 2350

(b) The payment of expenses that may be incurred by the 2351
counties in implementing an automated title processing system; 2352

(c) The repayment to the counties for existing title 2353
processing equipment. 2354

(3) The registrar shall purchase, lease, or otherwise acquire 2355
any automated title processing equipment and certificates of title 2356
that the board determines are necessary from moneys in the 2357
automated title processing fund established by division (B)(3) of 2358
this section. 2359

(D) All counties shall conform to the requirements of the 2360
registrar regarding the operation of their automated title 2361
processing system for motor vehicle titles, certificates of title 2362
for off-highway motorcycles and all-purpose vehicles, and 2363
certificates of title for watercraft and outboard motors. 2364

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 date of issuance. Each application for a duplicate commercial driver's license shall be accompanied by a fee of ten dollars. 2365
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(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. 2382
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(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 2389
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the administration and enforcement of the motor vehicle and 2397
traffic laws of Ohio. 2398

~~(C) Commencing on October 1, 2009, if an application for a 2399
commercial driver's license made by a person who previously held 2400
such a license is not applied for within the period specified in 2401
section 4506.14 of the Revised Code or within seven days after the 2402
period so specified, the registrar or deputy registrar shall 2403
collect a fee of twenty dollars for the issuance of the commercial 2404
driver's license, but may waive the fee for good cause shown if 2405
the application is accompanied by supporting evidence as the 2406
registrar may require. The fee is in addition to all other fees 2407
established by this section. A deputy registrar shall retain fifty 2408
cents of the fee and shall transmit the remaining amount in 2409
accordance with division (D) of this section. 2410~~

~~(D)~~ Each deputy registrar shall transmit the fees collected 2411
under divisions (A)(1), and (B), ~~and (C)~~ of this section in the 2412
time and manner prescribed by the registrar. The registrar shall 2413
deposit all moneys received under division ~~(D)~~(C) of this section 2414
into the state highway safety fund established in section 4501.06 2415
of the Revised Code. 2416

~~(E)~~(D) Information regarding the driving record of any person 2417
holding a commercial driver's license issued by this state shall 2418
be furnished by the registrar, upon request and payment of a fee 2419
of five dollars, to the employer or prospective employer of such a 2420
person and to any insurer. 2421

Of each five-dollar fee the registrar collects under this 2422
division, the registrar shall pay two dollars into the state 2423
treasury to the credit of the state bureau of motor vehicles fund 2424
established in section 4501.25 of the Revised Code, sixty cents 2425
into the state treasury to the credit of the trauma and emergency 2426
medical services fund established in section 4513.263 of the 2427
Revised Code, sixty cents into the state treasury to the credit of 2428

the homeland security fund established in section 5502.03 of the Revised Code, thirty cents into the state treasury to the credit of the investigations fund established in section 5502.131 of the Revised Code, one dollar and twenty-five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and twenty-five cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.

Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years six months of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:

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

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

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

(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements

of a properly adjusted occupant restraining device. 2460

(2) If the permit is issued to a person who is at least 2461
sixteen years of age: 2462

(a) The permit and identification card are in the holder's 2463
immediate possession; 2464

(b) The holder is accompanied by a licensed operator who is 2465
at least twenty-one years of age, is actually occupying a seat 2466
beside the driver, and does not have a prohibited concentration of 2467
alcohol in the whole blood, blood serum or plasma, breath, or 2468
urine as provided in division (A) of section 4511.19 of the 2469
Revised Code; 2470

(c) The total number of occupants of the vehicle does not 2471
exceed the total number of occupant restraining devices originally 2472
installed in the motor vehicle by its manufacturer, and each 2473
occupant of the vehicle is wearing all of the available elements 2474
of a properly adjusted occupant restraining device. 2475

(B) The registrar or a deputy registrar, upon receiving from 2476
any person an application for a temporary instruction permit and 2477
temporary instruction permit identification card to operate a 2478
motorcycle or motorized bicycle, may issue such a permit and 2479
identification card entitling the applicant, while having the 2480
permit and identification card in the applicant's immediate 2481
possession, to drive a motorcycle under the restrictions 2482
prescribed in section 4511.53 of the Revised Code, or to drive a 2483
motorized bicycle under restrictions determined by the registrar. 2484
A temporary instruction permit and temporary instruction permit 2485
identification card to operate a motorized bicycle may be issued 2486
to a person fourteen or fifteen years old. 2487

(C) Any permit and identification card issued under this 2488
section shall be issued in the same manner as a driver's license, 2489
upon a form to be furnished by the registrar. A temporary 2490

instruction permit to drive a motor vehicle other than a 2491
commercial motor vehicle shall be valid for a period of one year. 2492

(D) Any person having in the person's possession a valid and 2493
current driver's license or motorcycle operator's license or 2494
endorsement issued to the person by another jurisdiction 2495
recognized by this state is exempt from obtaining a temporary 2496
instruction permit for a driver's license, but shall submit to the 2497
regular examination in obtaining a driver's license or motorcycle 2498
operator's endorsement in this state. 2499

(E) The registrar may adopt rules governing the use of 2500
temporary instruction permits and temporary instruction permit 2501
identification cards. 2502

(F)(1) No holder of a permit issued under division (A) of 2503
this section shall operate a motor vehicle upon a highway or any 2504
public or private property used by the public for purposes of 2505
vehicular travel or parking in violation of the conditions 2506
established under division (A) of this section. 2507

(2) Except as provided in division (F)(2) of this section, no 2508
holder of a permit that is issued under division (A) of this 2509
section and that is issued on or after July 1, 1998, and who has 2510
not attained the age of eighteen years, shall operate a motor 2511
vehicle upon a highway or any public or private property used by 2512
the public for purposes of vehicular travel or parking between the 2513
hours of midnight and six a.m. 2514

The holder of a permit issued under division (A) of this 2515
section on or after July 1, 1998, who has not attained the age of 2516
eighteen years, may operate a motor vehicle upon a highway or any 2517
public or private property used by the public for purposes of 2518
vehicular travel or parking between the hours of midnight and six 2519
a.m. if, at the time of such operation, the holder is accompanied 2520
by the holder's parent, guardian, or custodian, and the parent, 2521

guardian, or custodian holds a current valid driver's or 2522
commercial driver's license issued by this state, is actually 2523
occupying a seat beside the permit holder, and does not have a 2524
prohibited concentration of alcohol in the whole blood, blood 2525
serum or plasma, breath, or urine as provided in division (A) of 2526
section 4511.19 of the Revised Code. 2527

(G)(1) Notwithstanding any other provision of law to the 2528
contrary, no law enforcement officer shall cause the operator of a 2529
motor vehicle being operated on any street or highway to stop the 2530
motor vehicle for the sole purpose of determining whether each 2531
occupant of the motor vehicle is wearing all of the available 2532
elements of a properly adjusted occupant restraining device as 2533
required by division (A) of this section, or for the sole purpose 2534
of issuing a ticket, citation, or summons if the requirement in 2535
that division has been or is being violated, or for causing the 2536
arrest of or commencing a prosecution of a person for a violation 2537
of that requirement. 2538

(2) Notwithstanding any other provision of law to the 2539
contrary, no law enforcement officer shall cause the operator of a 2540
motor vehicle being operated on any street or highway to stop the 2541
motor vehicle for the sole purpose of determining whether a 2542
violation of division (F)(2) of this section has been or is being 2543
committed or for the sole purpose of issuing a ticket, citation, 2544
or summons for such a violation or for causing the arrest of or 2545
commencing a prosecution of a person for such violation. 2546

(H) As used in this section: 2547

(1) "Eligible adult" means any of the following: 2548

(a) An instructor of a driver training course approved by the 2549
department of public safety; 2550

(b) Any of the following persons who holds a current valid 2551
driver's or commercial driver's license issued by this state: 2552

(i) A parent, guardian, or custodian of the permit holder;	2553
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	2554 2555
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	2556 2557
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	2558 2559
Sec. 4507.23. (A) Except as provided in division (J) <u>(I)</u> of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.	2560 2561 2562
(B) Except as provided in division (J) <u>(I)</u> of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.	2563 2564 2565 2566 2567 2568 2569
(C)(1) Except as provided in divisions (E) and (J) <u>(I)</u> of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.	2570 2571 2572 2573
(2) Except as provided in division (J) <u>(I)</u> of this section, each application for a duplicate driver's license shall be accompanied by a fee of seven dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.	2574 2575 2576 2577 2578 2579
(D) Except as provided in division (J) <u>(I)</u> of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty	2580 2581 2582

cents. 2583

(E) Except as provided in division ~~(J)~~(I) of this section, 2584
each application for a driver's license or renewal of a driver's 2585
license that will be issued to a person who is less than 2586
twenty-one years of age shall be accompanied by whichever of the 2587
following fees is applicable: 2588

(1) If the person is sixteen years of age or older, but less 2589
than seventeen years of age, a fee of seven dollars and 2590
twenty-five cents; 2591

(2) If the person is seventeen years of age or older, but 2592
less than eighteen years of age, a fee of six dollars; 2593

(3) If the person is eighteen years of age or older, but less 2594
than nineteen years of age, a fee of four dollars and seventy-five 2595
cents; 2596

(4) If the person is nineteen years of age or older, but less 2597
than twenty years of age, a fee of three dollars and fifty cents; 2598

(5) If the person is twenty years of age or older, but less 2599
than twenty-one years of age, a fee of two dollars and twenty-five 2600
cents. 2601

(F) Neither the registrar nor any deputy registrar shall 2602
charge a fee in excess of one dollar and fifty cents for 2603
laminating a driver's license, motorized bicycle license, or 2604
temporary instruction permit identification cards as required by 2605
sections 4507.13 and 4511.521 of the Revised Code. A deputy 2606
registrar laminating a driver's license, motorized bicycle 2607
license, or temporary instruction permit identification cards 2608
shall retain the entire amount of the fee charged for lamination, 2609
less the actual cost to the registrar of the laminating materials 2610
used for that lamination, as specified in the contract executed by 2611
the bureau for the laminating materials and laminating equipment. 2612
The deputy registrar shall forward the amount of the cost of the 2613

laminating materials to the registrar for deposit as provided in 2614
this section. 2615

(G) Except as provided in division ~~(J)~~(I) of this section ~~and~~ 2616
~~except for the renewal of a driver's license, commencing on~~ 2617
~~October 1, 2003,~~ each transaction described in divisions (A), (B), 2618
(C), (D), and (E) of this section shall be accompanied by an 2619
additional fee of twelve dollars. ~~A transaction involving the~~ 2620
~~renewal of a driver's license with an expiration date on or after~~ 2621
~~that date shall be accompanied by an additional fee of twelve~~ 2622
~~dollars.~~ The additional fee is for the purpose of defraying the 2623
department of public safety's costs associated with the 2624
administration and enforcement of the motor vehicle and traffic 2625
laws of Ohio. 2626

(H) ~~Except as provided in division (J) of this section,~~ 2627
~~commencing on October 1, 2009, if an application for a driver's~~ 2628
~~license or motorcycle operator's endorsement made by a person who~~ 2629
~~previously held such a license is not applied for within the~~ 2630
~~period specified in section 4507.09 of the Revised Code or within~~ 2631
~~seven days after the period so specified, the registrar or deputy~~ 2632
~~registrar shall collect a fee of twenty dollars for the issuance~~ 2633
~~of the driver's license or motorcycle endorsement, but may waive~~ 2634
~~the fee for good cause shown if the application is accompanied by~~ 2635
~~supporting evidence as the registrar may require. The fee shall be~~ 2636
~~in addition to all other fees established by this section. A~~ 2637
~~deputy registrar collecting this twenty dollar fee shall retain~~ 2638
~~fifty cents and send the remaining fee to the registrar as~~ 2639
~~specified in division (I) of this section.~~ 2640

~~(I)~~ At the time and in the manner provided by section 4503.10 2641
of the Revised Code, the deputy registrar shall transmit the fees 2642
collected under divisions (A), (B), (C), (D), and (E), those 2643
portions of the fees specified in and collected under division 2644
(F), and the additional fee under ~~divisions~~ division (G) ~~and (H)~~ 2645

of this section to the registrar. The registrar shall pay two 2646
dollars and fifty cents of each fee collected under divisions (A), 2647
(B), (C)(1) and (2), (D), and (E)(1) to (4) of this section, and 2648
the entire fee collected under division (E)(5) of this section, 2649
into the state highway safety fund established in section 4501.06 2650
of the Revised Code, and such fees shall be used for the sole 2651
purpose of supporting driver licensing activities. The registrar 2652
also shall pay five dollars of each fee collected under division 2653
(C)(2) of this section and the entire fee collected under 2654
~~divisions~~ division (G) and ~~(H)~~ of this section into the state 2655
highway safety fund created in section 4501.06 of the Revised 2656
Code. The remaining fees collected by the registrar under this 2657
section shall be paid into the state bureau of motor vehicles fund 2658
established in section 4501.25 of the Revised Code. 2659

~~(J)~~(I) A disabled veteran who has a service-connected 2660
disability rated at one hundred per cent by the veterans' 2661
administration may apply to the registrar or a deputy registrar 2662
for the issuance to that veteran, without the payment of any fee 2663
prescribed in this section, of any of the following items: 2664

(1) A temporary instruction permit and examination; 2665

(2) A new, renewal, or duplicate driver's or commercial 2666
driver's license; 2667

(3) A motorcycle operator's endorsement; 2668

(4) A motorized bicycle license or duplicate thereof; 2669

(5) ~~The fee established in division (H) of this section;~~ 2670

~~(6)~~ Lamination of a driver's license, motorized bicycle 2671
license, or temporary instruction permit identification card as 2672
provided in division (F) of this section, ~~if the circumstances~~ 2673
~~specified in division (J)(6) of this section are met.~~ 2674

~~A disabled veteran whose driver's license, motorized bicycle~~ 2675

~~license, or temporary instruction permit identification card is~~ 2676
~~laminated by the registrar or deputy registrar is not required to~~ 2677
~~pay the registrar any lamination fee.~~ 2678

An application made under division ~~(J)~~(I) of this section 2679
shall be accompanied by such documentary evidence of disability as 2680
the registrar may require by rule. 2681

Sec. 4510.43. (A)(1) The director of public safety, upon 2682
consultation with the director of health and in accordance with 2683
Chapter 119. of the Revised Code, shall certify immobilizing and 2684
disabling devices and, subject to section 4510.45 of the Revised 2685
Code, shall publish and make available to the courts, without 2686
charge, a list of licensed manufacturers of ignition interlock 2687
devices and approved devices together with information about the 2688
manufacturers of the devices and where they may be obtained. The 2689
manufacturer of an immobilizing or disabling device shall pay the 2690
cost of obtaining the certification of the device to the director 2691
of public safety, and the director shall deposit the payment in 2692
the ~~drivers' treatment and intervention~~ indigent drivers alcohol 2693
treatment fund established by ~~sections 4511.19 and~~ section 2694
4511.191 of the Revised Code. 2695

(2) The director of public safety, in accordance with Chapter 2696
119. of the Revised Code, shall adopt and publish rules setting 2697
forth the requirements for obtaining the certification of an 2698
immobilizing or disabling device. The director of public safety 2699
shall not certify an immobilizing or disabling device under this 2700
section unless it meets the requirements specified and published 2701
by the director in the rules adopted pursuant to this division. A 2702
certified device may consist of an ignition interlock device, an 2703
ignition blocking device initiated by time or magnetic or 2704
electronic encoding, an activity monitor, or any other device that 2705
reasonably assures compliance with an order granting limited 2706

driving privileges. Ignition interlock devices shall be certified 2707
annually. 2708

The requirements for an immobilizing or disabling device that 2709
is an ignition interlock device shall require that the 2710
manufacturer of the device submit to the department of public 2711
safety a certificate from an independent testing laboratory 2712
indicating that the device meets or exceeds the standards of the 2713
national highway traffic safety administration, as defined in 2714
section 4511.19 of the Revised Code, that are in effect at the 2715
time of the director's decision regarding certification of the 2716
device, shall include provisions for setting a minimum and maximum 2717
calibration range, and shall include, but shall not be limited to, 2718
specifications that the device complies with all of the following: 2719

(a) It does not impede the safe operation of the vehicle. 2720

(b) It has features that make circumvention difficult and 2721
that do not interfere with the normal use of the vehicle, and the 2722
features are operating and functioning. 2723

(c) It correlates well with established measures of alcohol 2724
impairment. 2725

(d) It works accurately and reliably in an unsupervised 2726
environment. 2727

(e) It is resistant to tampering and shows evidence of 2728
tampering if tampering is attempted. 2729

(f) It is difficult to circumvent and requires premeditation 2730
to do so. 2731

(g) It minimizes inconvenience to a sober user. 2732

(h) It requires a proper, deep-lung breath sample or other 2733
accurate measure of the concentration by weight of alcohol in the 2734
breath. 2735

(i) It operates reliably over the range of automobile 2736

environments. 2737

(j) It is made by a manufacturer who is covered by product liability insurance. 2738
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(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. 2740
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(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. 2745
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(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. 2752
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(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 2765
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immobilizing or disabling device, the person may operate a motor 2768
vehicle that is owned by the person's employer only if the person 2769
is required to operate that motor vehicle in the course and scope 2770
of the offender's employment. Such a person may operate that 2771
vehicle without the installation of an immobilizing or disabling 2772
device, provided that the employer has been notified that the 2773
person has limited driving privileges and of the nature of the 2774
restriction and further provided that the person has proof of the 2775
employer's notification in the person's possession while operating 2776
the employer's vehicle for normal business duties. A motor vehicle 2777
owned by a business that is partly or entirely owned or controlled 2778
by a person with limited driving privileges is not a motor vehicle 2779
owned by an employer, for purposes of this division. 2780

Sec. 4511.108. The director of transportation shall adopt 2781
rules under Chapter 119. of the Revised Code to establish a 2782
traffic generator sign program and shall set forth in the traffic 2783
engineering manual the specifications for a uniform system of 2784
traffic generator signs and the criteria for participation in the 2785
program. ~~The department of transportation shall operate,~~ 2786
~~construct, and maintain the program.~~ The director shall establish, 2787
and may revise at any time, an annual fee to be charged for a 2788
~~qualifying private business to participate~~ participation in the 2789
traffic generator sign program. Money paid by the qualifying 2790
~~private business~~ program participants shall be ~~remitted to the~~ 2791
~~department~~ deposited into the state treasury to the credit of the 2792
highway operating fund. 2793

The director may contract with any person that applies to 2794
operate, construct, maintain, or market the traffic generator sign 2795
program. The contract may allow for a reasonable profit to be 2796
earned by the successful applicant. In awarding the contract, the 2797
director may consider the skill, expertise, prior experience, and 2798
other qualifications of each applicant. 2799

If the director determines that the department shall operate 2800
this program, all money collected from program participants shall 2801
be deposited and credited as prescribed in this section. 2802

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 2803
has the same meaning as given that term in section 4519.01 of the 2804
Revised Code. 2805

(B) No person operating a bicycle shall ride other than upon 2806
or astride the permanent and regular seat attached thereto or 2807
carry any other person upon such bicycle other than upon a firmly 2808
attached and regular seat thereon, and no person shall ride upon a 2809
bicycle other than upon such a firmly attached and regular seat. 2810

No person operating a motorcycle shall ride other than upon 2811
or astride the permanent and regular seat or saddle attached 2812
thereto, or carry any other person upon such motorcycle other than 2813
upon a firmly attached and regular seat or saddle thereon, and no 2814
person shall ride upon a motorcycle other than upon such a firmly 2815
attached and regular seat or saddle. 2816

No person shall ride upon a motorcycle that is equipped with 2817
a saddle other than while sitting astride the saddle, facing 2818
forward, with one leg on each side of the motorcycle. 2819

No person shall ride upon a motorcycle that is equipped with 2820
a seat other than while sitting upon the seat. 2821

No person operating a bicycle shall carry any package, 2822
bundle, or article that prevents the driver from keeping at least 2823
one hand upon the handle bars. 2824

No bicycle or motorcycle shall be used to carry more persons 2825
at one time than the number for which it is designed and equipped, 2826
nor shall any motorcycle be operated on a highway when the handle 2827
bars or grips are more than fifteen inches higher than the seat or 2828
saddle for the operator. 2829

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

(C)(1) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the registrar of motor vehicles pursuant to section 4507.05 of the Revised Code unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the director.

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

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

(b) While carrying a passenger;

(c) On any limited access highway.

(D) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for

carrying children and is firmly attached to the bicycle. 2861

~~(D)~~(E) Except as otherwise provided in this division, whoever 2862
violates this section is guilty of a minor misdemeanor. If, within 2863
one year of the offense, the offender previously has been 2864
convicted of or pleaded guilty to one predicate motor vehicle or 2865
traffic offense, whoever violates this section is guilty of a 2866
misdemeanor of the fourth degree. If, within one year of the 2867
offense, the offender previously has been convicted of two or more 2868
predicate motor vehicle or traffic offenses, whoever violates this 2869
section is guilty of a misdemeanor of the third degree. 2870

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 2871
roadway where there is an adjacent curb shall be stopped or parked 2872
with the right-hand wheels of the vehicle parallel with and not 2873
more than twelve inches from the right-hand curb, unless it is 2874
impossible to approach so close to the curb; in such case the stop 2875
shall be made as close to the curb as possible and only for the 2876
time necessary to discharge and receive passengers or to load or 2877
unload merchandise. Local authorities by ordinance may permit 2878
angle parking on any roadway under their jurisdiction, except that 2879
angle parking shall not be permitted on a state route within a 2880
municipal corporation unless an unoccupied roadway width of not 2881
less than twenty-five feet is available for free-moving traffic. 2882

(B) Local authorities by ordinance may permit parking of 2883
vehicles with the left-hand wheels adjacent to and within twelve 2884
inches of the left-hand curb of a one-way roadway. 2885

(C) ~~No~~ (1) Except as provided in division (C)(2) of this 2886
section, no vehicle or trackless trolley shall be stopped or 2887
parked on a road or highway with the vehicle or trackless trolley 2888
facing in a direction other than the direction of travel on that 2889
side of the road or highway. 2890

(2) The operator of a motorcycle may back the motorcycle into 2891

an angled parking space so that when the motorcycle is parked it 2892
is facing in a direction other than the direction of travel on the 2893
side of the road or highway. 2894

(D) Notwithstanding any statute or any rule, resolution, or 2895
ordinance adopted by any local authority, air compressors, 2896
tractors, trucks, and other equipment, while being used in the 2897
construction, reconstruction, installation, repair, or removal of 2898
facilities near, on, over, or under a street or highway, may stop, 2899
stand, or park where necessary in order to perform such work, 2900
provided a flagperson is on duty or warning signs or lights are 2901
displayed as may be prescribed by the director of transportation. 2902

(E) Special parking locations and privileges for persons with 2903
disabilities that limit or impair the ability to walk, also known 2904
as handicapped parking spaces or disability parking spaces, shall 2905
be provided and designated by all political subdivisions and by 2906
the state and all agencies and instrumentalities thereof at all 2907
offices and facilities, where parking is provided, whether owned, 2908
rented, or leased, and at all publicly owned parking garages. The 2909
locations shall be designated through the posting of an elevated 2910
sign, whether permanently affixed or movable, imprinted with the 2911
international symbol of access and shall be reasonably close to 2912
exits, entrances, elevators, and ramps. All elevated signs posted 2913
in accordance with this division and division (C) of section 2914
3781.111 of the Revised Code shall be mounted on a fixed or 2915
movable post, and the distance from the ground to the top edge of 2916
the sign shall measure five feet. If a new sign or a replacement 2917
sign designating a special parking location is posted on or after 2918
October 14, 1999, there also shall be affixed upon the surface of 2919
that sign or affixed next to the designating sign a notice that 2920
states the fine applicable for the offense of parking a motor 2921
vehicle in the special designated parking location if the motor 2922
vehicle is not legally entitled to be parked in that location. 2923

(F)(1) No person shall stop, stand, or park any motor vehicle 2924
at special parking locations provided under division (E) of this 2925
section or at special clearly marked parking locations provided in 2926
or on privately owned parking lots, parking garages, or other 2927
parking areas and designated in accordance with that division, 2928
unless one of the following applies: 2929

(a) The motor vehicle is being operated by or for the 2930
transport of a person with a disability that limits or impairs the 2931
ability to walk and is displaying a valid removable windshield 2932
placard or special license plates; 2933

(b) The motor vehicle is being operated by or for the 2934
transport of a handicapped person and is displaying a parking card 2935
or special handicapped license plates. 2936

(2) Any motor vehicle that is parked in a special marked 2937
parking location in violation of division (F)(1)(a) or (b) of this 2938
section may be towed or otherwise removed from the parking 2939
location by the law enforcement agency of the political 2940
subdivision in which the parking location is located. A motor 2941
vehicle that is so towed or removed shall not be released to its 2942
owner until the owner presents proof of ownership of the motor 2943
vehicle and pays all towing and storage fees normally imposed by 2944
that political subdivision for towing and storing motor vehicles. 2945
If the motor vehicle is a leased vehicle, it shall not be released 2946
to the lessee until the lessee presents proof that that person is 2947
the lessee of the motor vehicle and pays all towing and storage 2948
fees normally imposed by that political subdivision for towing and 2949
storing motor vehicles. 2950

(3) If a person is charged with a violation of division 2951
(F)(1)(a) or (b) of this section, it is an affirmative defense to 2952
the charge that the person suffered an injury not more than 2953
seventy-two hours prior to the time the person was issued the 2954
ticket or citation and that, because of the injury, the person 2955

meets at least one of the criteria contained in division (A)(1) of 2956
section 4503.44 of the Revised Code. 2957

(G) When a motor vehicle is being operated by or for the 2958
transport of a person with a disability that limits or impairs the 2959
ability to walk and is displaying a removable windshield placard 2960
or a temporary removable windshield placard or special license 2961
plates, or when a motor vehicle is being operated by or for the 2962
transport of a handicapped person and is displaying a parking card 2963
or special handicapped license plates, the motor vehicle is 2964
permitted to park for a period of two hours in excess of the legal 2965
parking period permitted by local authorities, except where local 2966
ordinances or police rules provide otherwise or where the vehicle 2967
is parked in such a manner as to be clearly a traffic hazard. 2968

(H) No owner of an office, facility, or parking garage where 2969
special parking locations are required to be designated in 2970
accordance with division (E) of this section shall fail to 2971
properly mark the special parking locations in accordance with 2972
that division or fail to maintain the markings of the special 2973
locations, including the erection and maintenance of the fixed or 2974
movable signs. 2975

(I) Nothing in this section shall be construed to require a 2976
person or organization to apply for a removable windshield placard 2977
or special license plates if the parking card or special license 2978
plates issued to the person or organization under prior law have 2979
not expired or been surrendered or revoked. 2980

(J)(1) Whoever violates division (A) or (C) of this section 2981
is guilty of a minor misdemeanor. 2982

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 2983
section is guilty of a misdemeanor and shall be punished as 2984
provided in division (J)(2)(a) and (b) of this section. Except as 2985
otherwise provided in division (J)(2)(a) of this section, an 2986

offender who violates division (F)(1)(a) or (b) of this section 2987
shall be fined not less than two hundred fifty nor more than five 2988
hundred dollars. An offender who violates division (F)(1)(a) or 2989
(b) of this section shall be fined not more than one hundred 2990
dollars if the offender, prior to sentencing, proves either of the 2991
following to the satisfaction of the court: 2992

(i) At the time of the violation of division (F)(1)(a) of 2993
this section, the offender or the person for whose transport the 2994
motor vehicle was being operated had been issued a removable 2995
windshield placard that then was valid or special license plates 2996
that then were valid but the offender or the person neglected to 2997
display the placard or license plates as described in division 2998
(F)(1)(a) of this section. 2999

(ii) At the time of the violation of division (F)(1)(b) of 3000
this section, the offender or the person for whose transport the 3001
motor vehicle was being operated had been issued a parking card 3002
that then was valid or special handicapped license plates that 3003
then were valid but the offender or the person neglected to 3004
display the card or license plates as described in division 3005
(F)(1)(b) of this section. 3006

(b) In no case shall an offender who violates division 3007
(F)(1)(a) or (b) of this section be sentenced to any term of 3008
imprisonment. 3009

An arrest or conviction for a violation of division (F)(1)(a) 3010
or (b) of this section does not constitute a criminal record and 3011
need not be reported by the person so arrested or convicted in 3012
response to any inquiries contained in any application for 3013
employment, license, or other right or privilege, or made in 3014
connection with the person's appearance as a witness. 3015

The clerk of the court shall pay every fine collected under 3016
division (J)(2) of this section to the political subdivision in 3017

which the violation occurred. Except as provided in division 3018
(J)(2) of this section, the political subdivision shall use the 3019
fine moneys it receives under division (J)(2) of this section to 3020
pay the expenses it incurs in complying with the signage and 3021
notice requirements contained in division (E) of this section. The 3022
political subdivision may use up to fifty per cent of each fine it 3023
receives under division (J)(2) of this section to pay the costs of 3024
educational, advocacy, support, and assistive technology programs 3025
for persons with disabilities, and for public improvements within 3026
the political subdivision that benefit or assist persons with 3027
disabilities, if governmental agencies or nonprofit organizations 3028
offer the programs. 3029

(3) Whoever violates division (H) of this section shall be 3030
punished as follows: 3031

(a) Except as otherwise provided in division (J)(3) of this 3032
section, the offender shall be issued a warning. 3033

(b) If the offender previously has been convicted of or 3034
pleaded guilty to a violation of division (H) of this section or 3035
of a municipal ordinance that is substantially similar to that 3036
division, the offender shall not be issued a warning but shall be 3037
fined not more than twenty-five dollars for each parking location 3038
that is not properly marked or whose markings are not properly 3039
maintained. 3040

(K) As used in this section: 3041

(1) "Handicapped person" means any person who has lost the 3042
use of one or both legs or one or both arms, who is blind, deaf, 3043
or so severely handicapped as to be unable to move without the aid 3044
of crutches or a wheelchair, or whose mobility is restricted by a 3045
permanent cardiovascular, pulmonary, or other handicapping 3046
condition. 3047

(2) "Person with a disability that limits or impairs the 3048

ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(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.

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.

(B)(1) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Division (B)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

(a) It does not restrict the vehicle operator's sight lines 3080
to the road and highway signs and signals. 3081

(b) It does not conceal the vehicle identification number. 3082

(3) Division (B)(1) of this section does not apply to a 3083
person who is driving a commercial car with an electronic device, 3084
including an antenna, electronic tolling or other transponder, 3085
camera, directional navigation device, or other similar electronic 3086
device located in the front windshield if the device meets both of 3087
the following: 3088

(a) It does not restrict the vehicle operator's sight lines 3089
to the road and highway signs and signals. 3090

(b) It is mounted not more than six inches below the upper 3091
edge of the windshield and is outside the area swept by the 3092
vehicle's windshield wipers. 3093

(C) The windshield on every motor vehicle, streetcar, and 3094
trackless trolley shall be equipped with a device for cleaning 3095
rain, snow, or other moisture from the windshield. The device 3096
shall be maintained in good working order and so constructed as to 3097
be controlled or operated by the operator of the vehicle, 3098
streetcar, or trackless trolley. 3099

(D) Whoever violates this section is guilty of a minor 3100
misdemeanor. 3101

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 3102
Revised Code: 3103

(A) "Persons" includes individuals, firms, partnerships, 3104
associations, joint stock companies, corporations, and any 3105
combinations of individuals. 3106

(B) "Motor vehicle" means motor vehicle as defined in section 3107
4501.01 of the Revised Code and also includes "all-purpose 3108
vehicle" and "off-highway motorcycle" as those terms are defined 3109

in section 4519.01 of the Revised Code. "Motor vehicle" does not 3110
include a snowmobile as defined in section 4519.01 of the Revised 3111
Code or manufactured and mobile homes. 3112

(C) "New motor vehicle" means a motor vehicle, the legal 3113
title to which has never been transferred by a manufacturer, 3114
remanufacturer, distributor, or dealer to an ultimate purchaser. 3115

(D) "Ultimate purchaser" means, with respect to any new motor 3116
vehicle, the first person, other than a dealer purchasing in the 3117
capacity of a dealer, who in good faith purchases such new motor 3118
vehicle for purposes other than resale. 3119

(E) "Business" includes any activities engaged in by any 3120
person for the object of gain, benefit, or advantage either direct 3121
or indirect. 3122

(F) "Engaging in business" means commencing, conducting, or 3123
continuing in business, or liquidating a business when the 3124
liquidator thereof holds self out to be conducting such business; 3125
making a casual sale or otherwise making transfers in the ordinary 3126
course of business when the transfers are made in connection with 3127
the disposition of all or substantially all of the transferor's 3128
assets is not engaging in business. 3129

(G) "Retail sale" or "sale at retail" means the act or 3130
attempted act of selling, bartering, exchanging, or otherwise 3131
disposing of a motor vehicle to an ultimate purchaser for use as a 3132
consumer. 3133

(H) "Retail installment contract" includes any contract in 3134
the form of a note, chattel mortgage, conditional sales contract, 3135
lease, agreement, or other instrument payable in one or more 3136
installments over a period of time and arising out of the retail 3137
sale of a motor vehicle. 3138

(I) "Farm machinery" means all machines and tools used in the 3139
production, harvesting, and care of farm products. 3140

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

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

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

(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other

valuable consideration, but does not mean any public officer 3173
performing official duties. 3174

(O) "Casual sale" means any transfer of a motor vehicle by a 3175
person other than a new motor vehicle dealer, used motor vehicle 3176
dealer, motor vehicle salvage dealer, as defined in division (A) 3177
of section 4738.01 of the Revised Code, salesperson, motor vehicle 3178
auction owner, manufacturer, or distributor acting in the capacity 3179
of a dealer, salesperson, auction owner, manufacturer, or 3180
distributor, to a person who purchases the motor vehicle for use 3181
as a consumer. 3182

(P) "Motor vehicle show" means a display of current models of 3183
motor vehicles whereby the primary purpose is the exhibition of 3184
competitive makes and models in order to provide the general 3185
public the opportunity to review and inspect various makes and 3186
models of motor vehicles at a single location. 3187

(Q) "Motor vehicle auction owner" means any person who is 3188
engaged wholly or in part in the business of auctioning motor 3189
vehicles, but does not mean a construction equipment auctioneer or 3190
a construction equipment auction licensee. 3191

(R) "Manufacturer" means a person who manufactures, 3192
assembles, or imports motor vehicles, including motor homes, but 3193
does not mean a person who only assembles or installs a body, 3194
special equipment unit, finishing trim, or accessories on a motor 3195
vehicle chassis supplied by a manufacturer or distributor. 3196

(S) "Tent-type fold-out camping trailer" means any vehicle 3197
intended to be used, when stationary, as a temporary shelter with 3198
living and sleeping facilities, and that is subject to the 3199
following properties and limitations: 3200

(1) A minimum of twenty-five per cent of the fold-out portion 3201
of the top and sidewalls combined must be constructed of canvas, 3202
vinyl, or other fabric, and form an integral part of the shelter. 3203

(2) When folded, the unit must not exceed:	3204
(a) Fifteen feet in length, exclusive of bumper and tongue;	3205
(b) Sixty inches in height from the point of contact with the ground;	3206 3207
(c) Eight feet in width;	3208
(d) One ton gross weight at time of sale.	3209
(T) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.	3210 3211 3212 3213 3214 3215
(U) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.	3216 3217 3218 3219
(V) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.	3220 3221 3222 3223 3224
(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.	3225 3226 3227 3228
(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.	3229 3230 3231
(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of	3232 3233

new motor vehicle dealers. 3234

(Z) "Factory representative" means a representative employed 3235
by a manufacturer, remanufacturer, or by a factory branch 3236
primarily for the purpose of promoting the sale of its motor 3237
vehicles, parts, or accessories to dealers or for supervising or 3238
contacting its dealers or prospective dealers. 3239

(AA) "Administrative or executive management" means those 3240
individuals who are not subject to federal wage and hour laws. 3241

(BB) "Good faith" means honesty in the conduct or transaction 3242
concerned and the observance of reasonable commercial standards of 3243
fair dealing in the trade as is defined in division (S) of section 3244
1301.01 of the Revised Code, including, but not limited to, the 3245
duty to act in a fair and equitable manner so as to guarantee 3246
freedom from coercion, intimidation, or threats of coercion or 3247
intimidation; provided however, that recommendation, endorsement, 3248
exposition, persuasion, urging, or argument shall not be 3249
considered to constitute a lack of good faith. 3250

(CC) "Coerce" means to compel or attempt to compel by failing 3251
to act in good faith or by threat of economic harm, breach of 3252
contract, or other adverse consequences. Coerce does not mean to 3253
argue, urge, recommend, or persuade. 3254

(DD) "Relevant market area" means any area within a radius of 3255
ten miles from the site of a potential new dealership, except that 3256
for manufactured home or recreational vehicle dealerships the 3257
radius shall be twenty-five miles. The ten-mile radius shall be 3258
measured from the dealer's established place of business that is 3259
used exclusively for the purpose of selling, displaying, offering 3260
for sale, or dealing in motor vehicles. 3261

(EE) "Wholesale" or "at wholesale" means the act or attempted 3262
act of selling, bartering, exchanging, or otherwise disposing of a 3263
motor vehicle to a transferee for the purpose of resale and not 3264

for ultimate consumption by that transferee. 3265

(FF) "Motor vehicle wholesaler" means any person licensed as 3266
a dealer under the laws of another state and engaged in the 3267
business of selling, displaying, or offering for sale used motor 3268
vehicles, at wholesale, but does not mean any motor vehicle dealer 3269
as defined in this section. 3270

(GG)(1) "Remanufacturer" means a person who assembles or 3271
installs passenger seating, walls, a roof elevation, or a body 3272
extension on a conversion van with the motor vehicle chassis 3273
supplied by a manufacturer or distributor, a person who modifies a 3274
truck chassis supplied by a manufacturer or distributor for use as 3275
a public safety or public service vehicle, a person who modifies a 3276
motor vehicle chassis supplied by a manufacturer or distributor 3277
for use as a limousine or hearse, or a person who modifies an 3278
incomplete motor vehicle cab and chassis supplied by a new motor 3279
vehicle dealer or distributor for use as a tow truck, but does not 3280
mean either of the following: 3281

(a) A person who assembles or installs passenger seating, a 3282
roof elevation, or a body extension on a recreational vehicle as 3283
defined in division (Q) and referred to in division (B) of section 3284
4501.01 of the Revised Code; 3285

(b) A person who assembles or installs special equipment or 3286
accessories for handicapped persons, as defined in section 4503.44 3287
of the Revised Code, upon a motor vehicle chassis supplied by a 3288
manufacturer or distributor. 3289

(2) For the purposes of division (GG)(1) of this section, 3290
"public safety vehicle or public service vehicle" means a fire 3291
truck, ambulance, school bus, street sweeper, garbage packing 3292
truck, or cement mixer, or a mobile self-contained facility 3293
vehicle. 3294

(3) For the purposes of division (GG)(1) of this section, 3295

"limousine" means a motor vehicle, designed only for the purpose 3296
of carrying nine or fewer passengers, that a person modifies by 3297
cutting the original chassis, lengthening the wheelbase by forty 3298
inches or more, and reinforcing the chassis in such a way that all 3299
modifications comply with all applicable federal motor vehicle 3300
safety standards. No person shall qualify as or be deemed to be a 3301
remanufacturer who produces limousines unless the person has a 3302
written agreement with the manufacturer of the chassis the person 3303
utilizes to produce the limousines to complete properly the 3304
remanufacture of the chassis into limousines. 3305

(4) For the purposes of division (GG)(1) of this section, 3306
"hearse" means a motor vehicle, designed only for the purpose of 3307
transporting a single casket, that is equipped with a compartment 3308
designed specifically to carry a single casket that a person 3309
modifies by cutting the original chassis, lengthening the 3310
wheelbase by ten inches or more, and reinforcing the chassis in 3311
such a way that all modifications comply with all applicable 3312
federal motor vehicle safety standards. No person shall qualify as 3313
or be deemed to be a remanufacturer who produces hearses unless 3314
the person has a written agreement with the manufacturer of the 3315
chassis the person utilizes to produce the hearses to complete 3316
properly the remanufacture of the chassis into hearses. 3317

(5) For the purposes of division (GG)(1) of this section, 3318
"mobile self-contained facility vehicle" means a mobile classroom 3319
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 3320
testing laboratory, and mobile display vehicle, each of which is 3321
designed for purposes other than for passenger transportation and 3322
other than the transportation or displacement of cargo, freight, 3323
materials, or merchandise. A vehicle is remanufactured into a 3324
mobile self-contained facility vehicle in part by the addition of 3325
insulation to the body shell, and installation of all of the 3326
following: a generator, electrical wiring, plumbing, holding 3327

tanks, doors, windows, cabinets, shelving, and heating, 3328
ventilating, and air conditioning systems. 3329

(6) For the purposes of division (GG)(1) of this section, 3330
"tow truck" means both of the following: 3331

(a) An incomplete cab and chassis that are purchased by a 3332
remanufacturer from a new motor vehicle dealer or distributor of 3333
the cab and chassis and on which the remanufacturer then installs 3334
in a permanent manner a wrecker body it purchases from a 3335
manufacturer or distributor of wrecker bodies, installs an 3336
emergency flashing light pylon and emergency lights upon the mast 3337
of the wrecker body or rooftop, and installs such other related 3338
accessories and equipment, including push bumpers, front grille 3339
guards with pads and other custom-ordered items such as painting, 3340
special lettering, and safety striping so as to create a complete 3341
motor vehicle capable of lifting and towing another motor vehicle. 3342

(b) An incomplete cab and chassis that are purchased by a 3343
remanufacturer from a new motor vehicle dealer or distributor of 3344
the cab and chassis and on which the remanufacturer then installs 3345
in a permanent manner a car carrier body it purchases from a 3346
manufacturer or distributor of car carrier bodies, installs an 3347
emergency flashing light pylon and emergency lights upon the 3348
rooftop, and installs such other related accessories and 3349
equipment, including push bumpers, front grille guards with pads 3350
and other custom-ordered items such as painting, special 3351
lettering, and safety striping. 3352

As used in division (GG)(6)(b) of this section, "car carrier 3353
body" means a mechanical or hydraulic apparatus capable of lifting 3354
and holding a motor vehicle on a flat level surface so that one or 3355
more motor vehicles can be transported, once the car carrier is 3356
permanently installed upon an incomplete cab and chassis. 3357

(HH) "Operating as a new motor vehicle dealership" means 3358

engaging in activities such as displaying, offering for sale, and 3359
selling new motor vehicles at retail, operating a service facility 3360
to perform repairs and maintenance on motor vehicles, offering for 3361
sale and selling motor vehicle parts at retail, and conducting all 3362
other acts that are usual and customary to the operation of a new 3363
motor vehicle dealership. For the purposes of this chapter only, 3364
possession of either a valid new motor vehicle dealer franchise 3365
agreement or a new motor vehicle dealers license, or both of these 3366
items, is not evidence that a person is operating as a new motor 3367
vehicle dealership. 3368

(II) "Outdoor power equipment" means garden and small utility 3369
tractors, walk-behind and riding mowers, chainsaws, and tillers. 3370

(JJ) "Remote service facility" means premises that are 3371
separate from a licensed new motor vehicle dealer's sales facility 3372
by not more than one mile and that are used by the dealer to 3373
perform repairs, warranty work, recall work, and maintenance on 3374
motor vehicles pursuant to a franchise agreement entered into with 3375
a manufacturer of motor vehicles. A remote service facility shall 3376
be deemed to be part of the franchise agreement and is subject to 3377
all the rights, duties, obligations, and requirements of Chapter 3378
4517. of the Revised Code that relate to the performance of motor 3379
vehicle repairs, warranty work, recall work, and maintenance work 3380
by new motor vehicle dealers. 3381

(KK) "Recreational vehicle" has the same meaning as in 3382
section 4501.01 of the Revised Code. 3383

(LL) "Construction equipment auctioneer" means a person who 3384
holds both a valid auctioneer's license issued under Chapter 4707. 3385
of the Revised Code and a valid construction equipment auction 3386
license issued under this chapter. 3387

(MM) "Large construction or transportation equipment" means 3388
vehicles having a gross vehicle weight rating of more than ten 3389

thousand pounds and includes road rollers, traction engines, power 3390
shovels, power cranes, commercial cars and trucks, or farm trucks, 3391
and other similar vehicles obtained primarily from the 3392
construction, mining, transportation or farming industries. 3393

Sec. 4517.02. (A) Except as otherwise provided in this 3394
section, no person shall do any of the following: 3395

(1) Engage in the business of displaying or selling at retail 3396
new motor vehicles or assume to engage in that business, unless 3397
the person is licensed as a new motor vehicle dealer under 3398
sections 4517.01 to 4517.45 of the Revised Code, or is a 3399
salesperson licensed under those sections and employed by a 3400
licensed new motor vehicle dealer; 3401

(2) Engage in the business of offering for sale, displaying 3402
for sale, or selling at retail or wholesale used motor vehicles or 3403
assume to engage in that business, unless the person is licensed 3404
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 3405
~~or~~ is a salesperson licensed under those sections and employed by 3406
a licensed used motor vehicle dealer or licensed new motor vehicle 3407
dealer, or the person holds a construction equipment auction 3408
license issued under section 4517.17 of the Revised Code; 3409

(3) Engage in the business of regularly making available, 3410
offering to make available, or arranging for another person to use 3411
a motor vehicle, in the manner described in division (M) of 3412
section 4517.01 of the Revised Code, unless the person is licensed 3413
as a motor vehicle leasing dealer under sections 4517.01 to 3414
4517.45 of the Revised Code; 3415

(4) Engage in the business of motor vehicle auctioning or 3416
assume to engage in that business, unless the person is licensed 3417
as a motor vehicle auction owner under sections 4517.01 to 4517.45 3418
of the Revised Code and the person uses an auctioneer who is 3419
licensed under Chapter 4707. of the Revised Code to conduct the 3420

motor vehicle auctions or the person holds a construction 3421
equipment auction license issued under section 4517.17 of the 3422
Revised Code; 3423

(5) Engage in the business of distributing motor vehicles or 3424
assume to engage in that business, unless the person is licensed 3425
as a distributor under sections 4517.01 to 4517.45 of the Revised 3426
Code; 3427

(6) Make more than five casual sales of motor vehicles in a 3428
twelve-month period, commencing with the day of the month in which 3429
the first such sale is made, nor provide a location or space for 3430
the sale of motor vehicles at a flea market, without obtaining a 3431
license as a dealer under sections 4517.01 to 4517.45 of the 3432
Revised Code, provided that nothing in this section shall be 3433
construed to prohibit the disposition without a license of a motor 3434
vehicle originally acquired and held for purposes other than sale, 3435
rental, or lease to an employee, retiree, officer, or director of 3436
the person making the disposition, to a corporation affiliated 3437
with the person making the disposition, or to a person licensed 3438
under sections 4517.01 to 4517.45 of the Revised Code; 3439

(7) Engage in the business of auctioning large construction 3440
or transportation equipment and motor vehicles incident thereto, 3441
unless the person is a construction equipment auctioneer or the 3442
person is licensed as a motor vehicle auction owner and the person 3443
uses an auctioneer who is licensed under Chapter 4707. of the 3444
Revised Code to conduct the auction. 3445

(B) Nothing in this section shall be construed to require an 3446
auctioneer licensed under sections 4707.01 to 4707.19 of the 3447
Revised Code, to obtain a motor vehicle salesperson's license 3448
under sections 4517.01 to 4517.45 of the Revised Code when 3449
conducting an auction sale for a licensed motor vehicle dealer on 3450
the dealer's premises, or when conducting an auction sale for a 3451
licensed motor vehicle auction owner; nor shall such an auctioneer 3452

be required to obtain a motor vehicle auction owner's license 3453
under sections 4517.01 to 4517.45 of the Revised Code when engaged 3454
in auctioning for a licensed motor vehicle auction owner. 3455

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 3456
apply to any of the following: 3457

(1) Persons engaging in the business of selling commercial 3458
tractors, trailers, or semitrailers incidentally to engaging 3459
primarily in business other than the selling or leasing of motor 3460
vehicles; 3461

(2) Mortgagees selling at retail only those motor vehicles 3462
that have come into their possession by a default in the terms of 3463
a mortgage contract; 3464

(3) The leasing, rental, and interchange of motor vehicles 3465
used directly in the rendition of a public utility service by 3466
regulated motor carriers. 3467

(D) When a partnership licensed under sections 4517.01 to 3468
4517.45 of the Revised Code is dissolved by death, the surviving 3469
partners may operate under the license for a period of sixty days, 3470
and the heirs or representatives of deceased persons and receivers 3471
or trustees in bankruptcy appointed by any competent authority may 3472
operate under the license of the person succeeded in possession by 3473
that heir, representative, receiver, or trustee in bankruptcy. 3474

(E) No remanufacturer shall engage in the business of selling 3475
at retail any new motor vehicle without having written authority 3476
from the manufacturer or distributor of the vehicle to sell new 3477
motor vehicles and to perform repairs under the terms of the 3478
manufacturer's or distributor's new motor vehicle warranty, 3479
unless, at the time of the sale of the vehicle, each customer is 3480
furnished with a binding agreement ensuring that the customer has 3481
the right to have the vehicle serviced or repaired by a new motor 3482
vehicle dealer who is franchised to sell and service vehicles of 3483

the same line-make as the chassis of the remanufactured vehicle 3484
purchased by the customer and whose service or repair facility is 3485
located within either twenty miles of the remanufacturer's 3486
location and place of business or twenty miles of the customer's 3487
residence or place of business. If there is no such new motor 3488
vehicle dealer located within twenty miles of the remanufacturer's 3489
location and place of business or the customer's residence or 3490
place of business, the binding agreement furnished to the customer 3491
may be with the new motor vehicle dealer who is franchised to sell 3492
and service vehicles of the same line-make as the chassis of the 3493
remanufactured vehicle purchased by the customer and whose service 3494
or repair facility is located nearest to the remanufacturer's 3495
location and place of business or the customer's residence or 3496
place of business. Additionally, at the time of sale of any 3497
vehicle, each customer of the remanufacturer shall be furnished 3498
with a warranty issued by the remanufacturer for a term of at 3499
least one year. 3500

(F) Except as otherwise provided in this division, whoever 3501
violates this section is guilty of a minor misdemeanor and shall 3502
be subject to a mandatory fine of one hundred dollars. If the 3503
offender previously has been convicted of or pleaded guilty to a 3504
violation of this section, whoever violates this section is guilty 3505
of a misdemeanor of the first degree and shall be subject to a 3506
mandatory fine of one thousand dollars. 3507

Sec. 4517.16. A person is eligible for a construction 3508
equipment auction license under section 4517.17 of the Revised 3509
Code if the person meets all of the following requirements: 3510

(A) Maintains a primary permanent auction site within this 3511
state that is at least ninety acres in size and maintains over 3512
sixty thousand square feet of total facility space; 3513

(B) Is engaged primarily in the business of selling large 3514

construction and transportation equipment at auction, receives 3515
more than one million dollars in gross annual sales in this state, 3516
and derives not more than ten per cent of the person's gross 3517
annual sales revenue from the sale of motor vehicles having a 3518
gross vehicle weight rating of ten thousand pounds or less to 3519
buyers domiciled or having their principal place of business in 3520
Ohio. 3521

Sec. 4517.17. (A) Each person applying for a construction 3522
equipment auction license shall make out and deliver an 3523
application to the registrar of motor vehicles, upon a form 3524
furnished by the registrar for that purpose. The application shall 3525
be signed and sworn to by the applicant and shall include such 3526
information as the registrar may require by rule. 3527

(B) The registrar shall issue a construction equipment 3528
auction license to any applicant who meets the requirements of 3529
this section and section 4517.16 of the Revised Code and pays the 3530
fee required by this section. 3531

(C) A construction equipment auction license shall expire 3532
five years after the date of issuance unless sooner revoked. The 3533
fee for a construction equipment auction license shall be seven 3534
thousand five hundred dollars and shall accompany the application. 3535
The registrar shall deposit all fees received under this section 3536
into the state treasury to the credit of the state bureau of motor 3537
vehicles fund established by section 4501.25 of the Revised Code. 3538

(D) In accordance with Chapter 119. of the Revised Code, the 3539
registrar shall adopt rules necessary for the regulation of 3540
construction equipment auction sales and licensees. 3541

(E) At the time the registrar grants the application of any 3542
person for a construction equipment auction license, the registrar 3543
shall issue to the person a license, which shall include the name 3544
and post-office address of the person licensed. 3545

(F) The business records of a construction equipment auction licensee shall be open for reasonable inspection by the registrar or the registrar's authorized agent. 3546
3547
3548

(G) Each construction equipment auction licensee shall keep the license, or a certified copy of the license, posted in a conspicuous place in each place of its business. 3549
3550
3551

Sec. 4517.171. (A) The registrar of motor vehicles shall deny the application of any person for a construction equipment auction license or may revoke a license previously issued if the registrar finds that the person: 3552
3553
3554
3555

(1) Is not eligible for the license pursuant to section 4517.16 of the Revised Code; 3556
3557

(2) Has made any false statement of a material fact in the application; 3558
3559

(3) Is of bad business repute or has habitually defaulted on financial obligations; 3560
3561

(4) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in auctions, vehicles, or equipment; 3562
3563

(5) Is insolvent; 3564

(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. 3565
3566
3567
3568
3569

(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. 3570
3571
3572
3573

Sec. 4517.18. (A) A construction equipment auction licensee 3574

may sell at auction large construction or transportation equipment 3575
and shall do all of the following: 3576

(1) Have title present for all vehicles to be sold by 3577
auction; 3578

(2) Except as provided in division (B) of this section, sell, 3579
at auction, only vehicles with a gross vehicle weight rating of 3580
more than ten thousand pounds; 3581

(3) File with the bureau of motor vehicles on an annual basis 3582
a certification stating the gross proceeds generated from auctions 3583
held at the auction site during the prior calendar year and the 3584
gross proceeds generated from the sale of motor vehicles having a 3585
gross vehicle weight rating of ten thousand pounds or less during 3586
such year. 3587

(B)(1) A construction equipment auctioneer may sell, at 3588
auction, motor vehicles having a gross vehicle weight rating of 3589
ten thousand pounds or less, only if the construction equipment 3590
auctioneer complies with all applicable provisions of Chapter 3591
4505. of the Revised Code concerning the titling of such vehicles, 3592
Chapter 5739. of the Revised Code concerning the withholding and 3593
payment of sales taxes in connection with the sale of such motor 3594
vehicles, and Chapter 5751. of the Revised Code concerning the 3595
payment of commercial activity taxes on the sale of such motor 3596
vehicles in the same manner as a motor vehicle dealer, including 3597
transferring title to such vehicles to the licensee's name prior 3598
to the auction. 3599

(2) A construction equipment auction licensee who sells motor 3600
vehicles having a gross vehicle weight rating of ten thousand 3601
pounds or less is not required to comply with section 4517.03, 3602
4517.20, 4517.21, or 4517.22 of the Revised Code, or any 3603
provisions of the Ohio Administrative Code adopted pursuant to 3604
such provisions. 3605

(C) No construction equipment auction licensee shall do any 3606
of the following: 3607

(1) Sell vehicles with a manufacturer's statement of origin 3608
only unless authorized by the vehicle manufacturer; 3609

(2) Hold any additional motor vehicle dealer licenses issued 3610
by this state at the same time as holding a construction equipment 3611
auction license; 3612

(3) Sell at auction a motor vehicle having a gross vehicle 3613
weight rating of ten thousand pounds or less unless the owner of 3614
such motor vehicle also sells large construction or transportation 3615
equipment through the construction equipment auction licensee; 3616

(4) Hold more than seven auctions per year at the permanent 3617
auction site, at which large construction or transportation 3618
equipment is offered for sale. 3619

(D) Whoever violates this section is guilty of a minor 3620
misdemeanor on a first offense and a misdemeanor of the fourth 3621
degree on subsequent offenses. In addition, the court shall impose 3622
on the offender a fine of up to ten thousand dollars. 3623

Sec. 4517.33. The motor vehicle dealers board shall hear 3624
appeals which may be taken from an order of the registrar of motor 3625
vehicles, refusing to issue a license. All appeals from any order 3626
of the registrar refusing to issue any license upon proper 3627
application must be taken within thirty days from the date of the 3628
order, or the order is final and conclusive. All appeals from 3629
orders of the registrar must be by petition in writing and 3630
verified under oath by the applicant whose application for license 3631
has been denied, and must set forth the reason for the appeal and 3632
the reason why, in the petitioner's opinion, the order of the 3633
registrar is not correct. In such appeals the board may make 3634
investigation to determine the correctness and legality of the 3635

order of the registrar. 3636

The board may make rules governing its actions relative to 3637
the suspension and revocation of dealers', motor vehicle leasing 3638
dealers', distributors', auction owners', ~~and~~ salespersons', and 3639
construction equipment auction licenses, and may, upon its own 3640
motion, and shall, upon the verified complaint in writing of any 3641
person, investigate the conduct of any licensee under sections 3642
4517.01 to 4517.65 of the Revised Code. The board shall suspend or 3643
revoke or notify the registrar to refuse to renew any dealer's, 3644
motor vehicle leasing dealer's, distributor's, auction owner's, ~~or~~ 3645
salesperson's, or construction equipment auction license, if any 3646
ground existed upon which the license might have been refused, or 3647
if a ground exists that would be cause for refusal to issue a 3648
license. 3649

The board may suspend or revoke any license if the licensee 3650
has in any manner violated the rules issued pursuant to sections 3651
4517.01 to 4517.65 of the Revised Code, or has violated section 3652
4501.02 of the Revised Code, or has been convicted of committing a 3653
felony or violating any law that in any way relates to the 3654
selling, taxing, licensing, or regulation of sales of motor 3655
vehicles. 3656

Sec. 4582.12. (A)(1) Except as otherwise provided in division 3657
(E) of section 307.671 of the Revised Code, division (A) of this 3658
section does not apply to a port authority educational and 3659
cultural facility acquired, constructed, and equipped pursuant to 3660
a cooperative agreement entered into under section 307.671 of the 3661
Revised Code. 3662

(2)(a) Except as provided in division (C) of this section, 3663
when the cost of a contract for the construction of any building, 3664
structure, or other improvement undertaken by a port authority 3665
involves an expenditure exceeding ~~twenty-five~~ the higher of one 3666

hundred thousand dollars or the amount as adjusted under division 3667
(A)(2)(b) of this section and the port authority is the 3668
contracting entity, the port authority shall make a written 3669
contract after notice calling for bids for the award of the 3670
contract has been given by publication twice, with at least seven 3671
days between publications, in a newspaper of general circulation 3672
in the area of the jurisdiction of the port authority. Each such 3673
contract shall be let to the lowest responsive and responsible 3674
bidder in accordance with section 9.312 of the Revised Code. Every 3675
contract let shall be in writing and if the contract involves work 3676
or construction, it shall be accompanied by or shall refer to 3677
plans and specifications for the work to be done, prepared for and 3678
approved by the port authority, signed by an authorized officer of 3679
the port authority and by the contractor, and shall be executed in 3680
triplicate. 3681

Each bid shall be awarded in accordance with sections 153.54, 3682
153.57, and 153.571 of the Revised Code. 3683

The port authority may reject any and all bids. 3684

(b) On January 1, 2012, and the first day of January of every 3685
even-numbered year thereafter, the director of commerce shall 3686
adjust the threshold level for contracts subject to the bidding 3687
requirements contained in division (A)(2)(a) of this section. The 3688
director shall adjust this amount according to the average 3689
increase for each of the two years immediately preceding the 3690
adjustment as set forth in the producer price index for material 3691
and supply inputs for new nonresidential construction as 3692
determined by the bureau of labor statistics of the United States 3693
department of labor or, if that index no longer is published, a 3694
generally available comparable index. If there is no resulting 3695
increase, the threshold shall remain the same until the next 3696
scheduled adjustment on the first day of January of the next 3697
even-numbered year. 3698

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

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

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

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

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

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

(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a

contract for the improvement to the proposer making the proposal 3730
considered to be the most advantageous to the port authority. 3731

(2) If a contract is to be negotiated and awarded without 3732
competitive bidding for the reason set forth in division (B)(4) of 3733
this section, any construction activities related to the 3734
incorporation of the material into the improvement also may be 3735
provided without competitive bidding by the source or supplier of 3736
that material. 3737

(D) No contract for the construction or repair of any 3738
building, structure, or other improvement and no loan agreement 3739
for the borrowing of funds for any such improvement undertaken by 3740
a port authority, where the port authority is the contracting 3741
entity, shall be executed unless laborers and mechanics employed 3742
on such improvements are paid at the prevailing rates of wages of 3743
laborers and mechanics for the class of work called for by the 3744
improvement. The wages shall be determined in accordance with the 3745
requirements of Chapter 4115. of the Revised Code for the 3746
determination of prevailing wage rates, provided that the 3747
requirements of this section do not apply where the federal 3748
government or any of its agencies furnishes by loan or grant all 3749
or any part of the funds used in connection with such project and 3750
prescribes predetermined minimum wages to be paid to the laborers 3751
and mechanics. 3752

Sec. 4582.31. (A) A port authority created in accordance with 3753
section 4582.22 of the Revised Code may: 3754

(1) Adopt bylaws for the regulation of its affairs and the 3755
conduct of its business; 3756

(2) Adopt an official seal; 3757

(3) Maintain a principal office within its jurisdiction, and 3758
maintain such branch offices as it may require; 3759

(4) Acquire, construct, furnish, equip, maintain, repair, 3760
sell, exchange, lease to or from, or lease with an option to 3761
purchase, convey other interests in real or personal property, or 3762
any combination thereof, related to, useful for, or in furtherance 3763
of any authorized purpose and operate any property in connection 3764
with transportation, recreational, governmental operations, or 3765
cultural activities; 3766

(5) Straigten, deepen, and improve any channel, river, 3767
stream, or other water course or way which may be necessary or 3768
proper in the development of the facilities of a port authority; 3769

(6) Make available the use or services of any port authority 3770
facility to one or more persons, one or more governmental 3771
agencies, or any combination thereof; 3772

(7) Issue bonds or notes for the acquisition, construction, 3773
furnishing, or equipping of any port authority facility or other 3774
permanent improvement that a port authority is authorized to 3775
acquire, construct, furnish, or equip, in compliance with Chapter 3776
133. of the Revised Code, except that such bonds or notes may only 3777
be issued pursuant to a vote of the electors residing within the 3778
area of jurisdiction of the port authority. The net indebtedness 3779
incurred by a port authority shall never exceed two per cent of 3780
the total value of all property within the territory comprising 3781
the port authority as listed and assessed for taxation. 3782

(8) Issue port authority revenue bonds beyond the limit of 3783
bonded indebtedness provided by law, payable solely from revenues 3784
as provided in section 4582.48 of the Revised Code, for the 3785
purpose of providing funds to pay the costs of any port authority 3786
facility or facilities or parts thereof; 3787

(9) Apply to the proper authorities of the United States 3788
pursuant to appropriate law for the right to establish, operate, 3789
and maintain foreign trade zones and establish, operate, and 3790

maintain foreign trade zones and to acquire, exchange, sell, lease 3791
to or from, lease with an option to purchase, or operate 3792
facilities, land, or property therefor in accordance with the 3793
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 3794
81u; 3795

(10) Enjoy and possess the same rights, privileges, and 3796
powers granted municipal corporations under sections 721.04 to 3797
721.11 of the Revised Code; 3798

(11) Maintain such funds as it considers necessary; 3799

(12) Direct its agents or employees, when properly identified 3800
in writing, and after at least five days' written notice, to enter 3801
upon lands within the confines of its jurisdiction in order to 3802
make surveys and examinations preliminary to location and 3803
construction of works for the purposes of the port authority, 3804
without liability of the port authority or its agents or employees 3805
except for actual damage done; 3806

(13) Promote, advertise, and publicize the port authority and 3807
its facilities; provide information to shippers and other 3808
commercial interests; and appear before rate-making authorities to 3809
represent and promote the interests of the port authority; 3810

(14) Adopt rules, not in conflict with general law, it finds 3811
necessary or incidental to the performance of its duties and the 3812
execution of its powers under sections 4582.21 to 4582.54 of the 3813
Revised Code. Any such rule shall be posted at no less than five 3814
public places in the port authority, as determined by the board of 3815
directors, for a period of not fewer than fifteen days, and shall 3816
be available for public inspection at the principal office of the 3817
port authority during regular business hours. No person shall 3818
violate any lawful rule adopted and posted as provided in this 3819
division. 3820

(15) Do any of the following, in regard to any interests in 3821

any real or personal property, or any combination thereof, 3822
including, without limitation, machinery, equipment, plants, 3823
factories, offices, and other structures and facilities related 3824
to, useful for, or in furtherance of any authorized purpose, for 3825
such consideration and in such manner, consistent with Article 3826
VIII of the Ohio Constitution, as the board in its sole discretion 3827
may determine: 3828

(a) Loan moneys to any person or governmental entity for the 3829
acquisition, construction, furnishing, and equipping of the 3830
property; 3831

(b) Acquire, construct, maintain, repair, furnish, and equip 3832
the property; 3833

(c) Sell to, exchange with, lease, convey other interests in, 3834
or lease with an option to purchase the same or any lesser 3835
interest in the property to the same or any other person or 3836
governmental entity; 3837

(d) Guarantee the obligations of any person or governmental 3838
entity. 3839

A port authority may accept and hold as consideration for the 3840
conveyance of property or any interest therein such property or 3841
interests therein as the board in its discretion may determine, 3842
notwithstanding any restrictions that apply to the investment of 3843
funds by a port authority. 3844

(16) Sell, lease, or convey other interests in real and 3845
personal property, and grant easements or rights-of-way over 3846
property of the port authority. The board of directors shall 3847
specify the consideration and any terms for the sale, lease, or 3848
conveyance of other interests in real and personal property. Any 3849
determination made by the board under this division shall be 3850
conclusive. The sale, lease, or conveyance may be made without 3851
advertising and the receipt of bids. 3852

(17) Exercise the right of eminent domain to appropriate any 3853
land, rights, rights-of-way, franchises, easements, or other 3854
property, necessary or proper for any authorized purpose, pursuant 3855
to the procedure provided in sections 163.01 to 163.22 of the 3856
Revised Code, if funds equal to the appraised value of the 3857
property to be acquired as a result of such proceedings are 3858
available for that purpose. However, nothing contained in sections 3859
4582.201 to 4582.59 of the Revised Code shall authorize a port 3860
authority to take or disturb property or facilities belonging to 3861
any agency or political subdivision of this state, public utility, 3862
or common carrier, which property or facilities are necessary and 3863
convenient in the operation of the agency or political 3864
subdivision, public utility, or common carrier, unless provision 3865
is made for the restoration, relocation, or duplication of such 3866
property or facilities, or upon the election of the agency or 3867
political subdivision, public utility, or common carrier, for the 3868
payment of compensation, if any, at the sole cost of the port 3869
authority, provided that: 3870

(a) If any restoration or duplication proposed to be made 3871
under this section involves a relocation of the property or 3872
facilities, the new facilities and location shall be of at least 3873
comparable utilitarian value and effectiveness and shall not 3874
impair the ability of the public utility or common carrier to 3875
compete in its original area of operation; 3876

(b) If any restoration or duplication made under this section 3877
involves a relocation of the property or facilities, the port 3878
authority shall acquire no interest or right in or to the 3879
appropriated property or facilities, except as provided in 3880
division (0) of this section, until the relocated property or 3881
facilities are available for use and until marketable title 3882
thereto has been transferred to the public utility or common 3883
carrier. 3884

(18)(a) Make and enter into all contracts and agreements and 3885
execute all instruments necessary or incidental to the performance 3886
of its duties and the execution of its powers under sections 3887
4582.21 to 4582.59 of the Revised Code. 3888

(b)(i) Except as provided in division (A)(18)(c) of this 3889
section, when the cost of a contract for the construction of any 3890
building, structure, or other improvement undertaken by a port 3891
authority involves an expenditure exceeding ~~twenty five~~ the higher 3892
of one hundred thousand dollars or the amount as adjusted under 3893
division (A)(18)(b)(ii) of this section, and the port authority is 3894
the contracting entity, the port authority shall make a written 3895
contract after notice calling for bids for the award of the 3896
contract has been given by publication twice, with at least seven 3897
days between publications, in a newspaper of general circulation 3898
in the area of the port authority. Each such contract shall be let 3899
to the lowest responsive and responsible bidder in accordance with 3900
section 9.312 of the Revised Code. Every contract shall be 3901
accompanied by or shall refer to plans and specifications for the 3902
work to be done, prepared for and approved by the port authority, 3903
signed by an authorized officer of the port authority and by the 3904
contractor, and shall be executed in triplicate. 3905

Each bid shall be awarded in accordance with sections 153.54, 3906
153.57, and 153.571 of the Revised Code. The port authority may 3907
reject any and all bids. 3908

(ii) On January 1, 2012, and the first day of January of 3909
every even-numbered year thereafter, the director of commerce 3910
shall adjust the threshold level for contracts subject to the 3911
bidding requirements contained in division (A)(18)(b)(i) of this 3912
section. The director shall adjust this amount according to the 3913
average increase for each of the two years immediately preceding 3914
the adjustment as set forth in the producer price index for 3915
material and supply inputs for new nonresidential construction as 3916

determined by the bureau of labor statistics of the United States 3917
department of labor or, if that index no longer is published, a 3918
generally available comparable index. If there is no resulting 3919
increase, the threshold shall remain the same until the next 3920
scheduled adjustment on the first day of January of the next 3921
even-numbered year. 3922

(c) The board of directors by rule may provide criteria for 3923
the negotiation and award without competitive bidding of any 3924
contract as to which the port authority is the contracting entity 3925
for the construction of any building or structure or other 3926
improvement under any of the following circumstances: 3927

(i) There exists a real and present emergency that threatens 3928
damage or injury to persons or property of the port authority or 3929
other persons, provided that a statement specifying the nature of 3930
the emergency that is the basis for the negotiation and award of a 3931
contract without competitive bidding shall be signed by the 3932
officer of the port authority that executes that contract at the 3933
time of the contract's execution and shall be attached to the 3934
contract. 3935

(ii) A commonly recognized industry or other standard or 3936
specification does not exist and cannot objectively be articulated 3937
for the improvement. 3938

(iii) The contract is for any energy conservation measure as 3939
defined in section 307.041 of the Revised Code. 3940

(iv) With respect to material to be incorporated into the 3941
improvement, only a single source or supplier exists for the 3942
material. 3943

(v) A single bid is received by the port authority after 3944
complying with the provisions of division (A)(18)(b) of this 3945
section. 3946

(d)(i) If a contract is to be negotiated and awarded without 3947

competitive bidding for the reason set forth in division 3948
(A)(18)(c)(ii) of this section, the port authority shall publish a 3949
notice calling for technical proposals at least twice, with at 3950
least seven days between publications, in a newspaper of general 3951
circulation in the area of the port authority. After receipt of 3952
the technical proposals, the port authority may negotiate with and 3953
award a contract for the improvement to the proposer making the 3954
proposal considered to be the most advantageous to the port 3955
authority. 3956

(ii) If a contract is to be negotiated and awarded without 3957
competitive bidding for the reason set forth in division 3958
(A)(18)(c)(iv) of this section, any construction activities 3959
related to the incorporation of the material into the improvement 3960
also may be provided without competitive bidding by the source or 3961
supplier of that material. 3962

(e)(i) Any purchase, exchange, sale, lease, lease with an 3963
option to purchase, conveyance of other interests in, or other 3964
contract with a person or governmental entity that pertains to the 3965
acquisition, construction, maintenance, repair, furnishing, 3966
equipping, or operation of any real or personal property, or any 3967
combination thereof, related to, useful for, or in furtherance of 3968
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 3969
Constitution, shall be made in such manner and subject to such 3970
terms and conditions as may be determined by the board of 3971
directors in its discretion. 3972

(ii) Division (A)(18)(e)(i) of this section applies to all 3973
contracts that are subject to the division, notwithstanding any 3974
other provision of law that might otherwise apply, including, 3975
without limitation, any requirement of notice, any requirement of 3976
competitive bidding or selection, or any requirement for the 3977
provision of security. 3978

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 3979

apply to either of the following: any contract secured by or to be 3980
paid from moneys raised by taxation or the proceeds of obligations 3981
secured by a pledge of moneys raised by taxation; or any contract 3982
secured exclusively by or to be paid exclusively from the general 3983
revenues of the port authority. For the purposes of this section, 3984
any revenues derived by the port authority under a lease or other 3985
agreement that, by its terms, contemplates the use of amounts 3986
payable under the agreement either to pay the costs of the 3987
improvement that is the subject of the contract or to secure 3988
obligations of the port authority issued to finance costs of such 3989
improvement, are excluded from general revenues. 3990

(19) Employ managers, superintendents, and other employees 3991
and retain or contract with consulting engineers, financial 3992
consultants, accounting experts, architects, attorneys, and any 3993
other consultants and independent contractors as are necessary in 3994
its judgment to carry out this chapter, and fix the compensation 3995
thereof. All expenses thereof shall be payable from any available 3996
funds of the port authority or from funds appropriated for that 3997
purpose by a political subdivision creating or participating in 3998
the creation of the port authority. 3999

(20) Receive and accept from any state or federal agency 4000
grants and loans for or in aid of the construction of any port 4001
authority facility or for research and development with respect to 4002
port authority facilities, and receive and accept aid or 4003
contributions from any source of money, property, labor, or other 4004
things of value, to be held, used, and applied only for the 4005
purposes for which the grants and contributions are made; 4006

(21) Engage in research and development with respect to port 4007
authority facilities; 4008

(22) Purchase fire and extended coverage and liability 4009
insurance for any port authority facility and for the principal 4010
office and branch offices of the port authority, insurance 4011

protecting the port authority and its officers and employees 4012
against liability for damage to property or injury to or death of 4013
persons arising from its operations, and any other insurance the 4014
port authority may agree to provide under any resolution 4015
authorizing its port authority revenue bonds or in any trust 4016
agreement securing the same; 4017

(23) Charge, alter, and collect rentals and other charges for 4018
the use or services of any port authority facility as provided in 4019
section 4582.43 of the Revised Code; 4020

(24) Provide coverage for its employees under Chapters 145., 4021
4123., and 4141. of the Revised Code; 4022

(25) Do all acts necessary or proper to carry out the powers 4023
expressly granted in sections 4582.21 to 4582.59 of the Revised 4024
Code. 4025

(B) Any instrument by which real property is acquired 4026
pursuant to this section shall identify the agency of the state 4027
that has the use and benefit of the real property as specified in 4028
section 5301.012 of the Revised Code. 4029

(C) Whoever violates division (A)(14) of this section is 4030
guilty of a minor misdemeanor. 4031

Sec. 4749.031. (A) The department of public safety shall be a 4032
participating public office for purposes of the retained applicant 4033
fingerprint database established under section 109.5721 of the 4034
Revised Code. The department shall elect to participate in the 4035
continuous record monitoring service for all persons licensed or 4036
registered under this chapter. When the superintendent of the 4037
bureau of criminal identification and investigation, under section 4038
109.57 of the Revised Code, indicates that an individual in the 4039
retained applicant fingerprint database has been arrested for, 4040
convicted of, or pleaded guilty to any offense, the superintendent 4041

promptly shall notify the department either electronically or by 4042
mail that additional arrest or conviction information is 4043
available. 4044

(B) In addition to any other fees charged by the department 4045
under this chapter, an applicant for a license under section 4046
4749.03 of the Revised Code, at the time of making an initial or 4047
renewal application, shall pay any initial or annual fee charged 4048
by the superintendent pursuant to rules adopted under division (F) 4049
of section 109.5721 of the Revised Code. 4050

Sec. ~~4905.802~~ 4905.801. (A)(1) ~~All fees collected under~~ 4051
~~section 4905.801 of the Revised Code shall be credited to the~~ The 4052
radioactive waste transportation fund, ~~which~~ is hereby created in 4053
the state treasury. All investment earnings of the fund shall be 4054
credited to it. 4055

(2) Money in the radioactive waste transportation fund shall 4056
be used only for the following purposes related to the shipment of 4057
material that is subject to division (A)(1) of section 4163.07 of 4058
the Revised Code as determined by the public utilities commission: 4059

(a) State and local expenses, including inspections, escorts, 4060
security, emergency management services, and accident response; 4061

(b) Planning, coordination, education, and training of 4062
emergency response providers, law enforcement agencies, and other 4063
appropriate state or local entities; 4064

(c) Purchase and maintenance of monitoring, medical, safety, 4065
or emergency response equipment and supplies; 4066

(d) Administrative costs of the commission and other state or 4067
local entities; 4068

(e) Other similar expenses determined by the commission to be 4069
appropriate. 4070

(B)(1) The commission may adopt rules as necessary to 4071
implement ~~sections 4905.801 and 4905.802 of the Revised Code~~ this 4072
section. 4073

~~(2) In administering section 4905.801 of the Revised Code,~~ 4074
~~the commission shall work with any department or agency of~~ 4075
~~federal, state, or local government that also regulates the~~ 4076
~~shipment of material that is subject to division (A)(1) of section~~ 4077
~~4163.07 of the Revised Code.~~ 4078

~~(3)~~ Subject to division (C) of section 4163.07 of the Revised 4079
Code, the commission, consistent with national security 4080
requirements, may notify any law enforcement agency or other state 4081
or local entity affected by the shipment of material that is 4082
subject to division (A)(1) of section 4163.07 of the Revised Code 4083
that the commission considers necessary for public safety. 4084

~~(4) Not later than December 31, 2010, the commission shall~~ 4085
~~prepare and submit to both houses of the general assembly a report~~ 4086
~~on the fees received by the commission under section 4905.801 of~~ 4087
~~the Revised Code and on expenditures made from the radioactive~~ 4088
~~waste transportation fund.~~ 4089

Sec. 5501.51. (A) The state shall reimburse a utility for the 4090
cost of relocation of utility facilities necessitated by the 4091
construction of a highway project only in the event that the 4092
utility can evidence a vested interest in the nature of a fee 4093
interest, an easement interest, or a lesser estate in the real 4094
property it occupies in the event that the utility possesses a 4095
vested interest in such property. The utility shall present 4096
evidence satisfactory to the state substantiating the cost of 4097
relocation. The director may audit all financial records which the 4098
director determines necessary to verify such actual costs. 4099

(B) The director of transportation may establish and enforce 4100
such rules and procedures as ~~he~~ the director may determine to be 4101

necessary to assure consistency governing any and all aspects of 4102
the cost of utility relocations. The director may adopt such 4103
amendments to such rules as are necessary and within the 4104
guidelines of this section. 4105

(C) As used in this section: 4106

(1) ~~"Utility" includes publicly, privately, and cooperatively~~ 4107
~~owned utilities that are subject to the authority of the public~~ 4108
~~utilities commission of Ohio~~ "Actual cost" means those costs that 4109
are eligible for reimbursement in accordance with 23 C.F.R. 645. 4110

(2) "Cost of relocation" ~~includes~~ means the actual cost paid 4111
by a utility directly attributable to relocation after deducting 4112
any increase in the value of the new facility and any salvage 4113
value derived from the old facility. 4114

(3) "Utility" includes publicly, privately, and cooperatively 4115
owned utilities that are subject to the authority of the public 4116
utilities commission of Ohio. 4117

Sec. 5501.55. (A) The department of transportation is the 4118
designated state agency responsible for overseeing the safety 4119
practices of rail fixed guideway systems and the administration of 4120
49 U.S.C. 5330. The director of transportation shall develop any 4121
guidelines necessary to oversee the safety practices of rail fixed 4122
guideway systems that are consistent with the federal act and 4123
rules adopted thereunder. 4124

(B) In accordance with guidelines developed by the director, 4125
the department shall do all of the following: 4126

(1) Establish a safety program plan standard for transit 4127
agencies operating a rail fixed guideway system within the state; 4128

(2) Adopt standards for the personal security of passengers 4129
and employees of rail fixed guideway systems; 4130

(3) Review and approve or disapprove the annual internal 4131

safety audit conducted by a transit agency under section 5501.56	4132
of the Revised Code;	4133
(4) Periodically, conduct an on-site safety review of each	4134
transit agency and make recommendations based on the review of the	4135
system safety program plan;	4136
(5)(a) Establish procedures for the investigation of	4137
accidents and unacceptable hazardous conditions as defined in the	4138
guidelines developed by the director;	4139
(b) Investigate accidents and unacceptable hazardous	4140
conditions at transit agencies;	4141
(c) Approve or disapprove any plan of a transit agency to	4142
minimize, control, correct, or eliminate any investigated hazard.	4143
(6) Submit to the federal transit administration any reports	4144
or other information necessary to remain in compliance with 49	4145
U.S.C. 5330 and the rules adopted under it.	4146
(C) The department may use a contractor to act on its behalf	4147
in carrying out the duties of the Department under this section	4148
and section 5501.56 of the Revised Code and 49 U.S.C. 5330 and the	4149
rules adopted under it.	4150
(D)(1) Reports of any investigation conducted by the	4151
department, <u>a transit agency operating a rail fixed guideway</u>	4152
<u>system</u> , or a contractor acting on behalf of the department <u>or such</u>	4153
<u>a transit agency</u> are confidential and are not subject to	4154
disclosure, inspection, or copying under section 149.43 of the	4155
Revised Code. Information contained in investigative files shall	4156
be disclosed only at the discretion of the director or as	4157
otherwise provided in this section.	4158
(2) Reports of any investigation conducted by the Department	4159
<u>department, a transit agency operating a rail fixed guideway</u>	4160
<u>system</u> , or a contractor acting on behalf of the Department	4161

department or such a transit agency shall not be admitted in 4162
evidence or used for any purpose in any action or proceeding 4163
arising out of any matter referred to in the investigation, except 4164
in actions or proceedings instituted by the state or by the 4165
department on behalf of the state, nor shall any member of the 4166
department or its employees, a transit agency acting on behalf of 4167
the department, or a contractor acting on behalf of the department 4168
or such a transit agency be required to testify to any facts 4169
ascertained in, or information obtained by reason of, the person's 4170
official capacity, or to testify as an expert witness in any 4171
action or proceeding involving or pertaining to rail fixed 4172
guideway systems to which the state is not a party. 4173

(E) In accordance with the guidelines developed by the 4174
director, the department may establish such programs, procedures, 4175
and administrative mandates as may be necessary to carry out its 4176
duties under this section and section 5501.56 of the Revised Code 4177
and 49 U.S.C. 5330 and the rules adopted under it. 4178

(F) As used in this section and in section 5501.56 of the 4179
Revised Code: 4180

(1) "Rail fixed guideway system" means any light, heavy, or 4181
rapid rail system, monorail, inclined plane, funicular, trolley, 4182
or automated guideway that is included in the federal transit 4183
administration's calculation of fixed guideway route miles or 4184
receives funding for urbanized areas under 49 U.S.C. 5336 and is 4185
not regulated by the federal railroad administration. 4186

(2) "Transit agency" means an entity operating a rail fixed 4187
guideway system. 4188

Sec. 5502.011. (A) As used in this section, "department of 4189
public safety" and "department" include all divisions within the 4190
department of public safety. 4191

(B) The director of the department of public safety is the 4192
chief executive and administrative officer of the department. The 4193
director may establish policies governing the department, the 4194
performance of its employees and officers, the conduct of its 4195
business, and the custody, use, and preservation of departmental 4196
records, papers, books, documents, and property. The director also 4197
may authorize and approve investigations to be conducted by any of 4198
the department's divisions. Whenever the Revised Code imposes a 4199
duty upon or requires an action of the department, the director 4200
may perform the action or duty in the name of the department or 4201
direct such performance to be performed by the director's 4202
designee. 4203

(C) In addition to any other duties enumerated in the Revised 4204
Code, the director or the director's designee shall do all of the 4205
following: 4206

(1) Administer and direct the performance of the duties of 4207
the department; 4208

(2) Pursuant to Chapter 119. of the Revised Code, approve, 4209
adopt, and prescribe such forms and rules as are necessary to 4210
carry out the duties of the department; 4211

(3) On behalf of the department and in addition to any 4212
authority the Revised Code otherwise grants to the department, 4213
have the authority and responsibility for approving and entering 4214
into contracts, agreements, and other business arrangements; 4215

(4) Make appointments for the department as needed to comply 4216
with requirements of the Revised Code; 4217

(5) Approve employment actions of the department, including 4218
appointments, promotions, discipline, investigations, and 4219
terminations; 4220

(6) Accept, hold, and use, for the benefit of the department, 4221
any gift, donation, bequest, or devise, and may agree to and 4222

perform all conditions of the gift, donation, bequest, or devise, 4223
that are not contrary to law; 4224

(7) Apply for, allocate, disburse, and account for grants 4225
made available under federal law or from other federal, state, or 4226
private sources; 4227

(8) Do all other acts necessary or desirable to carry out 4228
this chapter. 4229

(D)(1) The director of public safety may assess a reasonable 4230
fee, plus the amount of any charge or fee passed on from a 4231
financial institution, on a drawer or indorser for each of the 4232
following: 4233

(a) A check, draft, or money order that is returned or 4234
dishonored; 4235

(b) An automatic bank transfer that is declined, due to 4236
insufficient funds or for any other reason; 4237

(c) Any financial transaction device that is returned or 4238
dishonored for any reason. 4239

(2) The director shall deposit any fee collected under this 4240
division in an appropriate fund as determined by the director 4241
based on the tax, fee, or fine being paid. 4242

(3) As used in this division, "financial transaction device" 4243
has the same meaning as in section 113.40 of the Revised Code. 4244

(E) The director shall establish a homeland security advisory 4245
council to advise the director on homeland security, including 4246
homeland security funding efforts. The advisory council shall 4247
include, but not be limited to, state and local government 4248
officials who have homeland security or emergency management 4249
responsibilities and who represent first responders. The director 4250
shall appoint the members of the council, who shall serve without 4251
compensation. 4252

(F) The director of public safety shall adopt rules in 4253
accordance with Chapter 119. of the Revised Code as required by 4254
section 2909.28 of the Revised Code and division (A)(1) of section 4255
2909.32 of the Revised Code. The director shall adopt rules as 4256
required by division (D) of section 2909.32 of the Revised Code, 4257
division (E) of section 2909.33 of the Revised Code, and division 4258
(D) of section 2909.34 of the Revised Code. The director may adopt 4259
rules pursuant to division (A)(2) of section 2909.32 of the 4260
Revised Code, division (A)(2) of section 2909.33 of the Revised 4261
Code, and division (A)(2) of section 2909.34 of the Revised Code. 4262

Sec. 5525.15. The director of transportation may provide that 4263
prior to the bid opening, the official engineer's estimate of cost 4264
of any project to be constructed by the department ~~by the taking~~ 4265
~~of bids and awarding of contracts~~ of transportation shall be 4266
confidential information ~~and so remain until after all bids on the~~ 4267
~~project have been received. The~~ After the bid opening, only the 4268
~~total amount of the official engineer's estimate then shall of~~ 4269
cost may be published. 4270

~~When the director exercises the authority conferred by this~~ 4271
~~section, all information with respect to the total estimate of~~ 4272
~~cost of the project to be built by contract and with respect to~~ 4273
The unit price components and the estimate of cost of any 4274
particular item of work involved therein shall be kept and 4275
regarded by the director and all the director's subordinates as 4276
confidential, and ~~shall~~ are not be revealed to any person not 4277
~~employed in the department, or by the United States department of~~ 4278
~~transportation in the case of projects financed in whole or part~~ 4279
~~by federal funds, until after the bids on the project have been~~ 4280
~~opened and published. Section 5517.01~~ public records for purposes 4281
of section 149.43 of the Revised Code ~~with respect to the public~~ 4282
~~inspection of estimates of cost prior to the opening of bids and~~ 4283
~~with respect to filing estimates of cost in the office of the~~ 4284

~~district deputy director of transportation does not apply when the~~ 4285
~~authority conferred by this section is exercised.~~ This section 4286
does not prohibit the department from furnishing ~~estimates unit~~ 4287
price components and the estimate of cost for any particular item 4288
of work involved therein to the federal government, counties, 4289
municipal corporations, or other local political subdivisions or 4290
to railroad or railway companies proposing to pay any portion of 4291
the cost of an improvement. Planning estimates are those estimates 4292
created for management of the capital program of the department 4293
and are public records for purposes of section 149.43 of the 4294
Revised Code. 4295

Section 5525.10 of the Revised Code, which provides that no 4296
contract for any improvement shall be awarded for a greater sum 4297
than the estimated cost thereof plus five per cent, does not apply 4298
in the case of any project with respect to which the authority 4299
conferred by this section is exercised. In cases in which the 4300
authority conferred by this section is exercised and in which the 4301
bid of the successful bidder exceeds the estimate, the director, 4302
before entering into a contract, shall determine that the bid of 4303
the successful bidder is fair and reasonable, and as long as the 4304
federal government imposes regulation on prices charged for 4305
construction service, shall require the successful bidder to 4306
certify that the bidder's bid does not exceed the maximum 4307
permitted by such federal regulation. 4308

Sec. 5577.042. (A) As used in this section: 4309

(1) "Farm machinery" has the same meaning as in section 4310
4501.01 of the Revised Code. 4311

(2) "Farm commodities" includes livestock, bulk milk, corn, 4312
soybeans, tobacco, ~~and~~ wheat, manure, turf, sod, and silage. 4313

(3) "Farm truck" means a truck used in the transportation 4314
from a farm of farm commodities when the truck is operated in 4315

accordance with this section. 4316

(4) "Forest products" includes logs, chips, sawdust, mulch, 4317
bark, pulpwood, biomass, and firewood. 4318

(5) "Log Forest product truck" means a truck used in the 4319
transportation of timber from the site of its cutting 4320
transporting 4321
forest products from the site where the forest product is 4321
harvested when the truck is operated in accordance with this 4322
section. 4323

~~(5)~~(6) "Coal truck" means a truck transporting coal from the 4324
site where it is mined when the truck is operated in accordance 4325
with this section. 4326

~~(6)~~(7) "Solid waste" has the same meaning as in section 4327
3734.01 of the Revised Code. 4328

~~(7)~~(8) "Solid waste haul vehicle" means a vehicle hauling 4329
solid waste for which a bill of lading has not been issued. 4330

(9) "Minerals" has the same meaning as in section 1514.01 of 4331
the Revised Code. 4332

(10) "Surface mining vehicle" means a truck used in the 4333
transportation of minerals from the earth or from the surface of 4334
the land by surface excavation methods when the truck is operated 4335
in accordance with this section. 4336

(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the 4337
Revised Code, ~~a coal truck transporting coal, a farm truck or farm~~ 4338
~~machinery transporting farm commodities, a log truck transporting~~ 4339
~~timber, or a solid waste haul vehicle hauling solid waste, from~~ 4340
~~the place of production to the first point of delivery where the~~ 4341
~~commodities are weighed and title to the commodities, coal, or~~ 4342
~~timber is transferred, or, in the case of solid waste, from the~~ 4343
~~place of production to the first point of delivery where the solid~~ 4344
~~waste is disposed of or title to the solid waste is transferred,~~ 4345

the following vehicles under the described conditions may exceed 4346
by no more than seven and one-half per cent the weight provisions 4347
of sections 5577.01 to 5577.09 of the Revised Code and no penalty 4348
prescribed in section 5577.99 of the Revised Code shall be 4349
imposed. ~~If a coal truck so transporting coal, a farm truck or 4350
farm machinery so transporting farm commodities, a timber truck so 4351
transporting timber, or a solid waste haul vehicle hauling solid 4352
waste,:~~ 4353

(a) A coal truck transporting coal, from the place of 4354
production to the first point of delivery where title to the coal 4355
is transferred; 4356

(b) A farm truck or farm machinery transporting farm 4357
commodities, from the place of production to the first point of 4358
delivery where the commodities are weighed and title to the 4359
commodities is transferred; 4360

(c) A forest product truck transporting forest products, from 4361
the place of production to the first point of delivery where title 4362
to the forest product is transferred; 4363

(d) A solid waste haul vehicle hauling solid waste, from the 4364
place of production to the first point of delivery where the solid 4365
waste is disposed of or title to the solid waste is transferred; 4366

(e) A surface mining vehicle transporting minerals from the 4367
place where the minerals are removed from the earth or the surface 4368
of the land to the first place where the minerals are transferred 4369
from the vehicle; 4370

(f) A vehicle transporting hot mix asphalt material from the 4371
place where the material is first mixed to the paving site where 4372
the material is discharged 4373

(2) In addition, if any of the vehicles listed in division 4374
(B)(1) of this section and operated under the conditions described 4375
in that division does not exceed by more than seven and one-half 4376

per cent the gross vehicle weight provisions of sections 5577.01 to 5577.09 of the Revised Code, no wheel or axle-load limits shall apply and no penalty prescribed in section 5577.99 of the Revised Code for a wheel or axle overload shall be imposed.

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

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

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

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

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

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

(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.

Sec. 5751.01. As used in this chapter:

(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, 4407
business trusts, estates, partnerships, limited liability 4408
partnerships, limited liability companies, associations, joint 4409
ventures, clubs, societies, for-profit corporations, S 4410
corporations, qualified subchapter S subsidiaries, qualified 4411
subchapter S trusts, trusts, entities that are disregarded for 4412
federal income tax purposes, and any other entities. 4413

(B) "Consolidated elected taxpayer" means a group of two or 4414
more persons treated as a single taxpayer for purposes of this 4415
chapter as the result of an election made under section 5751.011 4416
of the Revised Code. 4417

(C) "Combined taxpayer" means a group of two or more persons 4418
treated as a single taxpayer for purposes of this chapter under 4419
section 5751.012 of the Revised Code. 4420

(D) "Taxpayer" means any person, or any group of persons in 4421
the case of a consolidated elected taxpayer or combined taxpayer 4422
treated as one taxpayer, required to register or pay tax under 4423
this chapter. "Taxpayer" does not include excluded persons. 4424

(E) "Excluded person" means any of the following: 4425

(1) Any person with not more than one hundred fifty thousand 4426
dollars of taxable gross receipts during the calendar year. 4427
Division (E)(1) of this section does not apply to a person that is 4428
a member of a consolidated elected taxpayer; 4429

(2) A public utility that paid the excise tax imposed by 4430
section 5727.24 or 5727.30 of the Revised Code based on one or 4431
more measurement periods that include the entire tax period under 4432
this chapter, except that a public utility that is a combined 4433
company is a taxpayer with regard to the following gross receipts: 4434

(a) Taxable gross receipts directly attributed to a public 4435
utility activity, but not directly attributed to an activity that 4436
is subject to the excise tax imposed by section 5727.24 or 5727.30 4437

of the Revised Code; 4438

(b) Taxable gross receipts that cannot be directly attributed 4439
to any activity, multiplied by a fraction whose numerator is the 4440
taxable gross receipts described in division (E)(2)(a) of this 4441
section and whose denominator is the total taxable gross receipts 4442
that can be directly attributed to any activity; 4443

(c) Except for any differences resulting from the use of an 4444
accrual basis method of accounting for purposes of determining 4445
gross receipts under this chapter and the use of the cash basis 4446
method of accounting for purposes of determining gross receipts 4447
under section 5727.24 of the Revised Code, the gross receipts 4448
directly attributed to the activity of a natural gas company shall 4449
be determined in a manner consistent with division (D) of section 4450
5727.03 of the Revised Code. 4451

As used in division (E)(2) of this section, "combined 4452
company" and "public utility" have the same meanings as in section 4453
5727.01 of the Revised Code. 4454

(3) A financial institution, as defined in section 5725.01 of 4455
the Revised Code, that paid the corporation franchise tax charged 4456
by division (D) of section 5733.06 of the Revised Code based on 4457
one or more taxable years that include the entire tax period under 4458
this chapter; 4459

(4) A dealer in intangibles, as defined in section 5725.01 of 4460
the Revised Code, that paid the dealer in intangibles tax levied 4461
by division (D) of section 5707.03 of the Revised Code based on 4462
one or more measurement periods that include the entire tax period 4463
under this chapter; 4464

(5) A financial holding company as defined in the "Bank 4465
Holding Company Act," 12 U.S.C. 1841(p); 4466

(6) A bank holding company as defined in the "Bank Holding 4467
Company Act," 12 U.S.C. 1841(a); 4468

(7) A savings and loan holding company as defined in the 4469
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 4470
only in activities or investments permissible for a financial 4471
holding company under 12 U.S.C. 1843(k); 4472

(8) A person directly or indirectly owned by one or more 4473
financial institutions, financial holding companies, bank holding 4474
companies, or savings and loan holding companies described in 4475
division (E)(3), (5), (6), or (7) of this section that is engaged 4476
in activities permissible for a financial holding company under 12 4477
U.S.C. 1843(k), except that any such person held pursuant to 4478
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 4479
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 4480
directly or indirectly owned by one or more insurance companies 4481
described in division (E)(9) of this section that is authorized to 4482
do the business of insurance in this state. 4483

For the purposes of division (E)(8) of this section, a person 4484
owns another person under the following circumstances: 4485

(a) In the case of corporations issuing capital stock, one 4486
corporation owns another corporation if it owns fifty per cent or 4487
more of the other corporation's capital stock with current voting 4488
rights; 4489

(b) In the case of a limited liability company, one person 4490
owns the company if that person's membership interest, as defined 4491
in section 1705.01 of the Revised Code, is fifty per cent or more 4492
of the combined membership interests of all persons owning such 4493
interests in the company; 4494

(c) In the case of a partnership, trust, or other 4495
unincorporated business organization other than a limited 4496
liability company, one person owns the organization if, under the 4497
articles of organization or other instrument governing the affairs 4498
of the organization, that person has a beneficial interest in the 4499

organization's profits, surpluses, losses, or distributions of 4500
fifty per cent or more of the combined beneficial interests of all 4501
persons having such an interest in the organization; 4502

(d) In the case of multiple ownership, the ownership 4503
interests of more than one person may be aggregated to meet the 4504
fifty per cent ownership tests in this division only when each 4505
such owner is described in division (E)(3), (5), (6), or (7) of 4506
this section and is engaged in activities permissible for a 4507
financial holding company under 12 U.S.C. 1843(k) or is a person 4508
directly or indirectly owned by one or more insurance companies 4509
described in division (E)(9) of this section that is authorized to 4510
do the business of insurance in this state. 4511

(9) A domestic insurance company or foreign insurance 4512
company, as defined in section 5725.01 of the Revised Code, that 4513
paid the insurance company premiums tax imposed by section 5725.18 4514
or Chapter 5729. of the Revised Code based on one or more 4515
measurement periods that include the entire tax period under this 4516
chapter; 4517

(10) A person that solely facilitates or services one or more 4518
securitizations or similar transactions for any person described 4519
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 4520
For purposes of this division, "securitization" means transferring 4521
one or more assets to one or more persons and then issuing 4522
securities backed by the right to receive payment from the asset 4523
or assets so transferred. 4524

(11) Except as otherwise provided in this division, a 4525
pre-income tax trust as defined in division (FF)(4) of section 4526
5747.01 of the Revised Code and any pass-through entity of which 4527
such pre-income tax trust owns or controls, directly, indirectly, 4528
or constructively through related interests, more than five per 4529
cent of the ownership or equity interests. If the pre-income tax 4530
trust has made a qualifying pre-income tax trust election under 4531

division (FF)(3) of section 5747.01 of the Revised Code, then the 4532
trust and the pass-through entities of which it owns or controls, 4533
directly, indirectly, or constructively through related interests, 4534
more than five per cent of the ownership or equity interests, 4535
shall not be excluded persons for purposes of the tax imposed 4536
under section 5751.02 of the Revised Code. 4537

(12) Nonprofit organizations or the state and its agencies, 4538
instrumentalities, or political subdivisions. 4539

(F) Except as otherwise provided in divisions (F)(2), (3), 4540
and (4) of this section, "gross receipts" means the total amount 4541
realized by a person, without deduction for the cost of goods sold 4542
or other expenses incurred, that contributes to the production of 4543
gross income of the person, including the fair market value of any 4544
property and any services received, and any debt transferred or 4545
forgiven as consideration. 4546

(1) The following are examples of gross receipts: 4547

(a) Amounts realized from the sale, exchange, or other 4548
disposition of the taxpayer's property to or with another; 4549

(b) Amounts realized from the taxpayer's performance of 4550
services for another; 4551

(c) Amounts realized from another's use or possession of the 4552
taxpayer's property or capital; 4553

(d) Any combination of the foregoing amounts. 4554

(2) "Gross receipts" excludes the following amounts: 4555

(a) Interest income except interest on credit sales; 4556

(b) Dividends and distributions from corporations, and 4557
distributive or proportionate shares of receipts and income from a 4558
pass-through entity as defined under section 5733.04 of the 4559
Revised Code; 4560

(c) Receipts from the sale, exchange, or other disposition of 4561

an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(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;

(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	4594
spending account, legal services plan, any cafeteria plan	4595
described in section 125 of the Internal Revenue Code, or any	4596
similar employee reimbursement;	4597
(h) Proceeds received from the issuance of the taxpayer's own	4598
stock, options, warrants, puts, or calls, or from the sale of the	4599
taxpayer's treasury stock;	4600
(i) Proceeds received on the account of payments from	4601
insurance policies, except those proceeds received for the loss of	4602
business revenue;	4603
(j) Gifts or charitable contributions received; membership	4604
dues received by trade, professional, homeowners', or condominium	4605
associations; and payments received for educational courses,	4606
meetings, meals, or similar payments to a trade, professional, or	4607
other similar association; and fundraising receipts received by	4608
any person when any excess receipts are donated or used	4609
exclusively for charitable purposes;	4610
(k) Damages received as the result of litigation in excess of	4611
amounts that, if received without litigation, would be gross	4612
receipts;	4613
(l) Property, money, and other amounts received or acquired	4614
by an agent on behalf of another in excess of the agent's	4615
commission, fee, or other remuneration;	4616
(m) Tax refunds, other tax benefit recoveries, and	4617
reimbursements for the tax imposed under this chapter made by	4618
entities that are part of the same combined taxpayer or	4619
consolidated elected taxpayer group, and reimbursements made by	4620
entities that are not members of a combined taxpayer or	4621
consolidated elected taxpayer group that are required to be made	4622
for economic parity among multiple owners of an entity whose tax	4623
obligation under this chapter is required to be reported and paid	4624

entirely by one owner, pursuant to the requirements of sections	4625
5751.011 and 5751.012 of the Revised Code;	4626
(n) Pension reversions;	4627
(o) Contributions to capital;	4628
(p) Sales or use taxes collected as a vendor or an	4629
out-of-state seller on behalf of the taxing jurisdiction from a	4630
consumer or other taxes the taxpayer is required by law to collect	4631
directly from a purchaser and remit to a local, state, or federal	4632
tax authority;	4633
(q) In the case of receipts from the sale of cigarettes or	4634
tobacco products by a wholesale dealer, retail dealer,	4635
distributor, manufacturer, or seller, all as defined in section	4636
5743.01 of the Revised Code, an amount equal to the federal and	4637
state excise taxes paid by any person on or for such cigarettes or	4638
tobacco products under subtitle E of the Internal Revenue Code or	4639
Chapter 5743. of the Revised Code;	4640
(r) In the case of receipts from the sale of motor fuel by a	4641
licensed motor fuel dealer, licensed retail dealer, or licensed	4642
permissive motor fuel dealer, all as defined in section 5735.01 of	4643
the Revised Code, an amount equal to federal and state excise	4644
taxes paid by any person on such motor fuel under section 4081 of	4645
the Internal Revenue Code or Chapter 5735. of the Revised Code;	4646
(s) In the case of receipts from the sale of beer or	4647
intoxicating liquor, as defined in section 4301.01 of the Revised	4648
Code, by a person holding a permit issued under Chapter 4301. or	4649
4303. of the Revised Code, an amount equal to federal and state	4650
excise taxes paid by any person on or for such beer or	4651
intoxicating liquor under subtitle E of the Internal Revenue Code	4652
or Chapter 4301. or 4305. of the Revised Code;	4653
(t) Receipts realized by a new motor vehicle dealer or used	4654
motor vehicle dealer, as defined in section 4517.01 of the Revised	4655

Code, from the sale or other transfer of a motor vehicle, as 4656
defined in that section, to another motor vehicle dealer for the 4657
purpose of resale by the transferee motor vehicle dealer, but only 4658
if the sale or other transfer was based upon the transferee's need 4659
to meet a specific customer's preference for a motor vehicle; 4660

(u) Receipts from a financial institution described in 4661
division (E)(3) of this section for services provided to the 4662
financial institution in connection with the issuance, processing, 4663
servicing, and management of loans or credit accounts, if such 4664
financial institution and the recipient of such receipts have at 4665
least fifty per cent of their ownership interests owned or 4666
controlled, directly or constructively through related interests, 4667
by common owners; 4668

(v) Receipts realized from administering anti-neoplastic 4669
drugs and other cancer chemotherapy, biologicals, therapeutic 4670
agents, and supportive drugs in a physician's office to patients 4671
with cancer; 4672

(w) Funds received or used by a mortgage broker that is not a 4673
dealer in intangibles, other than fees or other consideration, 4674
pursuant to a table-funding mortgage loan or warehouse-lending 4675
mortgage loan. Terms used in division (F)(2)(w) of this section 4676
have the same meanings as in section 1322.01 of the Revised Code, 4677
except "mortgage broker" means a person assisting a buyer in 4678
obtaining a mortgage loan for a fee or other consideration paid by 4679
the buyer or a lender, or a person engaged in table-funding or 4680
warehouse-lending mortgage loans that are first lien mortgage 4681
loans. 4682

(x) Property, money, and other amounts received by a 4683
professional employer organization, as defined in section 4125.01 4684
of the Revised Code, from a client employer, as defined in that 4685
section, in excess of the administrative fee charged by the 4686
professional employer organization to the client employer; 4687

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or processing.

(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. However, all warehouses or other similar facilities that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the

thirtieth day of June of the year preceding the qualifying year. 4719

(VI) "Qualifying certificate" means the certificate issued by 4720
the tax commissioner after the operator of a distribution center 4721
files an annual application with the commissioner. The application 4722
and annual fee shall be filed and paid for each qualified 4723
distribution center on or before the first day of September before 4724
the qualifying year or within forty-five days after the 4725
distribution center opens, whichever is later. 4726

The applicant must substantiate to the commissioner's 4727
satisfaction that, for the qualifying period, all persons 4728
operating the distribution center have more than fifty per cent of 4729
the cost of the qualified property shipped to a location such that 4730
it would be situated outside this state under the provisions of 4731
division (E) of section 5751.033 of the Revised Code. The 4732
applicant must also substantiate that the distribution center 4733
cumulatively had costs from its suppliers equal to or exceeding 4734
five hundred million dollars during the qualifying period. (For 4735
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 4736
excludes any person that is part of the consolidated elected 4737
taxpayer group, if applicable, of the operator of the qualified 4738
distribution center.) The commissioner may require the applicant 4739
to have an independent certified public accountant certify that 4740
the calculation of the minimum thresholds required for a qualified 4741
distribution center by the operator of a distribution center has 4742
been made in accordance with generally accepted accounting 4743
principles. The commissioner shall issue or deny the issuance of a 4744
certificate within sixty days after the receipt of the 4745
application. A denial is subject to appeal under section 5717.02 4746
of the Revised Code. If the operator files a timely appeal under 4747
section 5717.02 of the Revised Code, the operator shall be granted 4748
a qualifying certificate, provided that the operator is liable for 4749
any tax, interest, or penalty upon amounts claimed as qualifying 4750

distribution center receipts, other than those receipts exempt 4751
under division (C)(1) of section 5751.011 of the Revised Code, 4752
that would have otherwise not been owed by its suppliers if the 4753
qualifying certificate was valid. 4754

(VII) "Ohio delivery percentage" means the proportion of the 4755
total property delivered to a destination inside Ohio from the 4756
qualified distribution center during the qualifying period 4757
compared with total deliveries from such distribution center 4758
everywhere during the qualifying period. 4759

(ii) If the distribution center is new and was not open for 4760
the entire qualifying period, the operator of the distribution 4761
center may request that the commissioner grant a qualifying 4762
certificate. If the certificate is granted and it is later 4763
determined that more than fifty per cent of the qualified property 4764
during that year was not shipped to a location such that it would 4765
be situated outside of this state under the provisions of division 4766
(E) of section 5751.033 of the Revised Code or if it is later 4767
determined that the person that operates the distribution center 4768
had average monthly costs from its suppliers of less than forty 4769
million dollars during that year, then the operator of the 4770
distribution center shall be liable for any tax, interest, or 4771
penalty upon amounts claimed as qualifying distribution center 4772
receipts, other than those receipts exempt under division (C)(1) 4773
of section 5751.011 of the Revised Code, that would have not 4774
otherwise been owed by its suppliers during the qualifying year if 4775
the qualifying certificate was valid. (For purposes of division 4776
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 4777
is part of the consolidated elected taxpayer group, if applicable, 4778
of the operator of the qualified distribution center.) 4779

(iii) When filing an application for a qualifying certificate 4780
under division (F)(2)(z)(i)(VI) of this section, the operator of a 4781
qualified distribution center also shall provide documentation, as 4782

the commissioner requires, for the commissioner to ascertain the 4783
Ohio delivery percentage. The commissioner, upon issuing the 4784
qualifying certificate, also shall certify the Ohio delivery 4785
percentage. The operator of the qualified distribution center may 4786
appeal the commissioner's certification of the Ohio delivery 4787
percentage in the same manner as an appeal is taken from the 4788
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 4789
of this section. 4790

Within thirty days after all appeals have been exhausted, the 4791
operator of the qualified distribution center shall notify the 4792
affected suppliers of qualified property that such suppliers are 4793
required to file, within sixty days after receiving notice from 4794
the operator of the qualified distribution center, amended reports 4795
for the impacted calendar quarter or quarters or calendar year, 4796
whichever the case may be. Any additional tax liability or tax 4797
overpayment shall be subject to interest but shall not be subject 4798
to the imposition of any penalty so long as the amended returns 4799
are timely filed. The supplier of tangible personal property 4800
delivered to the qualified distribution center shall include in 4801
its report of taxable gross receipts the receipts from the total 4802
sales of property delivered to the qualified distribution center 4803
for the calendar quarter or calendar year, whichever the case may 4804
be, multiplied by the Ohio delivery percentage for the qualifying 4805
year. Nothing in division (F)(2)(z)(iii) of this section shall be 4806
construed as imposing liability on the operator of a qualified 4807
distribution center for the tax imposed by this chapter arising 4808
from any change to the Ohio delivery percentage. 4809

(iv) In the case where the distribution center is new and not 4810
open for the entire qualifying period, the operator shall make a 4811
good faith estimate of an Ohio delivery percentage for use by 4812
suppliers in their reports of taxable gross receipts for the 4813
remainder of the qualifying period. The operator of the facility 4814

shall disclose to the suppliers that such Ohio delivery percentage 4815
is an estimate and is subject to recalculation. By the due date of 4816
the next application for a qualifying certificate, the operator 4817
shall determine the actual Ohio delivery percentage for the 4818
estimated qualifying period and proceed as provided in division 4819
(F)(2)(z)(iii) of this section with respect to the calculation and 4820
recalculation of the Ohio delivery percentage. The supplier is 4821
required to file, within sixty days after receiving notice from 4822
the operator of the qualified distribution center, amended reports 4823
for the impacted calendar quarter or quarters or calendar year, 4824
whichever the case may be. Any additional tax liability or tax 4825
overpayment shall be subject to interest but shall not be subject 4826
to the imposition of any penalty so long as the amended returns 4827
are timely filed. 4828

(v) Qualifying certificates and Ohio delivery percentages 4829
issued by the commissioner shall be open to public inspection and 4830
shall be timely published by the commissioner. A supplier relying 4831
in good faith on a certificate issued under this division shall 4832
not be subject to tax on the qualifying distribution center 4833
receipts under division (F)(2)(z) of this section. A person 4834
receiving a qualifying certificate is responsible for paying the 4835
tax, interest, and penalty upon amounts claimed as qualifying 4836
distribution center receipts that would not otherwise have been 4837
owed by the supplier if the qualifying certificate were available 4838
when it is later determined that the qualifying certificate should 4839
not have been issued because the statutory requirements were in 4840
fact not met. 4841

(vi) The annual fee for a qualifying certificate shall be one 4842
hundred thousand dollars for each qualified distribution center. 4843
If a qualifying certificate is not issued, the annual fee is 4844
subject to refund after the exhaustion of all appeals provided for 4845
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 4846

under this division may be assessed in the same manner as the tax 4847
imposed under this chapter. The first one hundred thousand dollars 4848
of the annual application fees collected each calendar year shall 4849
be credited to the commercial activity tax administrative fund. 4850
The remainder of the annual application fees collected shall be 4851
distributed in the same manner required under section 5751.20 of 4852
the Revised Code. 4853

(vii) The tax commissioner may require that adequate security 4854
be posted by the operator of the distribution center on appeal 4855
when the commissioner disagrees that the applicant has met the 4856
minimum thresholds for a qualified distribution center as set 4857
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 4858
section. 4859

(aa) Receipts of an employer from payroll deductions relating 4860
to the reimbursement of the employer for advancing moneys to an 4861
unrelated third party on an employee's behalf; 4862

(bb) Cash discounts allowed and taken; 4863

(cc) Returns and allowances; 4864

(dd) Bad debts from receipts on the basis of which the tax 4865
imposed by this chapter was paid in a prior quarterly tax payment 4866
period. For the purpose of this division, "bad debts" means any 4867
debts that have become worthless or uncollectible between the 4868
preceding and current quarterly tax payment periods, have been 4869
uncollected for at least six months, and that may be claimed as a 4870
deduction under section 166 of the Internal Revenue Code and the 4871
regulations adopted under that section, or that could be claimed 4872
as such if the taxpayer kept its accounts on the accrual basis. 4873
"Bad debts" does not include repossessed property, uncollectible 4874
amounts on property that remains in the possession of the taxpayer 4875
until the full purchase price is paid, or expenses in attempting 4876
to collect any account receivable or for any portion of the debt 4877

recovered; 4878

(ee) Any amount realized from the sale of an account 4879
receivable to the extent the receipts from the underlying 4880
transaction giving rise to the account receivable were included in 4881
the gross receipts of the taxpayer; 4882

(ff) Any receipts for which the tax imposed by this chapter 4883
is prohibited by the Constitution or laws of the United States or 4884
the Constitution of Ohio. 4885

(gg) Amounts realized by licensed motor fuel dealers or 4886
licensed permissive motor fuel dealers from the exchange of 4887
petroleum products, including motor fuel, between such dealers, 4888
provided that delivery of the petroleum products occurs at a 4889
refinery, terminal, pipeline, or marine vessel and that the 4890
exchanging dealers agree neither dealer shall require monetary 4891
compensation from the other for the value of the exchanged 4892
petroleum products other than such compensation for differences in 4893
product location or grade. Division (F)(2)(gg) of this section 4894
does not apply to amounts realized as a result of differences in 4895
location or grade of exchanged petroleum products or from 4896
handling, lubricity, dye, or other additive injections fees, 4897
pipeline security fees, or similar fees. As used in this division, 4898
"motor fuel," "licensed motor fuel dealer," "licensed permissive 4899
motor fuel dealer," and "terminal" have the same meanings as in 4900
section 5735.01 of the Revised Code. 4901

(3) In the case of a taxpayer when acting as a real estate 4902
broker, "gross receipts" includes only the portion of any fee for 4903
the service of a real estate broker, or service of a real estate 4904
salesperson associated with that broker, that is retained by the 4905
broker and not paid to an associated real estate salesperson or 4906
another real estate broker. For the purposes of this division, 4907
"real estate broker" and "real estate salesperson" have the same 4908
meanings as in section 4735.01 of the Revised Code. 4909

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(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;	4940
(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	4941 4942 4943
(c) Any amount the person pays for services performed in this state on its behalf by another.	4944 4945
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	4946 4947
(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.	4948 4949 4950
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	4951 4952
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	4953 4954
(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 federal income taxes.	4955 4956 4957 4958 4959 4960 4961 4962
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	4963 4964 4965
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	4966 4967 4968
(N) "Calendar year taxpayer" means a taxpayer for which the	4969

tax period is a calendar year.	4970
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	4971 4972
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	4973 4974 4975
(1) A person receiving a fee to sell financial instruments;	4976
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	4977 4978 4979
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	4980 4981
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	4982 4983
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	4984 4985
(Q) "Received" includes amounts accrued under the accrual method of accounting.	4986 4987
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	4988 4989 4990 4991 4992 4993 4994
Section 101.02. That existing sections 122.075, 125.11, 127.12, 164.04, 164.08, 4163.07, 4301.62, 4501.02, 4501.06, 4501.21, 4501.81, 4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4503.94, 4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43,	4995 4996 4997 4998

4511.108, 4511.53, 4511.69, 4513.24, 4517.01, 4517.02, 4517.33, 4999
 4582.12, 4582.31, 4905.802, 5501.51, 5501.55, 5502.011, 5525.15, 5000
 5577.042, and 5751.01 of the Revised Code are hereby repealed. 5001

Section 105.01. That sections 4501.14 and 4905.801 of the 5002
 Revised Code are hereby repealed. 5003

Section 201.10. Except as otherwise provided, all 5004
 appropriation items in this act are hereby appropriated out of any 5005
 moneys in the state treasury to the credit of the designated fund 5006
 that are not otherwise appropriated. For all appropriations made 5007
 in this act, the amounts in the first column are for fiscal year 5008
 2012 and the amounts in the second column are for fiscal year 5009
 2013. 5010

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 5011

FUND	TITLE		FY 2012	FY 2013	
	Highway Operating Fund Group				5012
2120 772426	Highway	\$	6,775,000	\$ 6,725,000	5014
	Infrastructure Bank -				
	Federal				
2120 772427	Highway	\$	12,700,000	\$ 12,750,000	5015
	Infrastructure Bank -				
	State				
2120 772430	Infrastructure Debt	\$	525,000	\$ 525,000	5016
	Reserve Title 23-49				
2130 772431	Roadway	\$	2,500,000	\$ 2,500,000	5017
	Infrastructure Bank -				
	State				
2130 772433	Infrastructure Debt	\$	1,000,000	\$ 1,000,000	5018
	Reserve - State				
2130 775457	Transit	\$	250,000	\$ 250,000	5019
	Infrastructure Bank -				

		State				
2130	777477	Aviation	\$	1,250,000	\$	1,250,000 5020
		Infrastructure Bank -				
		State				
7002	771411	Planning and Research	\$	23,474,971	\$	23,057,800 5021
		- State				
7002	771412	Planning and Research	\$	28,647,965	\$	28,925,138 5022
		- Federal				
7002	772421	Highway Construction	\$	495,573,672	\$	472,982,710 5023
		- State				
7002	772422	Highway Construction	\$	1,146,641,723	\$	1,180,471,714 5024
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 5025
		- Other				
7002	772437	GARVEE Debt Service -	\$	31,918,500	\$	33,276,100 5026
		State				
7002	772438	GARVEE Debt Service -	\$	139,155,600	\$	144,590,400 5027
		Federal				
7002	773431	Highway Maintenance -	\$	454,853,435	\$	469,400,101 5028
		State				
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785 5029
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 5030
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 5031
		Special Equipment				
7002	776462	Grade Crossings -	\$	14,200,000	\$	14,240,000 5032
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 5033
		- Federal				
7002	777475	Aviation	\$	5,453,108	\$	5,374,144 5034
		Administration				
7002	779491	Administration -	\$	136,462,349	\$	140,904,501 5035

State				
TOTAL HOF Highway Operating				5036
Fund Group		\$ 2,615,077,108	\$ 2,651,918,393	5037
State Special Revenue Fund Group				5038
4N40 776663	Panhandle Lease	\$ 764,300	\$ 0	5039
	Reserve Payments			
4N40 776664	Rail Transportation -	\$ 2,111,500	\$ 2,875,800	5040
	Other			
5W90 777615	County Airport	\$ 620,000	\$ 620,000	5041
	Maintenance			
TOTAL SSR State Special Revenue				5042
Fund Group		\$ 3,495,800	\$ 3,495,800	5043
Infrastructure Bank Obligations Fund Group				5044
7045 772428	Highway	\$ 45,400,000	\$ 98,000,000	5045
	Infrastructure Bank -			
	Bonds			
TOTAL 045 Infrastructure Bank				5046
Obligations Fund Group		\$ 45,400,000	\$ 98,000,000	5047
Highway Capital Improvement Fund Group				5048
7042 772723	Highway Construction	\$ 36,600,000	\$ 91,600,000	5049
	- Bonds			
TOTAL 042 Highway Capital				5050
Improvement Fund Group		\$ 36,600,000	\$ 91,600,000	5051
TOTAL ALL BUDGET FUND GROUPS		\$ 2,700,572,908	\$ 2,845,014,193	5052
Section 203.20.	PUBLIC ACCESS ROADS FOR DNR FACILITIES			5054
Of the foregoing appropriation item 772421, Highway				5055
Construction - State, \$5,000,000 shall be used in each fiscal year				5056
for the construction, reconstruction, or maintenance of public				5057
access roads, including support features, to and within state				5058
facilities owned or operated by the Department of Natural				5059
Resources.				5060

Section 203.30. PUBLIC ACCESS FOR ROADS FOR PARKS AND 5061
EXPOSITIONS COMMISSION'S FACILITIES 5062

Notwithstanding section 5511.06 of the Revised Code, of the 5063
foregoing appropriation item 772421, Highway Construction - State, 5064
\$2,228,000 in each fiscal year shall be used for the construction, 5065
reconstruction, or maintenance of park drives or park roads within 5066
the boundaries of metropolitan parks. 5067

The Department of Transportation may use the foregoing 5068
appropriation item 772421, Highway Construction - State, to 5069
perform related road work on behalf of the Ohio Expositions 5070
Commission at the state fairgrounds, including reconstruction or 5071
maintenance of public access roads and support features to and 5072
within fairgrounds facilities, as requested by the Commission and 5073
approved by the Director of Transportation. 5074

Section 203.30.10. SHARONVILLE RAIL YARD STUDY 5075

Of the foregoing appropriation item 776664, Rail 5076
Transportation - Other, \$25,000 shall be used in fiscal year 2012 5077
for a study of the capacity and design of the Sharonville Rail 5078
Yard. The study shall include recommendations for possible 5079
improvements to or redesign of the rail yard. 5080

Section 203.40. ISSUANCE OF BONDS 5081

The Treasurer of State, upon the request of the Director of 5082
Transportation, is authorized to issue and sell, in accordance 5083
with Section 2m of Article VIII, Ohio Constitution, and Chapter 5084
151. and particularly sections 151.01 and 151.06 of the Revised 5085
Code, obligations, including bonds and notes, in the aggregate 5086
amount of \$123,000,000 in addition to the original issuance of 5087
obligations authorized by prior acts of the General Assembly. 5088

The obligations shall be issued and sold from time to time in 5089

amounts necessary to provide sufficient moneys to the credit of 5090
the Highway Capital Improvement Fund (Fund 7042) created by 5091
section 5528.53 of the Revised Code to pay costs charged to the 5092
fund when due as estimated by the Director of Transportation, 5093
provided, however, that such obligations shall be issued and sold 5094
at such time or times so that not more than \$220,000,000 original 5095
principal amount of obligations, plus the principal amount of 5096
obligations that in prior fiscal years could have been, but were 5097
not, issued within the \$220,000,000 limit, may be issued in any 5098
fiscal year, and not more than \$1,200,000,000 original principal 5099
amount of such obligations are outstanding at any one time. 5100

Section 203.50. TRANSFER OF HIGHWAY OPERATING FUND (FUND 5101
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 5102
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 5103
ADMINISTRATION 5104

The Director of Budget and Management may approve requests 5105
from the Director of Transportation for transfer of Highway 5106
Operating Fund (Fund 7002) appropriations for planning and 5107
research (appropriation items 771411 and 771412), highway 5108
construction and debt service (appropriation items 772421, 772422, 5109
772424, 772437, and 772438), highway maintenance (appropriation 5110
item 773431), public transportation - federal (appropriation item 5111
775452), elderly and disabled special equipment (appropriation 5112
item 775459), rail grade crossings (appropriation item 776462), 5113
aviation (appropriation item 777475), and administration 5114
(appropriation item 779491). The Director of Budget and Management 5115
may not make transfers out of debt service appropriation items 5116
unless the Director determines that the appropriated amounts 5117
exceed the actual and projected debt service requirements. 5118
Transfers of appropriations may be made upon the written request 5119
of the Director of Transportation and with the approval of the 5120
Director of Budget and Management. The transfers shall be reported 5121

to the Controlling Board at the next regularly scheduled meeting 5122
of the board. 5123

This transfer authority is intended to provide for emergency 5124
situations and flexibility to meet unforeseen conditions that 5125
could arise during the budget period. It also is intended to allow 5126
the department to optimize the use of available resources and 5127
adjust to circumstances affecting the obligation and expenditure 5128
of federal funds. 5129

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 5130
AVIATION, AND RAIL AND LOCAL TRANSIT 5131

The Director of Budget and Management may approve written 5132
requests from the Director of Transportation for the transfer of 5133
appropriations between appropriation items 772422, Highway 5134
Construction - Federal, 775452, Public Transportation - Federal, 5135
775454, Public Transportation - Other, 775459, Elderly and 5136
Disabled Special Equipment, 776475, Federal Rail Administration, 5137
and 777472, Airport Improvements - Federal. The transfers shall be 5138
reported to the Controlling Board at its next regularly scheduled 5139
meeting. 5140

TRANSFER OF APPROPRIATIONS - ARRA 5141

The Director of Budget and Management may approve written 5142
requests from the Director of Transportation for the transfer of 5143
appropriations between appropriation items 771412, Planning and 5144
Research - Federal, 772422, Highway Construction - Federal, 5145
772424, Highway Construction - Other, 775452, Public 5146
Transportation - Federal, 776462, Grade Crossing - Federal, and 5147
777472, Airport Improvements - Federal, based upon the 5148
requirements of the American Recovery and Reinvestment Act of 2009 5149
that apply to the money appropriated. The transfers shall be 5150
reported to the Controlling Board at its next regularly scheduled 5151
meeting. 5152

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	5153
BANK	5154
The Director of Budget and Management may approve requests	5155
from the Director of Transportation for transfer of appropriations	5156
and cash of the Infrastructure Bank funds created in section	5157
5531.09 of the Revised Code, including transfers between fiscal	5158
years 2012 and 2013. The transfers shall be reported to the	5159
Controlling Board at its next regularly scheduled meeting.	5160
The Director of Budget and Management may approve requests	5161
from the Director of Transportation for transfer of appropriations	5162
and cash from the Highway Operating Fund (Fund 7002) to the	5163
Infrastructure Bank funds created in section 5531.09 of the	5164
Revised Code. The Director of Budget and Management may transfer	5165
from the Infrastructure Bank funds to the Highway Operating Fund	5166
up to the amounts originally transferred to the Infrastructure	5167
Bank funds under this section. However, the Director may not make	5168
transfers between modes or transfers between different funding	5169
sources. The transfers shall be reported to the Controlling Board	5170
at its next regularly scheduled meeting.	5171
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	5172
The Director of Budget and Management may approve requests	5173
from the Director of Transportation for transfer of appropriations	5174
and cash of the Ohio Toll Fund and any subaccounts created in	5175
section 5531.14 of the Revised Code, including transfers between	5176
fiscal years 2012 and 2013. The transfers shall be reported to the	5177
Controlling Board at its next regularly scheduled meeting.	5178
INCREASING APPROPRIATIONS: STATE FUNDS	5179
In the event that receipts or unexpended balances credited to	5180
the Highway Operating Fund (Fund 7002) exceed the estimates upon	5181
which the appropriations have been made in this act, upon the	5182
request of the Director of Transportation, the Controlling Board	5183

may increase those appropriations in the manner prescribed in 5184
section 131.35 of the Revised Code. 5185

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 5186

In the event that receipts or unexpended balances credited to 5187
the Highway Operating Fund (Fund 7002) or apportionments or 5188
allocations made available from the federal and local government 5189
exceed the estimates upon which the appropriations have been made 5190
in this act, upon the request of the Director of Transportation, 5191
the Controlling Board may increase those appropriations in the 5192
manner prescribed in section 131.35 of the Revised Code. 5193

REAPPROPRIATIONS 5194

Upon approval of the Director of Budget and Management, all 5195
appropriations of the Highway Operating Fund (Fund 7002), the 5196
Highway Capital Improvement Fund (Fund 7042), and the 5197
Infrastructure Bank funds created in section 5531.09 of the 5198
Revised Code remaining unencumbered on June 30, 2011, are hereby 5199
reappropriated for the same purpose in fiscal year 2012. 5200

Upon approval of the Director of Budget and Management, all 5201
appropriations of the Highway Operating Fund (Fund 7002), the 5202
Highway Capital Improvement Fund (Fund 7042), and the 5203
Infrastructure Bank funds created in section 5531.09 of the 5204
Revised Code remaining unencumbered on June 30, 2012, are hereby 5205
reappropriated for the same purpose in fiscal year 2013. 5206

Any balances of prior years' appropriations to the Highway 5207
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5208
(Fund 7042), and the Infrastructure Bank funds created in section 5209
5531.09 of the Revised Code that are unencumbered on June 30, 5210
2011, subject to the availability of revenue as determined by the 5211
Director of Transportation, are hereby reappropriated for the same 5212
purpose in fiscal year 2012 upon the request of the Director of 5213
Transportation and with the approval of the Director of Budget and 5214

Management. The reappropriations shall be reported to the 5215
Controlling Board. 5216

Any balances of prior years' appropriations to the Highway 5217
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 5218
(Fund 7042), and the Infrastructure Bank funds created in section 5219
5531.09 of the Revised Code that are unencumbered on June 30, 5220
2012, subject to the availability of revenue as determined by the 5221
Director of Transportation, are hereby reappropriated for the same 5222
purpose in fiscal year 2013 upon the request of the Director of 5223
Transportation and with the approval of the Director of Budget and 5224
Management. The reappropriations shall be reported to the 5225
Controlling Board. 5226

LIQUIDATION OF UNFORESEEN LIABILITIES 5227

Any appropriation made from the Highway Operating Fund (Fund 5228
7002) not otherwise restricted by law is available to liquidate 5229
unforeseen liabilities arising from contractual agreements of 5230
prior years when the prior year encumbrance is insufficient. 5231

Section 203.60. MAINTENANCE OF INTERSTATE HIGHWAYS 5232

The Director of Transportation may remove snow and ice and 5233
maintain, repair, improve, or provide lighting upon interstate 5234
highways that are located within the boundaries of municipal 5235
corporations, adequate to meet the requirements of federal law. 5236
When agreed in writing by the Director of Transportation and the 5237
legislative authority of a municipal corporation and 5238
notwithstanding sections 125.01 and 125.11 of the Revised Code, 5239
the Department of Transportation may reimburse a municipal 5240
corporation for all or any part of the costs, as provided by such 5241
agreement, incurred by the municipal corporation in maintaining, 5242
repairing, lighting, and removing snow and ice from the interstate 5243
system. 5244

Section 203.70. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 5245

The Director of Transportation may use revenues from the 5246
state motor vehicle fuel tax to match approved federal grants 5247
awarded to the Department of Transportation, regional transit 5248
authorities, or eligible public transportation systems, for public 5249
transportation highway purposes, or to support local or state 5250
funded projects for public transportation highway purposes. Public 5251
transportation highway purposes include: the construction or 5252
repair of high-occupancy vehicle traffic lanes, the acquisition or 5253
construction of park-and-ride facilities, the acquisition or 5254
construction of public transportation vehicle loops, the 5255
construction or repair of bridges used by public transportation 5256
vehicles or that are the responsibility of a regional transit 5257
authority or other public transportation system, or other similar 5258
construction that is designated as an eligible public 5259
transportation highway purpose. Motor vehicle fuel tax revenues 5260
may not be used for operating assistance or for the purchase of 5261
vehicles, equipment, or maintenance facilities. 5262

Section 203.80. The federal payments made to the state for 5263
highway infrastructure or for transit agencies under Title XII of 5264
Division A of the American Recovery and Reinvestment Act of 2009 5265
shall be deposited to the credit of the Highway Operating Fund 5266
(Fund 7002), which is created in section 5735.291 of the Revised 5267
Code. 5268

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 5269

State Highway Safety Fund Group 5270
4W40 762321 Operating Expense - \$ 78,531,380 \$ 80,831,380 5271
BMV
4W40 762410 Registrations \$ 23,741,735 \$ 23,741,735 5272
Supplement

5V10	762682	License Plate Contributions	\$	2,100,000	\$	2,100,000	5273
7036	761321	Operating Expense - Information and Education	\$	7,124,366	\$	7,338,097	5274
7036	761401	Lease Rental Payments	\$	9,978,300	\$	2,315,700	5275
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	5276
7036	764321	Operating Expense - Highway Patrol	\$	260,744,934	\$	258,365,903	5277
7036	764605	Motor Carrier Enforcement Expenses	\$	2,860,000	\$	2,860,000	5278
8300	761603	Salvage and Exchange - Administration	\$	19,469	\$	20,053	5279
8310	761610	Information and Education - Federal	\$	422,084	\$	434,746	5280
8310	764610	Patrol - Federal	\$	2,209,936	\$	2,276,234	5281
8310	764659	Transportation Enforcement - Federal	\$	5,519,333	\$	5,684,913	5282
8310	765610	EMS - Federal	\$	532,007	\$	532,007	5283
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,546,319	\$	1,546,319	5284
8310	769631	Homeland Security - Federal	\$	2,184,000	\$	2,184,000	5285
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	5286
8350	762616	Financial Responsibility Compliance	\$	5,457,240	\$	5,549,068	5287
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	5288
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000	5289
83C0	764630	Contraband,	\$	622,894	\$	622,894	5290

		Forfeiture, Other				
83F0	764657	Law Enforcement	\$	9,053,266	\$	9,053,266 5291
		Automated Data System				
83G0	764633	OMVI	\$	623,230	\$	641,927 5292
		Enforcement/Education				
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000 5293
		Justice Contraband				
83M0	765624	Operating Expense -	\$	2,632,106	\$	2,711,069 5294
		Trauma and EMS				
83N0	761611	Elementary School	\$	305,600	\$	305,600 5295
		Seat Belt Program				
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819 5296
83R0	762639	Local Immobilization	\$	450,000	\$	450,000 5297
		Reimbursement				
83T0	764694	Highway Patrol	\$	21,000	\$	21,000 5298
		Treasury Contraband				
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354 5299
8400	764617	Security and	\$	6,432,686	\$	6,432,686 5300
		Investigations				
8400	764626	State Fairgrounds	\$	849,883	\$	849,883 5301
		Police Force				
8400	769632	Homeland Security -	\$	737,791	\$	737,791 5302
		Operating				
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399 5303
		- Highway Patrol				
8440	761613	Seat Belt Education	\$	360,000	\$	370,800 5304
		Program				
8460	761625	Motorcycle Safety	\$	3,185,013	\$	3,280,563 5305
		Education				
8490	762627	Automated Title	\$	17,316,755	\$	14,335,513 5306
		Processing Board				
TOTAL	HSF	State Highway Safety Fund	\$	483,795,526	\$	473,988,243 5307
		Group				

General Services Fund Group				5308
4P60	768601	Justice Program	\$ 998,104 \$	1,028,047 5309
		Services		
4S30	766661	Hilltop Utility	\$ 540,800 \$	540,800 5310
		Reimbursement		
5ET0	768625	Drug Law Enforcement	\$ 3,780,000 \$	3,893,400 5311
5Y10	764695	Highway Patrol	\$ 170,000 \$	170,000 5312
		Continuing		
		Professional Training		
5Y10	767696	Investigative Unit	\$ 15,000 \$	15,000 5313
		Continuing		
		Professional Training		
TOTAL	GSF	General Services Fund	\$ 5,503,904 \$	5,647,247 5314
Group				
Federal Special Revenue Fund Group				5315
3290	763645	Federal Mitigation	\$ 10,110,332 \$	10,413,642 5316
		Program		
3370	763609	Federal Disaster	\$ 27,707,636 \$	27,707,636 5317
		Relief		
3390	763647	Emergency Management	\$ 75,664,821 \$	77,934,765 5318
		Assistance and		
		Training		
3CB0	768691	Federal Justice	\$ 200,000 \$	50,000 5319
		Grants - FFY06		
3CC0	768609	Justice Assistance	\$ 583,222 \$	310,000 5320
		Grants - FFY07		
3CD0	768610	Justice Assistance	\$ 310,000 \$	150,000 5321
		Grants - FFY08		
3CE0	768611	Justice Assistance	\$ 865,000 \$	1,200,000 5322
		Grants - FFY09		
3CV0	768697	Justice Assistance	\$ 2,000 \$	0 5323
		Grants Supplement -		

		FFY08					
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,015,000	\$	1,015,000	5324
3DH0	768613	Federal Stimulus - Justice Programs	\$	150,000	\$	150,000	5325
3DU0	762628	BMV Grants	\$	1,525,000	\$	1,580,000	5326
3EU0	768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000	5327
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000	5328
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	5329
TOTAL FED	Federal Special Revenue		\$	130,214,683	\$	132,862,715	5330
	Fund Group						
	State Special Revenue Fund Group						5331
4V30	763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420	5332
5390	762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400	5333
5B90	766632	Private Investigator and Security Guard Provider	\$	1,562,637	\$	1,562,637	5334
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	5335
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	5336
5CM0	767691	Federal Investigative Seizure	\$	300,000	\$	300,000	5337
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	5338
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	5339
5FL0	769634	Investigations	\$	899,300	\$	899,300	5340

defray the cost of manufacturing and distributing license plates 5364
and license plate stickers and enforcing the law relative to the 5365
operation and registration of motor vehicles. Notwithstanding 5366
section 4501.03 of the Revised Code, the revenues shall be paid 5367
into Fund 4W40 before any revenues obtained pursuant to sections 5368
4503.02 and 4504.02 of the Revised Code are paid into any other 5369
fund. The deposit of revenues to meet the aforementioned cash 5370
needs shall be in approximately equal amounts on a monthly basis 5371
or as otherwise determined by the Director of Budget and 5372
Management pursuant to a plan submitted by the Registrar of Motor 5373
Vehicles. 5374

CAPITAL PROJECTS 5375

The Registrar of Motor Vehicles may transfer cash from the 5376
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 5377
Highway Safety Fund (Fund 7036) to meet its obligations for 5378
capital projects CIR-047, Department of Public Safety Office 5379
Building and CIR-049, Warehouse Facility. 5380

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 5381

The foregoing appropriation item 761401, Lease Rental 5382
Payments, shall be used for payments to the Ohio Building 5383
Authority for the period July 1, 2011, to June 30, 2013, under the 5384
primary leases and agreements for public safety related buildings 5385
financed by obligations issued under Chapter 152. of the Revised 5386
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 5387
Building Authority may, with approval of the Director of Budget 5388
and Management, lease capital facilities to the Department of 5389
Public Safety. 5390

HILLTOP TRANSFER 5391

The Director of Public Safety shall determine, per an 5392
agreement with the Director of Transportation, the share of each 5393
debt service payment made out of appropriation item 761401, Lease 5394

Rental Payments, that relates to the Department of 5395
Transportation's portion of the Hilltop Building Project, and 5396
shall certify to the Director of Budget and Management the amounts 5397
of this share. The Director of Budget and Management shall 5398
transfer the amounts of such shares from the Highway Operating 5399
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 5400

CASH TRANSFERS FROM STATE BUREAU OF MOTOR VEHICLES FUND TO 5401
STATE HIGHWAY SAFETY FUND 5402

Notwithstanding any provision of law to the contrary, not 5403
later than the first day of April in each fiscal year, the 5404
Director of Budget and Management shall transfer \$6,675,207 in 5405
cash in fiscal year 2012 and \$7,643,657 in cash in fiscal year 5406
2013 from the State Bureau of Motor Vehicles Fund (Fund 4W40) to 5407
the State Highway Safety Fund (Fund 7036). 5408

CASH TRANSFERS BETWEEN FUNDS 5409

Notwithstanding any provision of law to the contrary, the 5410
Director of Budget and Management, upon the written request of the 5411
Director of Public Safety, may approve the transfer of cash 5412
between the following six funds: the Trauma and Emergency Medical 5413
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 5414
the Investigations Fund (Fund 5FL0), the Emergency Management 5415
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 5416
Program Services Fund (Fund 4P60), and the State Bureau of Motor 5417
Vehicles Fund (Fund 4W40). 5418

CASH TRANSFERS OF SEAT BELT FINE REVENUES 5419

Notwithstanding any provision of law to the contrary, the 5420
Controlling Board, upon request of the Director of Public Safety, 5421
may approve the transfer of cash between the following four funds 5422
that receive fine revenues from enforcement of the mandatory seat 5423
belt law: the Trauma and Emergency Medical Services Fund (Fund 5424
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma 5425

and Emergency Medical Services Grants Fund (Fund 83P0), and the 5426
Seat Belt Education Fund (Fund 8440). 5427

STATE DISASTER RELIEF 5428

The State Disaster Relief Fund (Fund 5330) may accept 5429
transfers of cash and appropriations from Controlling Board 5430
appropriation items for Ohio Emergency Management Agency disaster 5431
response costs and disaster program management costs, and may also 5432
be used for the following purposes: 5433

(A) To accept transfers of cash and appropriations from 5434
Controlling Board appropriation items for Ohio Emergency 5435
Management Agency public assistance and mitigation program match 5436
costs to reimburse eligible local governments and private 5437
nonprofit organizations for costs related to disasters; 5438

(B) To accept and transfer cash to reimburse the costs 5439
associated with Emergency Management Assistance Compact (EMAC) 5440
deployments; 5441

(C) To accept disaster related reimbursement from federal, 5442
state, and local governments. The Director of Budget and 5443
Management may transfer cash from reimbursements received by this 5444
fund to other funds of the state from which transfers were 5445
originally approved by the Controlling Board. 5446

(D) To accept transfers of cash and appropriations from 5447
Controlling Board appropriation items to fund the State Disaster 5448
Relief Program, for disasters that have been declared by the 5449
Governor, and the State Individual Assistance Program for 5450
disasters that have been declared by the Governor and the federal 5451
Small Business Administration. The Ohio Emergency Management 5452
Agency shall publish and make available application packets 5453
outlining procedures for the State Disaster Relief Program and the 5454
State Individual Assistance Program. 5455

JUSTICE ASSISTANCE GRANT FUND 5456

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund.

FEDERAL STIMULUS - JUSTICE PROGRAMS

The federal payments made to the state for the Violence Against Women Formula Grant under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Federal Stimulus - Justice Programs Fund (Fund 3DH0).

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state.

FAMILY VIOLENCE PREVENTION FUND

Notwithstanding any provision of law to the contrary, in each of fiscal years 2012 and 2013, the first \$750,000 received to the credit of the Family Violence Prevention Fund (Fund 5BK0) shall be appropriated to appropriation item 768689, Family Violence Shelter Programs, and the next \$400,000 received to the credit of Fund 5BK0 in each of those fiscal years shall be appropriated to appropriation item 768687, Criminal Justice Services - Operating. Any moneys received to the credit of Fund 5BK0 in excess of the aforementioned appropriated amounts in each fiscal year shall,

upon the approval of the Controlling Board, be used to provide 5488
grants to family violence shelters in Ohio. 5489

SARA TITLE III HAZMAT PLANNING 5490

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 5491
entitled to receive grant funds from the Emergency Response 5492
Commission to implement the Emergency Management Agency's 5493
responsibilities under Chapter 3750. of the Revised Code. 5494

COLLECTIVE BARGAINING INCREASES 5495

Notwithstanding division (D) of section 127.14 and division 5496
(B) of section 131.35 of the Revised Code, except for the General 5497
Revenue Fund, the Controlling Board may, upon the request of 5498
either the Director of Budget and Management, or the Department of 5499
Public Safety with the approval of the Director of Budget and 5500
Management, increase appropriations for any fund, as necessary for 5501
the Department of Public Safety, to assist in paying the costs of 5502
increases in employee compensation that have occurred pursuant to 5503
collective bargaining agreements under Chapter 4117. of the 5504
Revised Code and, for exempt employees, under section 124.152 of 5505
the Revised Code. 5506

CASH BALANCE FUND REVIEW 5507

Not later than the first day of April in each fiscal year of 5508
the biennium, the Director of Budget and Management shall review 5509
the cash balances for each fund, except the State Highway Safety 5510
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 5511
4W40), in the State Highway Safety Fund Group, and shall recommend 5512
to the Controlling Board an amount to be transferred to the credit 5513
of Fund 7036 or Fund 4W40, as appropriate. 5514

Section 207.10. DEV DEPARTMENT OF DEVELOPMENT 5515

State Special Revenue Fund Group 5516

4W00 195629 Roadwork Development \$ 18,699,900 \$ 18,699,900 5517

TOTAL SSR State Special Revenue				5518	
Fund Group	\$	18,699,900	\$	18,699,900	5519
TOTAL ALL BUDGET FUND GROUPS	\$	18,699,900	\$	18,699,900	5520

ROADWORK DEVELOPMENT FUND 5521

The Roadwork Development Fund shall be used for road 5522
improvements associated with economic development opportunities 5523
that will retain or attract businesses for Ohio. "Road 5524
improvements" are improvements to public roadway facilities 5525
located on, or serving or capable of serving, a project site. 5526

The Department of Transportation, under the direction of the 5527
Department of Development, shall provide these funds in accordance 5528
with all guidelines and requirements established for Department of 5529
Development appropriation item 195412, Business Development, 5530
including Controlling Board review and approval as well as the 5531
requirements for usage of gas tax revenue prescribed in Section 5a 5532
of Article XII, Ohio Constitution. Should the Department of 5533
Development require the assistance of the Department of 5534
Transportation to bring a project to completion, the Department of 5535
Transportation shall use its authority under Title LV of the 5536
Revised Code to provide such assistance and may enter into 5537
contracts on behalf of the Department of Development. In addition, 5538
these funds may be used in conjunction with appropriation item 5539
195412, Business Development, or any other state funds 5540
appropriated for infrastructure improvements. 5541

The Director of Budget and Management, pursuant to a plan 5542
submitted by the Director of Development or as otherwise 5543
determined by the Director of Budget and Management, shall set a 5544
cash transfer schedule to meet the cash needs of the Department of 5545
Development's Roadwork Development Fund (Fund 4W00), less any 5546
other available cash. The Director shall transfer to the Roadwork 5547
Development Fund from the Highway Operating Fund (Fund 7002), 5548
established in section 5735.291 of the Revised Code, such amounts 5549

at such times as determined by the transfer schedule. 5550

TRANSPORTATION IMPROVEMENT DISTRICTS 5551

Notwithstanding section 5540.151 of the Revised Code, and any 5552
other restrictions that apply to the distribution of Roadwork 5553
Development Grants, of the foregoing appropriation item 195629, 5554
Roadwork Development, \$2,750,000 in each fiscal year shall be 5555
distributed by the Director of Development to Transportation 5556
Improvement Districts. The Director shall develop eligibility 5557
criteria for Transportation Improvement Districts to receive 5558
funding under this section and no Transportation Improvement 5559
District shall receive funding unless it is certified as eligible 5560
by the Director. Eligibility criteria shall include the 5561
requirement that a Transportation Improvement District designate a 5562
specific project for which the funds will be used. Funds released 5563
to a Transportation Improvement District under this section shall 5564
be used to facilitate eligible projects and shall not be used to 5565
cover the full cost of a project or to cover any administrative 5566
costs of a project. 5567

SECURITY DEPOSIT FUND CASH TRANSFER 5568

Notwithstanding any other provision of law to the contrary, 5569
on July 1, 2011, or as soon as possible thereafter, the Director 5570
of Budget and Management shall transfer \$32,027.17 in cash from 5571
the Security Deposit Fund (Fund R052) to the Roadwork Development 5572
Fund (Fund 4W00). 5573

Section 209.10. PWC PUBLIC WORKS COMMISSION 5574

Local Transportation Improvements Fund Group 5575

7052 150402 Local Transportation \$ 299,246 \$ 296,555 5576

Improvement Program -
Operating

7052 150701 Local Transportation \$ 56,000,000 \$ 56,000,000 5577

Improvement Program				
TOTAL 052 Local Transportation				5578
Improvements Fund Group	\$	56,299,246	\$ 56,296,555	5579
Local Infrastructure Improvements Fund Group				5580
7038 150321 State Capital	\$	918,000	\$ 910,000	5581
Improvements Program				
- Operating Expenses				
TOTAL LIF Local Infrastructure				5582
Improvements Fund Group	\$	918,000	\$ 910,000	5583
TOTAL ALL BUDGET FUND GROUPS	\$	57,217,246	\$ 57,206,555	5584
PUBLIC WORKS OPERATING EXPENSES				5585
The forgoing appropriation item 150321, State Capital				5586
Improvements Program-Operating Expenses, shall be used by the Ohio				5587
Public Works Commission to administer the State Capital				5588
Improvement Program under sections 164.01 to 164.16 of the Revised				5589
Code.				5590
DISTRICT ADMINISTRATION COSTS				5591
The Director of the Public Works Commission is authorized to				5592
create a District Administration Costs Program from interest				5593
earnings of the Capital Improvements Fund and Local Transportation				5594
Improvement Program Fund proceeds. The program shall be used to				5595
provide for the direct costs of district administration of the				5596
nineteen public works districts. Districts choosing to participate				5597
in the program shall only expend State Capital Improvements Fund				5598
moneys for State Capital Improvements Fund costs and Local				5599
Transportation Improvement Program Fund moneys for Local				5600
Transportation Improvement Program Fund costs. The account shall				5601
not exceed \$1,235,000 per fiscal year. Each public works district				5602
may be eligible for up to \$65,000 per fiscal year from its				5603
district allocation as provided in sections 164.08 and 164.14 of				5604
the Revised Code.				5605

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

REAPPROPRIATIONS

All capital appropriations from the Local Transportation Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 2 of the 128th General Assembly remaining unencumbered as of June 30, 2011, are reappropriated for use during the period July 1, 2011, through June 30, 2012, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 7052) in this act remaining unencumbered as of June 30, 2012, are reappropriated for use during the period July 1, 2012, through June 30, 2013, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

Section 209.20. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the State Capital Improvements Fund (Fund 7038) that are not otherwise appropriated. The appropriations made in this section are in addition to any other appropriations made for the biennium ending June 30, 2012.

Appropriations

PWC PUBLIC WORKS COMMISSION

C15000 Local Public Infrastructure \$ 150,000,000

TOTAL Public Works Commission	\$ 150,000,000	5635
TOTAL State Capital Improvements	\$ 150,000,000	5636
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 appropriated as designated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 7040) that are not otherwise appropriated. Revenues to the State Capital Improvements Revolving Loan Fund shall consist

of all repayments of loans made to local subdivisions for capital 5665
improvements, investment earnings on moneys in the fund, and 5666
moneys obtained from federal or private grants or from other 5667
sources for the purpose of making loans to finance or to assist in 5668
the financing of the cost of capital improvement projects of local 5669
subdivisions. The appropriations made in this section are in 5670
addition to any other appropriations made for the biennium ending 5671
June 30, 2012. 5672

	Appropriations	
PWC PUBLIC WORKS COMMISSION		5673
C15030 Revolving Loan	\$ 49,000,000	5674
TOTAL Public Works Commission	\$ 49,000,000	5675
TOTAL State Capital Improvements Revolving Loan Fund	\$ 49,000,000	5676

The foregoing appropriation item C15030, Revolving Loan, 5677
shall be used in accordance with sections 164.01 to 164.12 of the 5678
Revised Code. 5679

Section 209.40. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 5680
AND MANAGEMENT 5681

Notwithstanding section 126.14 of the Revised Code, the 5682
appropriations from the State Capital Improvements Fund (Fund 5683
7038) and the State Capital Improvements Revolving Loan Fund (Fund 5684
7040) to the Public Works Commission shall be released upon 5685
presentation of a request to release the funds by the Director of 5686
the Public Works Commission to the Director of Budget and 5687
Management. 5688

Section 209.50. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 5689
REVISED CODE 5690

The capital improvements for which appropriations are made in 5691
this act from the State Capital Improvements Fund (Fund 7038) are 5692

determined to be capital improvements and capital facilities for 5693
local subdivision capital improvement projects and are designated 5694
as capital facilities to which proceeds of obligations issued 5695
under Chapter 151. of the Revised Code are to be applied. 5696

Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 5697
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 5698

The Director of Budget and Management shall initiate and 5699
process payments from lease rental payment appropriation items 5700
during the period from July 1, 2011, to June 30, 2013, pursuant to 5701
the lease agreements for bonds or notes issued under Section 2i of 5702
Article VIII of the Ohio Constitution and Chapter 152. of the 5703
Revised Code. Payments shall be made upon certification by the 5704
Ohio Building Authority of the dates and amounts due on those 5705
dates. 5706

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS TO OBA AND 5707
TREASURER 5708

Certain appropriations are in this act for the purpose of 5709
lease rental and other payments to the Ohio Building Authority or 5710
to the Treasurer of State under leases and agreements relating to 5711
bonds or notes issued by the Ohio Building Authority or the 5712
Treasurer of State under the Ohio Constitution and acts of the 5713
General Assembly. If it is determined that additional 5714
appropriations are necessary for this purpose, such amounts are 5715
hereby appropriated. 5716

Section 515.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 5717
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 5718

Upon the request of the Director of Transportation, the 5719
Director of Budget and Management may transfer cash from the 5720
Highway Operating Fund (Fund 7002) to the Highway Capital 5721

Improvement Fund (Fund 7042) created in section 5528.53 of the Revised Code. The Director of Budget and Management may transfer from Fund 7042 to Fund 7002 up to the amounts previously transferred to Fund 7042 under this section.

Section 515.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND

The Director of Budget and Management shall transfer cash in equal monthly increments totaling \$163,918,656 in fiscal year 2012 and in equal monthly increments totaling \$170,424,912 in fiscal year 2013 from the Highway Operating Fund, created in section 5735.291 of the Revised Code, to the Gasoline Excise Tax Fund created in division (A) of section 5735.27 of the Revised Code. The monthly amounts transferred under this section shall be distributed as follows: 42.86 per cent shall be distributed among the municipal corporations within the state under division (A)(2) of section 5735.27 of the Revised Code; 37.14 per cent shall be distributed among the counties within the state under division (A)(3) of section 5735.27 of the Revised Code; and 20 per cent shall be distributed among the townships within the state under division (A)(5)(b) of section 5735.27 of the Revised Code.

Section 515.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2011, and on January 1, 2012, 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).

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 5752
General, with the consent of the Director of Budget and 5753
Management, may seek Controlling Board approval for additional 5754
transfers of cash and to increase the amount appropriated from 5755
appropriation item 965603, Deputy Inspector General for ODOT, in 5756
the amount of the additional transfers. 5757

Section 515.40. CASH TRANSFER TO GRF 5758

On July 1, 2011, or as soon as possible thereafter, the 5759
Director of Budget and Management shall transfer the cash balance 5760
of the Transit Capital Fund (Fund 5E70), as of June 30, 2011, to 5761
the General Revenue Fund. 5762

Section 515.50. On July 1, 2011, or as soon as possible 5763
thereafter, the Director of Budget and Management shall transfer 5764
\$25,000,000 of the money in the International Registration Plan 5765
Distribution Fund created by section 4501.044 of the Revised Code 5766
and that is specified in division (A)(3) of that section to the 5767
State Highway Safety Fund created by section 4501.06 of the 5768
Revised Code. The Director shall make such transfer before any 5769
money that is described in division (A)(3) of section 4501.044 of 5770
the Revised Code is distributed, deposited, or credited in 5771
accordance with that division. 5772

On July 1, 2012, or as soon as possible thereafter, the 5773
Director of Budget and Management shall transfer \$24,000,000 of 5774
the money in the International Registration Plan Distribution Fund 5775
created by section 4501.044 of the Revised Code and that is 5776
specified in division (A)(3) of that section to the State Highway 5777
Safety Fund created by section 4501.06 of the Revised Code. The 5778
Director shall make such transfer before any money that is 5779
described in division (A)(3) of section 4501.044 of the Revised 5780
Code is distributed, deposited, or credited in accordance with 5781

that division. 5782

Section 610.10. That Section 512.90 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows: 5783
5784

Sec. 512.90. CASH TRANSFERS FROM THE TOBACCO USE PREVENTION AND CONTROL FOUNDATION ENDOWMENT FUND 5785
5786

The Director of Budget and Management may request the Treasurer of State to transfer \$258,622,890 cash from moneys in the custody of the Treasurer of State that were formerly to the credit of the Tobacco Use Prevention and Control Foundation Endowment Fund, to the General Health and Human Service Pass-Through Fund (Fund 5HC0). If any cash is transferred to the General Health and Human Service Pass-Through Fund (Fund 5HC0) the Director of Budget and Management shall transfer the cash as follows: 5787
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(A) Up to \$46,000,000 cash in each fiscal year to the Child and Adult Protective Services Fund (Fund 5GV0), used by the Department of Job and Family Services, to support child and adult protective services under Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and any allowable service activity defined in Section 309.45.21 of Am. Sub. H.B. 1 of the 128th General Assembly. The amount transferred is hereby appropriated. 5796
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(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health Care Services - Other Fund (Fund 5HA0), used by the Department of Job and Family Services and up to \$129,814,027 cash in fiscal year 2011 to Fund 5HA0, to support health care services under the state Medicaid plan. The amount transferred is hereby appropriated. 5804
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(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 5809
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amount transferred is hereby appropriated. 5812

Section 610.11. That existing Section 512.90 of Am. Sub. H.B. 5813
1 of the 128th General Assembly is hereby repealed. 5814

Section 753.10. (A) The Governor is authorized to execute a 5815
deed in the name of the state conveying to the City of Massillon 5816
(hereinafter the "grantee"), its successors and assigns, all of 5817
the right, title, and interest of the state in the following 5818
described real estate: 5819

Situated in the City of Massillon, County of Stark, State of 5820
Ohio and being part of Massillon City Out Lot 538. Also being part 5821
of a 40.00 acre tract conveyed to State of Ohio Youth Commission. 5822

Beginning at a 1/2-inch iron bar with an H&A cap set at the 5823
southeast corner of said Out Lot 538 and the true place of 5824
beginning; 5825

1. Thence N 60°13'44" W along the north line of a tract now 5826
or formerly owned by Massillon Materials, Inc. (O.R. Vol. 1167, 5827
Pg. 223) a distance of 1411.25 feet to a 1/2-inch iron bar with an 5828
H&A cap set; 5829

2. Thence N 39°37'36" E along the east line a tract of land 5830
now or formerly owned by the City of Massillon (21.46 ac.) a 5831
distance of 34.07 feet to a 1/2-inch iron bar with an H&A cap set; 5832

3. Thence N 48°54'16" E continuing along the east line of 5833
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 5834
to a 1/2-inch iron bar with an H&A cap set; 5835

4. Thence N 56°10'56" E continuing along the east line of 5836
said City of Massillon tract (21.46 ac.) a distance of 101.15 feet 5837
to a 1/2-inch iron bar with an H&A cap set; 5838

5. Thence N 55°38'06" E continuing along the east line of 5839
said City of Massillon tract (21.46 ac.) a distance of 89.92 feet 5840

to a 1/2-inch iron bar with an H&A cap set; 5841

6. Thence N 55°25'36" E continuing along the east line of 5842
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 5843
to a 1/2-inch iron bar with an H&A cap set; 5844

7. Thence N 54°13'26" E continuing along the east line of 5845
said City of Massillon tract (21.46 ac.) a. distance of 100.00 5846
feet to a 1/2-inch iron bar with an H&A cap set; 5847

8. Thence N 44°40'56" E continuing along the east line of 5848
said City of Massillon tract (21.46 ac.) a distance of 101.37 feet 5849
to a 1/2-inch iron bar with an H&A cap set; 5850

9. Thence S 06°28'18" E along a new division line a distance 5851
of 469.59 feet to a 1/2-inch iron bar with an H&A cap set; 5852

10. Thence S 60°13'44" E continuing along a new division line 5853
a distance of 700.00 feet to a 1/2-inch iron bar with an H&A cap 5854
set; 5855

11. Thence N 74°46'16" E continuing along a new division line 5856
a distance of 282.84 feet to a 1/2-inch iron bar with an H&A cap 5857
set; 5858

12. Thence S 29°46'16" W along the west line of said 5859
Massillon Materials, Inc. tract (O.R. Vol. 1167, Pg. 223) a 5860
distance of 400.00 feet to a 1/2-inch iron bar with an H&A cap set 5861
and the true place of beginning. 5862

The above described tract contains 8.622 acres of which no 5863
acres lie within the public right-of-way as surveyed under the 5864
supervision of Gary L. Toussant, P.S. #6332 of Hammontree and 5865
Associates, Limited, Engineers, Planners and Surveyors of North 5866
Canton, Ohio on November 2, 2006. 5867

The basis of bearings is the Ohio State Plane Coordinate 5868
System, North Zone, NAD83 from the City of Massillon Control 5869
Survey. 5870

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, may modify the foregoing description insofar as necessary to bring it into conformity with the actual bounds of the real estate being described.

(B) Consideration for the conveyance of the real estate is fifteen thousand dollars, to be paid to the state at closing, as derived by mutual agreement reached between the state and the grantee through an executed Offer to Purchase (hereinafter the "Offer to Purchase").

(C) The grantee, following the conveyance of the real estate, and in accordance with the terms of the Offer to Purchase, shall do all of the following:

(1) Construct and maintain, at the grantee's sole expense, a detention basin on the real estate;

(2) Permit the state to discharge water into the detention basin; and

(3) Maintain or relocate the state's existing storm sewer connections.

(D) The real estate shall be sold as an entire tract and not in parcels.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions, and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with 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. 5901

(G) This section expires one year after its effective date. 5902

Section 755.30. Notwithstanding Chapter 5735. of the Revised 5903
Code, the following shall apply for the period of July 1, 2011, 5904
through June 30, 2013: 5905

(A) For the discount under section 5735.06 of the Revised 5906
Code, if the monthly report is timely filed and the tax is timely 5907
paid, one per cent of the total number of gallons of motor fuel 5908
received by the motor fuel dealer within the state during the 5909
preceding calendar month, less the total number of gallons 5910
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 5911
the Revised Code, less one-half of one per cent of the total 5912
number of gallons of motor fuel that were sold to a retail dealer 5913
during the preceding calendar month. 5914

(B) For the semiannual periods ending December 31, 2011, June 5915
30, 2012, December 31, 2012, and June 30, 2013, the refund 5916
provided to retail dealers under section 5735.141 of the Revised 5917
Code shall be one-half of one per cent of the Ohio motor fuel 5918
taxes paid on fuel purchased during those semiannual periods. 5919

Section 755.40. On July 1, 2011, and on the first day of the 5920
month for each month thereafter, the Treasurer of State, before 5921
making any of the distributions specified in sections 5735.23, 5922
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 5923
the first two per cent of the amount of motor fuel tax received 5924
for the preceding calendar month to the credit of the Highway 5925
Operating Fund (Fund 7002). 5926

Upon the written request of the Director of Public Safety, 5927
the Director of Budget and Management may make periodic transfers 5928
of cash totaling \$16,200,000 in each fiscal year from the Highway 5929
Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 5930

7036). 5931

Section 755.50. To the extent permitted by federal law, 5932
federal money received by the state for fiscal stabilization and 5933
recovery purposes shall be used in accordance with the preferences 5934
for products and services made or performed in the United States 5935
and Ohio established in section 125.09 of the Revised Code. 5936

Section 757.10. The amendment by this act of section 5751.01 5937
of the Revised Code is intended to clarify the law as it existed 5938
prior to the enactment of this act and shall be construed 5939
accordingly. The amendment shall apply to all tax periods 5940
beginning on or after July 1, 2005. 5941

Section 757.20. There is hereby created the Joint Legislative 5942
Task Force on Department of Transportation Funding. The Task Force 5943
shall consist of three members of the House Finance and 5944
Appropriations Committee, two of whom shall be appointed by the 5945
Speaker of the House of Representatives and one of whom shall be 5946
appointed by the Minority Leader of the House of Representatives, 5947
and three members of the Senate Highways and Transportation 5948
Committee, two of whom shall be appointed by the President of the 5949
Senate and one of whom shall be appointed by the Minority Leader 5950
of the Senate. 5951

The Task Force shall examine the funding needs of the Ohio 5952
Department of Transportation. Not later than December 15, 2011, 5953
the Task Force shall issue a report containing its findings and 5954
recommendations to the President of the Senate, the Minority 5955
Leader of the Senate, the Speaker of the House of Representatives, 5956
and the Minority Leader of the House of Representatives. At that 5957
time, the Task Force shall cease to exist. 5958

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 5959

APPROPRIATIONS	5960
Law contained in the main operating appropriations act of the	5961
129th General Assembly that is generally applicable to the	5962
appropriations made in the main operating appropriations act also	5963
is generally applicable to the appropriations made in this act.	5964
Section 801.20. As used in the uncodified law of this act,	5965
"American Recovery and Reinvestment Act of 2009" means the	5966
"American Recovery and Reinvestment Act of 2009," Pub. L. No.	5967
111-5, 123 Stat. 115.	5968
Section 806.10. The items of law contained in this act, and	5969
their applications, are severable. If any item of law contained in	5970
this act, or if any application of any item of law contained in	5971
this act, is held invalid, the invalidity does not affect other	5972
items of law contained in this act and their applications that can	5973
be given effect without the invalid item or application.	5974
Section 812.10. Except as otherwise provided in this act, the	5975
amendment, enactment, or repeal by this act of a section of law is	5976
subject to the referendum under Ohio Constitution, Article II,	5977
Section 1c and therefore takes effect on the ninety-first day	5978
after this act is filed with the Secretary of State or, if a later	5979
effective date is specified below, on that date.	5980
Section 812.20. In this section, an "appropriation" includes	5981
another provision of law in this act that relates to the subject	5982
of the appropriation.	5983
An appropriation of money made in this act is not subject to	5984
the referendum insofar as a contemplated expenditure authorized	5985
thereby is wholly to meet a current expense within the meaning of	5986
Ohio Constitution, Article II, Section 1d and section 1.471 of the	5987
Revised Code. To that extent, the appropriation takes effect	5988

immediately when this act becomes law. Conversely, the 5989
appropriation is subject to the referendum insofar as a 5990
contemplated expenditure authorized thereby is wholly or partly 5991
not to meet a current expense within the meaning of Ohio 5992
Constitution, Article II, Section 1d and section 1.471 of the 5993
Revised Code. To that extent, the appropriation takes effect on 5994
the ninety-first day after this act is filed with the Secretary of 5995
State. 5996