

# As Passed by the House

129th General Assembly  
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2011-2012

Sub. H. B. No. 114

Representative McGregor

Cosponsors: Representatives Amstutz, Carey, Adams, R., Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Brenner, Bubp, Buchy, Carney, Celeste, Clyde, Combs, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hollington, Huffman, Johnson, Landis, Letson, Luckie, McClain, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Weddington, Williams, Winburn, Young, Yuko

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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 the Revised Code. 44  
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(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 46  
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(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 48  
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(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  
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(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  
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(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  
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(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  
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(1) An application form and procedures governing the 73

application process for a grant under the program;	74
(2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following:	75
(a) Publicly accessible refueling facilities;	76
(b) Entities seeking grants that have secured funding from other sources, including, but not limited to, private or federal grants;	77
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	78
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	79
(e) Entities that will be purchasing or installing facilities or terminals for <del>both blended biodiesel and blended gasoline</del> <u>any type of alternative fuel</u> .	80
(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;	81
(4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the <del>incremental</del> 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> ;	82
(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program.	83
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(D) An applicant for a grant under this section that sells 104  
motor vehicle fuel at retail shall agree that if the applicant 105  
receives a grant, the applicant will report to the director the 106  
gallon or gallon equivalent amounts of ~~blended gasoline and~~ 107  
~~blended biodiesel~~ alternative fuel the applicant sells at retail 108  
in this state for a period of three years after the grant is 109  
awarded. 110

The director shall enter into a written confidentiality 111  
agreement with the applicant regarding the gallon or gallon 112  
equivalent amounts sold as described in this division, and upon 113  
execution of the agreement this information is not a public 114  
record. 115

(E) There is hereby created in the state treasury the 116  
alternative fuel transportation grant fund. The fund shall consist 117  
of money transferred to the fund under division (C) of section 118  
125.836 of the Revised Code, money that is appropriated to it by 119  
the general assembly, and money as may be specified by the general 120  
assembly from the advanced energy fund created by section 4928.61 121  
of the Revised Code. Money in the fund shall be used to make 122  
grants under the alternative fuel transportation grant program and 123  
by the director in the administration of that program. 124

**Sec. 125.11.** (A) Subject to division (B) of this section, 125  
contracts awarded pursuant to a reverse auction under section 126  
125.072 of the Revised Code or pursuant to competitive sealed 127  
bidding, including contracts awarded under section 125.081 of the 128  
Revised Code, shall be awarded to the lowest responsive and 129  
responsible bidder on each item in accordance with section 9.312 130  
of the Revised Code. When the contract is for meat products as 131  
defined in section 918.01 of the Revised Code or poultry products 132  
as defined in section 918.21 of the Revised Code, only those bids 133  
received from vendors offering products from establishments on the 134

current list of meat and poultry vendors established and 135  
maintained by the director of administrative services under 136  
section 125.17 of the Revised Code shall be eligible for 137  
acceptance. The department of administrative services may accept 138  
or reject any or all bids in whole or by items, except that when 139  
the contract is for services or products available from a 140  
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 141  
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 142  
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 commissioners of each county in the district, two members appointed by a majority of the chief executive officers of all cities within each county in the district, three members appointed by a majority of the boards of township trustees of all townships in the district, three members appointed by a majority of chief executive officers of all villages in the district, one member who is appointed by a majority of the county engineers in the district and who shall be a county engineer, and one member, who shall have experience in local infrastructure planning and economic development, shall be appointed by a majority of all other committee members or their alternates. If there is a county in the district in which there are no cities, the member that is to be appointed by the chief executive officers of the cities within that county shall be appointed by the chief executive officer of the village with the largest population in that county.

(6) In districts five, eleven, and thirteen through eighteen, the members of each district committee shall be appointed as follows: one member shall be appointed by each board of county commissioners; one member shall be appointed by the majority of the chief executive officers of the cities located in each county; three members shall be appointed by a majority of the chief executive officers of villages located within the district; three members shall be appointed by a majority of the boards of township trustees located within the district; one member shall be appointed by a majority of the county engineers of the district and shall be a county engineer; and one member, who shall have experience in local infrastructure planning and economic development and who shall represent the interests of private industry within the district, shall be appointed by a majority of the members of the committee or their alternates. If there is a county in the district in which there are no cities, the member that is to be appointed by the chief executive officers of the

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 645  
exceed ~~ten times the amount of the fee due under section 4905.801~~ 646  
~~of the Revised Code. The~~ the following, as applicable: 647

(1) Twenty-five thousand dollars for a motor carrier; 648

(2) Forty-five thousand dollars for the first cask designated 649  
for transport by rail and thirty thousand dollars for each 650  
additional cask designated for transport by rail that is shipped 651  
by the same person or entity in the same shipment. 652

The attorney general, upon the request of the executive 653  
director of the emergency management agency, shall bring a civil 654  
action to collect the penalty. Fines collected pursuant to this 655  
section shall be deposited into the state treasury to the credit 656  
of the radioactive waste transportation fund created in section 657  
~~4905.802~~ 4905.801 of the Revised Code. 658

**Sec. 4301.62.** (A) As used in this section: 659

(1) "Chauffeured limousine" means a vehicle registered under 660  
section 4503.24 of the Revised Code. 661

(2) "Street," "highway," and "motor vehicle" have the same 662  
meanings as in section 4511.01 of the Revised Code. 663

(B) No person shall have in the person's possession an opened 664  
container of beer or intoxicating liquor in any of the following 665  
circumstances: 666

(1) In a state liquor store; 667

(2) Except as provided in division (C) of this section, on 668

the premises of the holder of any permit issued by the division of 669  
liquor control; 670

(3) In any other public place; 671

(4) Except as provided in division (D) or (E) of this 672  
section, while operating or being a passenger in or on a motor 673  
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 890  
receives pursuant to section 4503.498 of the Revised Code to 891  
special olympics Ohio, inc., which shall use the contributions for 892  
its programs, charitable efforts, and other activities. 893

The registrar shall pay the contributions the registrar 894  
receives pursuant to section 4503.499 of the Revised Code to the 895  
children's glioma cancer foundation, which shall use the 896  
contributions for its research and other programs. 897

The registrar shall pay the contributions the registrar 898  
receives pursuant to section 4503.50 of the Revised Code to the 899  
future farmers of America foundation, which shall deposit the 900  
contributions into its general account to be used for educational 901  
and scholarship purposes of the future farmers of America 902  
foundation. 903

The registrar shall pay the contributions the registrar 904  
receives pursuant to section 4503.501 of the Revised Code to the 905  
4-H youth development program of the Ohio state university 906  
extension program, which shall use those contributions to pay the 907  
expenses it incurs in conducting its educational activities. 908

The registrar shall pay the contributions received pursuant 909  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 910  
foundation, which shall use those contributions for scholarships 911  
and other educational activities. 912

The registrar shall pay the contributions received pursuant 913  
to section 4503.505 of the Revised Code to the organization Ohio 914  
region phi theta kappa, which shall use those contributions for 915

scholarships for students who are members of that organization. 916

The registrar shall pay each contribution the registrar 917  
receives pursuant to section 4503.51 of the Revised Code to the 918  
university or college whose name or marking or design appears on 919  
collegiate license plates that are issued to a person under that 920  
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,  
incorporated," a nonprofit corporation organized under the laws of 926  
this state, to assist that organization in paying the expenses it 927  
incurs in sponsoring or holding charitable, educational, and 928  
cultural events at the monument. 929  
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 of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

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

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

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

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



administrative costs incurred in the disbursement and management 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 1233  
registrar agency. 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 1361  
registrar, may be individual or schedule bonds or may be included 1362  
in any blanket bond coverage carried by the department. 1363

(H) Each deputy registrar shall keep a file of each 1364  
application received by the deputy and shall register that motor 1365  
vehicle with the name and address of its owner. 1366

(I) Upon request, a deputy registrar shall make the physical 1367  
inspection of a motor vehicle and issue the physical inspection 1368  
certificate required in section 4505.061 of the Revised Code. 1369

(J) Each deputy registrar shall file a report semi-annually 1370  
with the registrar of motor vehicles listing the number of 1371  
applicants for licenses the deputy has served, the number of voter 1372  
registration applications the deputy has completed and transmitted 1373  
to the board of elections, and the number of voter registration 1374  
applications declined. 1375

**Sec. 4503.031.** (A)(1) If the registrar determines that space 1376  
is available at a deputy registrar's office, the clerk of the 1377  
court of common pleas in the county where the deputy is located 1378  
shall be given the opportunity to use the space for the purpose of 1379  
carrying out ~~his~~ the clerk's duties related to the titling of 1380  
motor vehicles. Each clerk of the court of common pleas using 1381  
space in a deputy registrar's office shall remit to the deputy a 1382  
rental fee equal to the percentage of space occupied by the clerk 1383  
in the deputy's office multiplied by the rental fee or mortgage 1384  
cost paid for the entire deputy registrar's office plus a pro rata 1385  
share of all utility costs. 1386

(2) If the clerk of the court of common pleas determines that 1387

space is available at any location at which the clerk has an 1388  
office, the clerk shall inform the registrar of that fact and 1389  
shall provide the registrar with all pertinent information about 1390  
the available space. After giving due consideration to the 1391  
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 capacity of more than seven persons which is operated and used by any person in the rendition of a public mass transportation service primarily in a municipal corporation or municipal corporations and provided at least seventy-five per cent of the annual mileage of such service and use is within such municipal corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a charitable or nonprofit corporation, but does not mean any motor vehicle having a seating capacity of more than seven persons when such vehicle is used in a ridesharing capacity or any bus described by division (F)(3) of this section.

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

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

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

(J)(1) Except as otherwise provided in division (J) of this

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

<u>truck or farm bus registered under division (J) of this section.</u>	1666
(P) As used in this section:	1667
(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat.	1668 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.	1670 1671 1672 1673
(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.	1674 1675 1676 1677 1678 1679 1680 1681 1682
(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.	1683 1684 1685
(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.	1686 1687 1688 1689
<b>Sec. 4503.521.</b> (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	1690 1691 1692 1693 1694 1695

a special reserved license plate under section 4503.40 or 4503.42 1696  
of the Revised Code. Upon receipt of the completed application and 1697  
compliance with division (B) of this section, the registrar shall 1698  
issue to the applicant the appropriate vehicle registration and a 1699  
set of "share the road" license plates with a validation sticker 1700  
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  
occupancy permit for the manufactured or mobile home is delivered  
to the purchaser by the appropriate legal authority, whichever  
occurs later.

(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 2014  
of the tax or a receipt issued by the commissioner showing the 2015  
payment of the tax. When submitting payment of the tax to the 2016  
clerk, a dealer shall retain any discount to which the dealer is 2017  
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 2082  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 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 subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code;	2174 2175 2176
(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;	2177 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,	2203 2204

pursuant to Chapter 5739. of the Revised Code, an application for 2205  
a certificate of title for a manufactured home or mobile home 2206  
without requiring payment of any tax pursuant to section 5739.02, 2207  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 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 2271  
credit of the motor vehicle dealers board fund, which is hereby 2272  
created. All investment earnings of the fund shall be credited to 2273  
the fund. The moneys in the motor vehicle dealers board fund shall 2274  
be used by the motor vehicle dealers board created under section 2275  
4517.30 of the Revised Code, together with other moneys 2276  
appropriated to it, in the exercise of its powers and the 2277  
performance of its duties under Chapter 4517. of the Revised Code, 2278  
except that the director of budget and management may transfer 2279  
excess money from the motor vehicle dealers board fund to the 2280  
bureau of motor vehicles fund if the registrar determines that the 2281  
amount of money in the motor vehicle dealers board fund, together 2282  
with other moneys appropriated to the board, exceeds the amount 2283  
required for the exercise of its powers and the performance of its 2284  
duties under Chapter 4517. of the Revised Code and requests the 2285  
director to make the transfer. 2286

(b) Twenty-one cents shall be paid into the highway operating 2287  
fund. 2288

(c) Twenty-five cents shall be paid into the state treasury 2289  
to the credit of the motor vehicle sales audit fund, which is 2290  
hereby created. The moneys in the fund shall be used by the tax 2291  
commissioner together with other funds available to the 2292  
commissioner to conduct a continuing investigation of sales and 2293  
use tax returns filed for motor vehicles in order to determine if 2294  
sales and use tax liability has been satisfied. The commissioner 2295  
shall refer cases of apparent violations of section 2921.13 of the 2296  
Revised Code made in connection with the titling or sale of a 2297  
motor vehicle and cases of any other apparent violations of the 2298  
sales or use tax law to the appropriate county prosecutor whenever 2299

the commissioner considers it advisable. 2300

(3) Two dollars of the amount received by the registrar under 2301  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 2302  
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 2365  
driver's license temporary instruction permit shall be accompanied 2366  
by a fee of ten dollars. Each application for a commercial 2367  
driver's license, restricted commercial driver's license, renewal 2368  
of such a license, or waiver for farm-related service industries 2369  
shall be accompanied by a fee of twenty-five dollars, except that 2370  
an application for a commercial driver's license or restricted 2371  
commercial driver's license received pursuant to division (A)(3) 2372  
of section 4506.14 of the Revised Code shall be accompanied by a 2373  
fee of eighteen dollars and seventy-five cents if the license will 2374  
expire on the licensee's birthday three years after the date of 2375  
issuance, a fee of twelve dollars and fifty cents if the license 2376  
will expire on the licensee's birthday two years after the date of 2377  
issuance, and a fee of six dollars and twenty-five cents if the 2378  
license will expire on the licensee's birthday one year after the 2379  
date of issuance. Each application for a duplicate commercial 2380  
driver's license shall be accompanied by a fee of ten dollars. 2381

(2) In addition, the registrar of motor vehicles or deputy 2382  
registrar may collect and retain an additional fee of no more than 2383  
three dollars and fifty cents for each application for a 2384  
commercial driver's license temporary instruction permit, 2385  
commercial driver's license, renewal of a commercial driver's 2386  
license, or duplicate commercial driver's license received by the 2387  
registrar or deputy. 2388

(B) In addition to the fees imposed under division (A) of 2389  
this section, the registrar of motor vehicles or deputy registrar 2390  
shall collect a fee of twelve dollars for each application for a 2391  
commercial driver's license temporary instruction permit, 2392

commercial driver's license, or duplicate commercial driver's 2393  
license and for each application for renewal of a commercial 2394  
driver's license. The additional fee is for the purpose of 2395  
defraying the department of public safety's costs associated with 2396  
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 2429  
Revised Code, thirty cents into the state treasury to the credit 2430  
of the investigations fund established in section 5502.131 of the 2431  
Revised Code, one dollar and twenty-five cents into the state 2432  
treasury to the credit of the emergency management agency service 2433  
and reimbursement fund established in section 5502.39 of the 2434  
Revised Code, and twenty-five cents into the state treasury to the 2435  
credit of the justice program services fund established in section 2436  
5502.67 of the Revised Code. 2437

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 2438  
deputy registrar, upon receiving an application for a temporary 2439  
instruction permit and a temporary instruction permit 2440  
identification card for a driver's license from any person who is 2441  
at least fifteen years six months of age, may issue such a permit 2442  
and identification card entitling the applicant to drive a motor 2443  
vehicle, other than a commercial motor vehicle, upon the highways 2444  
under the following conditions: 2445

(1) If the permit is issued to a person who is at least 2446  
fifteen years six months of age, but less than sixteen years of 2447  
age: 2448

(a) The permit and identification card are in the holder's 2449  
immediate possession; 2450

(b) The holder is accompanied by an eligible adult who 2451  
actually occupies the seat beside the permit holder and does not 2452  
have a prohibited concentration of alcohol in the whole blood, 2453  
blood serum or plasma, breath, or urine as provided in division 2454  
(A) of section 4511.19 of the Revised Code; 2455

(c) The total number of occupants of the vehicle does not 2456  
exceed the total number of occupant restraining devices originally 2457  
installed in the motor vehicle by its manufacturer, and each 2458  
occupant of the vehicle is wearing all of the available elements 2459  
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 department of public safety;	2549 2550
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	2551 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
<b>Sec. 4507.23.</b> (A) Except as provided in division <del>(J)</del> <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 <del>(J)</del> <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 <del>(J)</del> <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 <del>(J)</del> <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	2574 2575 2576 2577 2578

adopted by the registrar of motor vehicles. 2579

(D) Except as provided in division ~~(J)~~(I) of this section, 2580  
each application for a motorized bicycle license or duplicate 2581  
thereof shall be accompanied by a fee of two dollars and fifty 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 accurate measure of the concentration by weight of alcohol in the breath. 2733  
2734  
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(i) It operates reliably over the range of automobile environments. 2736  
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(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 2752  
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the effectiveness of the prototype device and the program. 2764

(C) If a person has been granted limited driving privileges 2765  
with a condition of the privileges being that the motor vehicle 2766  
that is operated under the privileges must be equipped with an 2767  
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 2830  
motorcycle without using safety glasses or other protective eye 2831  
device. No person who is under the age of eighteen years, or who 2832  
holds a motorcycle operator's endorsement or license bearing a 2833  
"novice" designation that is currently in effect as provided in 2834  
section 4507.13 of the Revised Code, shall operate a motorcycle on 2835  
a highway, or be a passenger on a motorcycle, unless wearing a 2836  
protective helmet on the person's head, and no other person shall 2837  
be a passenger on a motorcycle operated by such a person unless 2838  
similarly wearing a protective helmet. The helmet, safety glasses, 2839  
or other protective eye device shall conform with ~~regulations~~ 2840  
~~prescribed and promulgated~~ rules adopted by the director of public 2841  
safety. The provisions of this paragraph or a violation thereof 2842  
shall not be used in the trial of any civil action. 2843

(C)(1) No person shall operate a motorcycle with a valid 2844  
temporary instruction permit and temporary instruction permit 2845  
identification card issued by the registrar of motor vehicles 2846  
pursuant to section 4507.05 of the Revised Code unless the person, 2847  
at the time of such operation, is wearing on the person's head a 2848  
protective helmet that conforms with rules adopted by the 2849  
director. 2850

(2) No person shall operate a motorcycle with a valid 2851  
temporary instruction permit and temporary instruction permit 2852  
identification card issued by the registrar pursuant to section 2853  
4507.05 of the Revised Code in any of the following circumstances: 2854

(a) At any time when lighted lights are required by division 2855  
(A)(1) of section 4513.03 of the Revised Code; 2856

(b) While carrying a passenger; 2857

(c) On any limited access highway. 2858

(D) Nothing in this section shall be construed as prohibiting 2859  
the carrying of a child in a seat or trailer that is designed for 2860  
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 section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a) or (b) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a) or (b) of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

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

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

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

An arrest or conviction for a violation of division (F)(1)(a) or (b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in

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 3049  
Revised Code. 3050

(3) "Special license plates" and "removable windshield 3051  
placard" mean any license plates or removable windshield placard 3052  
or temporary removable windshield placard issued under section 3053  
4503.41 or 4503.44 of the Revised Code, and also mean any 3054  
substantially similar license plates or removable windshield 3055  
placard or temporary removable windshield placard issued by a 3056  
state, district, country, or sovereignty. 3057

**Sec. 4513.24.** (A) No person shall drive any motor vehicle on 3058  
a street or highway in this state, other than a motorcycle or 3059  
motorized bicycle, that is not equipped with a windshield. 3060

(B)(1) No person shall drive any motor vehicle, other than a 3061  
bus, with any sign, poster, or other nontransparent material upon 3062  
the front windshield, sidewings, side, or rear windows of such 3063  
vehicle other than a certificate or other paper required to be 3064  
displayed by law, except that there may be in the lower left-hand 3065  
or right-hand corner of the windshield a sign, poster, or decal 3066  
not to exceed four inches in height by six inches in width. No 3067  
sign, poster, or decal shall be displayed in the front windshield 3068  
in such a manner as to conceal the vehicle identification number 3069  
for the motor vehicle when, in accordance with federal law, that 3070  
number is located inside the vehicle passenger compartment and so 3071  
placed as to be readable through the vehicle glazing without 3072  
moving any part of the vehicle. 3073

(2) Division (B)(1) of this section does not apply to a 3074  
person who is driving a passenger car with an electronic device, 3075  
including an antenna, electronic tolling or other transponder, 3076

camera, directional navigation device, or other similar electronic 3077  
device located in the front windshield if the device meets both of 3078  
the following: 3079

(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 3141  
vehicle dealer, any motor vehicle leasing dealer, and any used 3142  
motor vehicle dealer. 3143

(K) "New motor vehicle dealer" means any person engaged in 3144  
the business of selling at retail, displaying, offering for sale, 3145  
or dealing in new motor vehicles pursuant to a contract or 3146  
agreement entered into with the manufacturer, remanufacturer, or 3147  
distributor of the motor vehicles. 3148

(L) "Used motor vehicle dealer" means any person engaged in 3149  
the business of selling, displaying, offering for sale, or dealing 3150  
in used motor vehicles, at retail or wholesale, but does not mean 3151  
any new motor vehicle dealer selling, displaying, offering for 3152  
sale, or dealing in used motor vehicles incidentally to engaging 3153  
in the business of selling, displaying, offering for sale, or 3154  
dealing in new motor vehicles, any person engaged in the business 3155  
of dismantling, salvaging, or rebuilding motor vehicles by means 3156  
of using used parts, or any public officer performing official 3157  
duties. 3158

(M) "Motor vehicle leasing dealer" means any person engaged 3159  
in the business of regularly making available, offering to make 3160  
available, or arranging for another person to use a motor vehicle 3161  
pursuant to a bailment, lease, sublease, or other contractual 3162  
arrangement under which a charge is made for its use at a periodic 3163  
rate for a term of thirty days or more, and title to the motor 3164  
vehicle is in and remains in the motor vehicle leasing dealer who 3165  
originally leases it, irrespective of whether or not the motor 3166  
vehicle is the subject of a later sublease, and not in the user, 3167  
but does not mean a manufacturer or its affiliate leasing to its 3168

employees or to dealers. 3169

(N) "Salesperson" means any person employed by a dealer or 3170  
manufactured home broker to sell, display, and offer for sale, or 3171  
deal in motor vehicles for a commission, compensation, or other 3172  
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 of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.	3201 3202 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,	3229



remanufacturer, or distributor who supplies new motor vehicles 3230  
under a franchise agreement to a franchisee. 3231

(Y) "Dealer organization" means a state or local trade 3232  
association the membership of which is comprised predominantly of 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 state that is at least ninety acres in size and maintains over sixty thousand square feet of total facility space; 3511  
3512  
3513

(B) Is engaged primarily in the business of selling large construction and transportation equipment at auction, receives more than one million dollars in gross annual sales in this state, and derives not more than ten per cent of the person's gross annual sales revenue from the sale of motor vehicles having a gross vehicle weight rating of ten thousand pounds or less to buyers domiciled or having their principal place of business in Ohio. 3514  
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**Sec. 4517.17.** (A) Each person applying for a construction equipment auction license shall make out and deliver an application to the registrar of motor vehicles, upon a form furnished by the registrar for that purpose. The application shall be signed and sworn to by the applicant and shall include such information as the registrar may require by rule. 3522  
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(B) The registrar shall issue a construction equipment auction license to any applicant who meets the requirements of this section and section 4517.16 of the Revised Code and pays the fee required by this section. 3528  
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(C) A construction equipment auction license shall expire five years after the date of issuance unless sooner revoked. The fee for a construction equipment auction license shall be seven thousand five hundred dollars and shall accompany the application. The registrar shall deposit all fees received under this section into the state treasury to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code. 3532  
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(D) In accordance with Chapter 119. of the Revised Code, the registrar shall adopt rules necessary for the regulation of construction equipment auction sales and licensees. 3539  
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(E) At the time the registrar grants the application of any person for a construction equipment auction license, the registrar shall issue to the person a license, which shall include the name and post-office address of the person licensed. 3542  
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(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  
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(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  
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**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  
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(1) Is not eligible for the license pursuant to section 4517.16 of the Revised Code; 3556  
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(2) Has made any false statement of a material fact in the application; 3558  
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(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  
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(B) Any person who has been denied a license or has had a 3570

license revoked under this section may appeal from the action of 3571  
the registrar to the motor vehicle dealers board in the manner 3572  
provided in section 4517.33 of the Revised Code. 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 pounds or less is not required to comply with section 4517.03, 4517.20, 4517.21, or 4517.22 of the Revised Code, or any provisions of the Ohio Administrative Code adopted pursuant to such provisions.

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

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

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

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

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

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

**Sec. 4517.33.** The motor vehicle dealers board shall hear appeals which may be taken from an order of the registrar of motor vehicles, refusing to issue a license. All appeals from any order of the registrar refusing to issue any license upon proper application must be taken within thirty days from the date of the order, or the order is final and conclusive. All appeals from orders of the registrar must be by petition in writing and

verified under oath by the applicant whose application for license 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 3699  
provide criteria for the negotiation and award without competitive 3700  
bidding of any contract as to which the port authority is the 3701  
contracting entity for the construction of any building, 3702  
structure, or other improvement under any of the following 3703  
circumstances: 3704

(1) There exists a real and present emergency that threatens 3705  
damage or injury to persons or property of the port authority or 3706  
other persons, provided that a statement specifying the nature of 3707  
the emergency that is the basis for the negotiation and award of a 3708  
contract without competitive bidding shall be signed by the 3709  
officer of the port authority that executes that contract at the 3710  
time of the contract's execution and shall be attached to the 3711  
contract. 3712

(2) A commonly recognized industry or other standard or 3713  
specification does not exist and cannot objectively be articulated 3714  
for the improvement. 3715

(3) The contract is for any energy conservation measure as 3716  
defined in section 307.041 of the Revised Code. 3717

(4) With respect to material to be incorporated into the 3718  
improvement, only a single source or supplier exists for the 3719  
material. 3720

(5) A single bid is received by the port authority after 3721  
complying with the provisions of division (A) of this section. 3722

(C)(1) If a contract is to be negotiated and awarded without 3723  
competitive bidding for the reason set forth in division (B)(2) of 3724



this section, the port authority shall publish a notice calling 3725  
for technical proposals at least twice, with at least seven days 3726  
between publications, in a newspaper of general circulation in the 3727  
area of the port authority. After receipt of the technical 3728  
proposals, the port authority may negotiate with and award a 3729  
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 maintain such branch offices as it may require;	3758 3759
(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities;	3760 3761 3762 3763 3764 3765 3766
(5) Straigten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority;	3767 3768 3769
(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof;	3770 3771 3772
(7) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any port authority facility or other permanent improvement that a port authority is authorized to acquire, construct, furnish, or equip, in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may only be issued pursuant to a vote of the electors residing within the area of jurisdiction of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the port authority as listed and assessed for taxation.	3773 3774 3775 3776 3777 3778 3779 3780 3781 3782
(8) Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 4582.48 of the Revised Code, for the purpose of providing funds to pay the costs of any port authority	3783 3784 3785 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 (O) 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 insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;	4009 4010 4011 4012 4013 4014 4015 4016 4017
(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;	4018 4019 4020
(24) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	4021 4022
(25) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.	4023 4024 4025
(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.	4026 4027 4028 4029
(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor.	4030 4031
<u>Sec. 4749.031. (A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the</u>	4032 4033 4034 4035 4036 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  
department, a transit agency operating a rail fixed guideway 4160  
system, 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 public safety" and "department" include all divisions within the department of public safety.

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

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

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

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

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

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

(5) Approve employment actions of the department, including



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) <u>Apply for, allocate, disburse, and account for grants</u>	4225
<u>made available under federal law or from other federal, state, or</u>	4226
<u>private sources;</u>	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, soybeans, tobacco, <del>and wheat, manure, turf, sod, and silage.</del>	4312 4313
(3) "Farm truck" means a truck used in the transportation from a farm of farm commodities when the truck is operated in accordance with this section.	4314 4315 4316
(4) <u>"Forest products" includes logs, chips, sawdust, mulch, bark, pulpwood, biomass, and firewood.</u>	4317 4318
(5) <u>"Log Forest product truck" means a truck used in the transportation of timber from the site of its cutting transporting forest products from the site where the forest product is harvested</u> when the truck is operated in accordance with this section.	4319 4320 4321 4322 4323
<del>(5)</del> (6) "Coal truck" means a truck transporting coal from the site where it is mined when the truck is operated in accordance with this section.	4324 4325 4326
<del>(6)</del> (7) "Solid waste" has the same meaning as in section 3734.01 of the Revised Code.	4327 4328
<del>(7)</del> (8) "Solid waste haul vehicle" means a vehicle hauling solid waste for which a bill of lading has not been issued.	4329 4330
(9) <u>"Minerals" has the same meaning as in section 1514.01 of the Revised Code.</u>	4331 4332
(10) <u>"Surface mining vehicle" means a truck used in the transportation of minerals from the earth or from the surface of the land by surface excavation methods when the truck is operated in accordance with this section.</u>	4333 4334 4335 4336
(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, <del>a coal truck transporting coal, a farm truck or farm machinery transporting farm commodities, a log truck transporting timber, or a solid waste haul vehicle hauling solid waste, from</del>	4337 4338 4339 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 4377  
to 5577.09 of the Revised Code, no wheel or axle-load limits shall 4378  
apply and no penalty prescribed in section 5577.99 of the Revised 4379  
Code for a wheel or axle overload shall be imposed. 4380

(C) If any of the vehicles listed in division (B)(1) of this 4381  
section and operated under the conditions described in that 4382  
division exceeds by more than seven and one-half per cent the 4383  
weight provisions of these sections 5577.01 to 5577.09 of the 4384  
Revised Code, both of the following apply without regard to the 4385  
seven and one-half per cent allowance provided by this division: 4386

(1) The applicable penalty prescribed in section 5577.99 of 4387  
the Revised Code; 4388

(2) The civil liability imposed by section 5577.12 of the 4389  
Revised Code. 4390

~~(C)~~(D)(1) Division (B) of this section does not apply to the 4391  
operation of a farm truck, ~~log~~ forest product truck, or farm 4392  
machinery transporting farm commodities during the months of 4393  
February and March. 4394

(2) Regardless of when the operation occurs, division (B) of 4395  
this section does not apply to the operation of a ~~coal truck, a~~ 4396  
~~farm truck, a log truck, a solid waste haul vehicle, or farm~~ 4397  
~~machinery transporting farm commodities~~ on either of the 4398  
following: 4399

(a) A highway that is part of the interstate system; 4400

(b) A highway, road, or bridge that is subject to reduced 4401

maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 4402  
5577.09, or 5591.42 of the Revised Code. 4403

**Sec. 5751.01.** As used in this chapter: 4404

(A) "Person" means, but is not limited to, individuals, 4405  
combinations of individuals of any form, receivers, assignees, 4406  
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 distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	4557 4558 4559 4560
(c) Receipts from the sale, exchange, or other disposition of 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.	4561 4562 4563 4564 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578
(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;	4579 4580 4581
(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	4582 4583 4584
(f) Contributions received by a trust, plan, or other	4585

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 spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(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 Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

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

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

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by

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 4688  
permit holder under Chapter 3769. of the Revised Code, an amount 4689  
equal to the amounts specified under that chapter that must be 4690  
paid to or collected by the tax commissioner as a tax and the 4691  
amounts specified under that chapter to be used as purse money; 4692

(z) Qualifying distribution center receipts. 4693

(i) For purposes of division (F)(2)(z) of this section: 4694

(I) "Qualifying distribution center receipts" means receipts 4695  
of a supplier from qualified property that is delivered to a 4696  
qualified distribution center, multiplied by a quantity that 4697  
equals one minus the Ohio delivery percentage. 4698

(II) "Qualified property" means tangible personal property 4699  
delivered to a qualified distribution center that is shipped to 4700  
that qualified distribution center solely for further shipping by 4701  
the qualified distribution center to another location in this 4702  
state or elsewhere. "Further shipping" includes storing and 4703  
repackaging such property into smaller or larger bundles, so long 4704  
as such property is not subject to further manufacturing or 4705  
processing. 4706

(III) "Qualified distribution center" means a warehouse or 4707  
other similar facility in this state that, for the qualifying 4708  
year, is operated by a person that is not part of a combined 4709  
taxpayer group and that has a qualifying certificate. However, all 4710



warehouses or other similar facilities that are operated by 4711  
persons in the same taxpayer group and that are located within one 4712  
mile of each other shall be treated as one qualified distribution 4713  
center. 4714

(IV) "Qualifying year" means the calendar year to which the 4715  
qualifying certificate applies. 4716

(V) "Qualifying period" means the period of the first day of 4717  
July of the second year preceding the qualifying year through the 4718  
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 broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(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. 4932  
For the purpose of division (I)(1) of this section, owned property 4933  
is valued at original cost and rented property is valued at eight 4934  
times the net annual rental charge. 4935

(2) Has during the calendar year payroll in this state of at 4936  
least fifty thousand dollars. Payroll in this state includes all 4937  
of the following: 4938

(a) Any amount subject to withholding by the person under 4939  
section 5747.06 of the Revised Code; 4940

(b) Any other amount the person pays as compensation to an 4941  
individual under the supervision or control of the person for work 4942  
done in this state; and 4943

(c) Any amount the person pays for services performed in this 4944  
state on its behalf by another. 4945

(3) Has during the calendar year taxable gross receipts of at 4946  
least five hundred thousand dollars. 4947

(4) Has at any time during the calendar year within this 4948  
state at least twenty-five per cent of the person's total 4949  
property, total payroll, or total gross receipts. 4950

(5) Is domiciled in this state as an individual or for 4951  
corporate, commercial, or other business purposes. 4952

(J) "Tangible personal property" has the same meaning as in 4953  
section 5739.01 of the Revised Code. 4954

(K) "Internal Revenue Code" means the Internal Revenue Code 4955  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 4956  
this chapter that is not otherwise defined has the same meaning as 4957  
when used in a comparable context in the laws of the United States 4958  
relating to federal income taxes unless a different meaning is 4959  
clearly required. Any reference in this chapter to the Internal 4960  
Revenue Code includes other laws of the United States relating to 4961



federal income taxes.	4962
(L) "Calendar quarter" means a three-month period ending on	4963
the thirty-first day of March, the thirtieth day of June, the	4964
thirtieth day of September, or the thirty-first day of December.	4965
(M) "Tax period" means the calendar quarter or calendar year	4966
on the basis of which a taxpayer is required to pay the tax	4967
imposed under this chapter.	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	4971
the tax period is a calendar quarter.	4972
(P) "Agent" means a person authorized by another person to	4973
act on its behalf to undertake a transaction for the other,	4974
including any of the following:	4975
(1) A person receiving a fee to sell financial instruments;	4976
(2) A person retaining only a commission from a transaction	4977
with the other proceeds from the transaction being remitted to	4978
another person;	4979
(3) A person issuing licenses and permits under section	4980
1533.13 of the Revised Code;	4981
(4) A lottery sales agent holding a valid license issued	4982
under section 3770.05 of the Revised Code;	4983
(5) A person acting as an agent of the division of liquor	4984
control under section 4301.17 of the Revised Code.	4985
(Q) "Received" includes amounts accrued under the accrual	4986
method of accounting.	4987
(R) "Reporting person" means a person in a consolidated	4988
elected taxpayer or combined taxpayer group that is designated by	4989
that group to legally bind the group for all filings and tax	4990

liabilities and to receive all legal notices with respect to 4991  
matters under this chapter, or, for the purposes of section 4992  
5751.04 of the Revised Code, a separate taxpayer that is not a 4993  
member of such a group. 4994

**Section 101.02.** That existing sections 122.075, 125.11, 4995  
127.12, 164.04, 164.08, 4163.07, 4301.62, 4501.02, 4501.06, 4996  
4501.21, 4501.81, 4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4997  
4503.94, 4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43, 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			5013
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 Reserve Title 23-49	\$	525,000	\$	525,000	5016
2130	772431	Roadway Infrastructure Bank - State	\$	2,500,000	\$	2,500,000	5017
2130	772433	Infrastructure Debt Reserve - State	\$	1,000,000	\$	1,000,000	5018
2130	775457	Transit Infrastructure Bank - State	\$	250,000	\$	250,000	5019
2130	777477	Aviation Infrastructure Bank - State	\$	1,250,000	\$	1,250,000	5020
7002	771411	Planning and Research - State	\$	23,474,971	\$	23,057,800	5021
7002	771412	Planning and Research - Federal	\$	28,647,965	\$	28,925,138	5022
7002	772421	Highway Construction - State	\$	495,573,672	\$	472,982,710	5023
7002	772422	Highway Construction - Federal	\$	1,146,641,723	\$	1,180,471,714	5024
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	5025
7002	772437	GARVEE Debt Service - State	\$	31,918,500	\$	33,276,100	5026
7002	772438	GARVEE Debt Service - Federal	\$	139,155,600	\$	144,590,400	5027
7002	773431	Highway Maintenance - State	\$	454,853,435	\$	469,400,101	5028
7002	775452	Public Transportation - Federal	\$	27,060,785	\$	27,060,785	5029
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	5030

7002	775459	Elderly and Disabled Special Equipment	\$	4,730,000	\$	4,730,000	5031
7002	776462	Grade Crossings - Federal	\$	14,200,000	\$	14,240,000	5032
7002	777472	Airport Improvements - Federal	\$	405,000	\$	405,000	5033
7002	777475	Aviation Administration	\$	5,453,108	\$	5,374,144	5034
7002	779491	Administration - State	\$	136,462,349	\$	140,904,501	5035
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 Reserve Payments	\$	764,300	\$	0	5039
4N40	776664	Rail Transportation - Other	\$	2,111,500	\$	2,875,800	5040
5W90	777615	County Airport Maintenance	\$	620,000	\$	620,000	5041
TOTAL SSR State Special Revenue							5042
Fund Group			\$	3,495,800	\$	3,495,800	5043
Infrastructure Bank Obligations Fund Group							5044
7045	772428	Highway Infrastructure Bank - Bonds	\$	45,400,000	\$	98,000,000	5045
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 - Bonds	\$	36,600,000	\$	91,600,000	5049
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 Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, in the aggregate amount of \$123,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly.

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

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

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of Highway Operating Fund (Fund 7002) appropriations for planning and research (appropriation items 771411 and 771412), highway construction and debt service (appropriation items 772421, 772422, 772424, 772437, and 772438), highway maintenance (appropriation

item 773431), public transportation - federal (appropriation item 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 requests from the Director of Transportation for the transfer of appropriations between appropriation items 771412, Planning and Research - Federal, 772422, Highway Construction - Federal, 772424, Highway Construction - Other, 775452, Public Transportation - Federal, 776462, Grade Crossing - Federal, and 777472, Airport Improvements - Federal, based upon the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE BANK

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2012 and 2013. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

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

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS



The Director of Budget and Management may approve requests 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 Revised Code remaining unencumbered on June 30, 2012, are hereby reappropriated for the same purpose in fiscal year 2013.

Any balances of prior years' appropriations to the Highway Operating Fund (Fund 7002), the Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code that are unencumbered on June 30, 2011, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2012 upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. The reappropriations shall be reported to the Controlling Board.

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

LIQUIDATION OF UNFORESEEN LIABILITIES

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

**Section 203.60.** MAINTENANCE OF INTERSTATE HIGHWAYS

The Director of Transportation may remove snow and ice and

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 \$ 2,100,000 \$ 2,100,000 5273  
Contributions

7036 761321 Operating Expense - \$ 7,124,366 \$ 7,338,097 5274  
Information and  
Education

7036 761401 Lease Rental Payments \$ 9,978,300 \$ 2,315,700 5275

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 5276  
Projects

7036 764321 Operating Expense - \$ 260,744,934 \$ 258,365,903 5277  
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 5278  
Enforcement Expenses

8300 761603 Salvage and Exchange \$ 19,469 \$ 20,053 5279  
- Administration

8310 761610 Information and \$ 422,084 \$ 434,746 5280  
Education - Federal

8310 764610 Patrol - Federal \$ 2,209,936 \$ 2,276,234 5281

8310 764659 Transportation \$ 5,519,333 \$ 5,684,913 5282  
Enforcement - Federal

8310 765610 EMS - Federal \$ 532,007 \$ 532,007 5283

8310 769610 Food Stamp \$ 1,546,319 \$ 1,546,319 5284

		Trafficking Enforcement - Federal				
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, Forfeiture, Other	\$	622,894	\$	622,894 5290
83F0	764657	Law Enforcement Automated Data System	\$	9,053,266	\$	9,053,266 5291
83G0	764633	OMVI Enforcement/Education	\$	623,230	\$	641,927 5292
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000 5293
83M0	765624	Operating Expense - Trauma and EMS	\$	2,632,106	\$	2,711,069 5294
83N0	761611	Elementary School Seat Belt Program	\$	305,600	\$	305,600 5295
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819 5296
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000 5297
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000 5298
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354 5299
8400	764617	Security and Investigations	\$	6,432,686	\$	6,432,686 5300
8400	764626	State Fairgrounds Police Force	\$	849,883	\$	849,883 5301

8400	769632	Homeland Security - Operating	\$	737,791	\$	737,791	5302
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	5303
8440	761613	Seat Belt Education Program	\$	360,000	\$	370,800	5304
8460	761625	Motorcycle Safety Education	\$	3,185,013	\$	3,280,563	5305
8490	762627	Automated Title Processing Board	\$	17,316,755	\$	14,335,513	5306
TOTAL	HSF	State Highway Safety Fund Group	\$	483,795,526	\$	473,988,243	5307
General Services Fund Group							5308
4P60	768601	Justice Program Services	\$	998,104	\$	1,028,047	5309
4S30	766661	Hilltop Utility Reimbursement	\$	540,800	\$	540,800	5310
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400	5311
5Y10	764695	Highway Patrol Continuing Professional Training	\$	170,000	\$	170,000	5312
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	5313
TOTAL	GSF	General Services Fund Group	\$	5,503,904	\$	5,647,247	5314
Federal Special Revenue Fund Group							5315
3290	763645	Federal Mitigation Program	\$	10,110,332	\$	10,413,642	5316
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	5317
3390	763647	Emergency Management	\$	75,664,821	\$	77,934,765	5318

		Assistance and Training					
3CB0	768691	Federal Justice Grants - FFY06	\$	200,000	\$	50,000	5319
3CC0	768609	Justice Assistance Grants - FFY07	\$	583,222	\$	310,000	5320
3CD0	768610	Justice Assistance Grants - FFY08	\$	310,000	\$	150,000	5321
3CE0	768611	Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000	5322
3CV0	768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0	5323
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	\$	1,562,637	\$	1,562,637	5334

		Provider				
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000
		Services - Operating				5335
5BK0	768689	Family Violence	\$	750,000	\$	750,000
		Shelter Programs				5336
5CM0	767691	Federal Investigative	\$	300,000	\$	300,000
		Seizure				5337
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000
		and Alcohol				5339
		Monitoring				
5FL0	769634	Investigations	\$	899,300	\$	899,300
6220	767615	Investigative	\$	375,000	\$	375,000
		Contraband and				5341
		Forfeiture				
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945
		Safety				5342
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438
		Planning				5343
8500	767628	Investigative Unit	\$	90,000	\$	92,700
		Salvage				5344
TOTAL SSR		State Special Revenue	\$	14,018,073	\$	14,157,224
		Fund Group				5345
		Liquor Control Fund Group				5346
7043	767321	Liquor Enforcement -	\$	11,897,178	\$	11,897,178
		Operating				5347
TOTAL LCF		Liquor Control Fund Group	\$	11,897,178	\$	11,897,178
		Agency Fund Group				5349
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000
		Holding Account Redistribution Fund Group				5352
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000
						5353



Vehicle Receipts

R052 762623	Security Deposits	\$	350,000	\$	350,000	5354
TOTAL 090	Holding Account	\$	2,235,000	\$	2,235,000	5355
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	649,164,364	\$	642,287,607	5356

MOTOR VEHICLE REGISTRATION 5357

The Registrar of Motor Vehicles may deposit revenues to meet 5358  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 5359  
4W40) established in section 4501.25 of the Revised Code, obtained 5360  
under sections 4503.02 and 4504.02 of the Revised Code, less all 5361  
other available cash. Revenue deposited pursuant to this paragraph 5362  
shall support, in part, appropriations for operating expenses and 5363  
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 5457  
Assistance Grants Program under Title II of Division A of the 5458  
American Recovery and Reinvestment Act of 2009 shall be deposited 5459  
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 5460  
which is hereby created in the state treasury. All investment 5461  
earnings of the fund shall be credited to the fund. 5462

FEDERAL STIMULUS - JUSTICE PROGRAMS 5463

The federal payments made to the state for the Violence 5464  
Against Women Formula Grant under Title II of Division A of the 5465  
American Recovery and Reinvestment Act of 2009 shall be deposited 5466  
to the credit of the Federal Stimulus - Justice Programs Fund 5467  
(Fund 3DH0). 5468

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 5469  
AGENCY SERVICE AND REIMBURSEMENT FUND 5470

On July 1 of each fiscal year, or as soon as possible 5471  
thereafter, the Director of Budget and Management shall transfer 5472  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 5473  
the Emergency Management Agency Service and Reimbursement Fund 5474  
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 5475

Search and Rescue Unit and other urban search and rescue programs 5476  
around the state. 5477

FAMILY VIOLENCE PREVENTION FUND 5478

Notwithstanding any provision of law to the contrary, in each 5479  
of fiscal years 2012 and 2013, the first \$750,000 received to the 5480  
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 5481  
appropriated to appropriation item 768689, Family Violence Shelter 5482  
Programs, and the next \$400,000 received to the credit of Fund 5483  
5BK0 in each of those fiscal years shall be appropriated to 5484  
appropriation item 768687, Criminal Justice Services - Operating. 5485  
Any moneys received to the credit of Fund 5BK0 in excess of the 5486  
aforementioned appropriated amounts in each fiscal year shall, 5487  
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 5606  
nonallowable costs for the purpose of the District Administration 5607  
Costs Program. Nonallowable costs include indirect costs, elected 5608  
official salaries and benefits, and project-specific costs. No 5609  
district public works committee may participate in the District 5610  
Administration Costs Program without the approval of those costs 5611  
by the district public works committee under section 164.04 of the 5612  
Revised Code. 5613

REAPPROPRIATIONS 5614

All capital appropriations from the Local Transportation 5615  
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 2 of the 5616  
128th General Assembly remaining unencumbered as of June 30, 2011, 5617  
are reappropriated for use during the period July 1, 2011, through 5618  
June 30, 2012, for the same purpose. 5619

Notwithstanding division (B) of section 127.14 of the Revised 5620  
Code, all capital appropriations and reappropriations from the 5621  
Local Transportation Improvement Program Fund (Fund 7052) in this 5622  
act remaining unencumbered as of June 30, 2012, are reappropriated 5623  
for use during the period July 1, 2012, through June 30, 2013, for 5624  
the same purposes, subject to the availability of revenue as 5625

determined by the Director of the Public Works Commission. 5626

**Section 209.20.** All items in this section are hereby 5627  
appropriated as designated out of any moneys in the state treasury 5628  
to the credit of the State Capital Improvements Fund (Fund 7038) 5629  
that are not otherwise appropriated. The appropriations made in 5630  
this section are in addition to any other appropriations made for 5631  
the biennium ending June 30, 2012. 5632

			Appropriations	
PWC PUBLIC WORKS COMMISSION				5633
C15000	Local Public	\$ 150,000,000		5634
	Infrastructure			
TOTAL	Public Works Commission	\$ 150,000,000		5635
TOTAL	State Capital Improvements	\$ 150,000,000		5636
Fund				

The foregoing appropriation item C15000, Local Public 5637  
Infrastructure, shall be used in accordance with sections 164.01 5638  
to 164.12 of the Revised Code. The Director of the Public Works 5639  
Commission may certify to the Director of Budget and Management 5640  
that a need exists to appropriate investment earnings to be used 5641  
in accordance with sections 164.01 to 164.12 of the Revised Code. 5642  
If the Director of Budget and Management determines pursuant to 5643  
division (D) of section 164.08 and section 164.12 of the Revised 5644  
Code that investment earnings are available to support additional 5645  
appropriations, such amounts are hereby appropriated. 5646

**Section 209.21.** The Ohio Public Facilities Commission is 5647  
hereby authorized to issue and sell, in accordance with Section 2p 5648  
of Article VIII, Ohio Constitution, and pursuant to sections 5649  
151.01 and 151.08 of the Revised Code, original obligations of the 5650  
state, in an aggregate principal amount not to exceed 5651  
\$150,000,000, in addition to the original obligations heretofore 5652  
authorized by prior acts of the General Assembly. These authorized 5653

obligations shall be issued and sold from time to time, subject to 5654  
applicable constitutional and statutory limitations, as needed to 5655  
ensure sufficient moneys to the credit of the State Capital 5656  
Improvements Fund (Fund 7038) to pay costs of the state in 5657  
financing or assisting in the financing of local subdivision 5658  
capital improvement projects. 5659

**Section 209.30.** All items in this section are hereby 5660  
appropriated as designated out of any moneys in the state treasury 5661  
to the credit of the State Capital Improvements Revolving Loan 5662  
Fund (Fund 7040) that are not otherwise appropriated. Revenues to 5663  
the State Capital Improvements Revolving Loan Fund shall consist 5664  
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		\$ 49,000,000	5676
Revolving Loan Fund			

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 5722  
Revised Code. The Director of Budget and Management may transfer 5723  
from Fund 7042 to Fund 7002 up to the amounts previously 5724  
transferred to Fund 7042 under this section. 5725

**Section 515.20.** MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 5726

The Director of Budget and Management shall transfer cash in 5727  
equal monthly increments totaling \$163,918,656 in fiscal year 2012 5728  
and in equal monthly increments totaling \$170,424,912 in fiscal 5729  
year 2013 from the Highway Operating Fund, created in section 5730  
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 5731  
created in division (A) of section 5735.27 of the Revised Code. 5732  
The monthly amounts transferred under this section shall be 5733  
distributed as follows: 42.86 per cent shall be distributed among 5734  
the municipal corporations within the state under division (A)(2) 5735  
of section 5735.27 of the Revised Code; 37.14 per cent shall be 5736  
distributed among the counties within the state under division 5737  
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 5738  
shall be distributed among the townships within the state under 5739  
division (A)(5)(b) of section 5735.27 of the Revised Code. 5740

**Section 515.30.** DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 5741

On July 1, 2011, and on January 1, 2012, or as soon as 5742  
possible thereafter, respectively, the Director of Budget and 5743  
Management shall transfer \$200,000 in cash, for each period, from 5744  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 5745  
General for ODOT Fund (Fund 5FA0). 5746

On July 1, 2012, and on January 1, 2013, or as soon as 5747  
possible thereafter, respectively, the Director of Budget and 5748  
Management shall transfer \$200,000 in cash, for each period, from 5749  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 5750  
General for ODOT Fund (Fund 5FA0). 5751

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 5783  
128th General Assembly be amended to read as follows: 5784

**Sec. 512.90.** CASH TRANSFERS FROM THE TOBACCO USE PREVENTION 5785  
AND CONTROL FOUNDATION ENDOWMENT FUND 5786

The Director of Budget and Management may request the 5787  
Treasurer of State to transfer \$258,622,890 cash from moneys in 5788  
the custody of the Treasurer of State that were formerly to the 5789  
credit of the Tobacco Use Prevention and Control Foundation 5790  
Endowment Fund, to the General Health and Human Service 5791  
Pass-Through Fund (Fund 5HC0). If any cash is transferred to the 5792  
General Health and Human Service Pass-Through Fund (Fund 5HC0) the 5793  
Director of Budget and Management shall transfer the cash as 5794  
follows: 5795

(A) Up to \$46,000,000 cash in each fiscal year to the Child 5796  
and Adult Protective Services Fund (Fund 5GV0), used by the 5797  
Department of Job and Family Services, to support child and adult 5798  
protective services under Title XX of the "Social Security Act," 5799

88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and any 5800  
allowable service activity defined in Section 309.45.21 of Am. 5801  
Sub. H.B. 1 of the 128th General Assembly. The amount transferred 5802  
is hereby appropriated. 5803

(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health 5804  
Care Services - Other Fund (Fund 5HA0), used by the Department of 5805  
Job and Family Services and up to \$129,814,027 cash in fiscal year 5806  
2011 to Fund 5HA0, to support health care services under the state 5807  
Medicaid plan. The amount transferred is hereby appropriated. 5808

(C) Up to \$2,500,000 cash in each fiscal year to the Breast 5809  
and Cervical Cancer Fund (Fund 5HB0), used by the Department of 5810  
Health, to support breast and cervical cancer screenings. The 5811  
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 5871  
assistance of the Attorney General, may modify the foregoing 5872  
description insofar as necessary to bring it into conformity with 5873  
the actual bounds of the real estate being described. 5874

(B) Consideration for the conveyance of the real estate is 5875  
fifteen thousand dollars, to be paid to the state at closing, as 5876  
derived by mutual agreement reached between the state and the 5877  
grantee through an executed Offer to Purchase (hereinafter the 5878  
"Offer to Purchase"). 5879

(C) The grantee, following the conveyance of the real estate, 5880  
and in accordance with the terms of the Offer to Purchase, shall 5881  
do all of the following: 5882

(1) Construct and maintain, at the grantee's sole expense, a 5883  
detention basin on the real estate; 5884

(2) Permit the state to discharge water into the detention 5885  
basin; and 5886

(3) Maintain or relocate the state's existing storm sewer 5887  
connections. 5888

(D) The real estate shall be sold as an entire tract and not 5889

in parcels. 5890

(E) Upon payment of the purchase price, the Auditor of State, 5891  
with the assistance of the Attorney General, shall prepare a deed 5892  
to the real estate. The deed shall state the consideration and the 5893  
conditions, and shall be executed by the Governor in the name of 5894  
the state, countersigned by the Secretary of State, sealed with 5895  
the Great Seal of the State, presented in the Office of the 5896  
Auditor of State for recording, and delivered to the grantee. The 5897  
grantee shall present the deed for recording in the Office of the 5898  
Stark County Recorder. 5899

(F) The grantee shall pay the costs of the conveyance of the 5900  
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