

**As Reported by the Senate Highways and Transportation  
Committee**

**129th General Assembly  
Regular Session  
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, 1515.29, 4163.07, 4301.10, 4301.20,	2
4301.62, 4303.232, 4501.01, 4501.02, 4501.06,	3
4501.21, 4501.81, 4503.03, 4503.031, 4503.04,	4
4503.521, 4503.62, 4503.701, 4503.94, 4505.06,	5
4505.08, 4505.09, 4506.08, 4507.05, 4507.1612,	6
4507.23, 4507.45, 4509.101, 4509.81, 4510.10,	7
4510.22, 4510.43, 4510.72, 4511.108, 4511.191,	8
4511.53, 4511.69, 4513.24, 4513.263, 4513.61,	9
4517.01, 4517.02, 4517.03, 4517.33, 4582.12,	10
4582.31, 4905.802, 5501.51, 5501.55, 5502.011,	11
5502.11, 5503.02, 5517.011, 5525.15, 5531.12,	12
5531.18, 5540.01, 5577.042, and 5751.01, to amend,	13
for the purpose of adopting a new section number	14

as shown in parentheses, section 4905.802 15  
(4905.801), to enact sections 121.531, 122.014, 16  
4503.037, 4503.564, 4503.751, 4517.16, 4517.17, 17  
4517.171, 4517.18, 4749.031, 5501.70 to 5501.83, 18  
5537.051, 5577.043, and 6137.112, to repeal 19  
sections 4501.14 and 4905.801 of the Revised Code, 20  
to amend Sections 343.10 and 512.90 of Am. Sub. 21  
H.B. 1 of the 128th General Assembly, and to amend 22  
Sections 103.90, 105.43.10, 105.45.40, 105.45.70, 23  
and 105.49.80 of Sub. H.B. 462 of the 128th 24  
General Assembly, to make appropriations for 25  
programs related to transportation and public 26  
safety for the biennium beginning July 1, 2011 and 27  
ending June 30, 2013, and to provide authorization 28  
and conditions for the operation of those 29  
programs. 30

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

**Section 101.01.** That sections 122.075, 125.11, 127.12, 31  
164.04, 164.08, 1515.29, 4163.07, 4301.10, 4301.20, 4301.62, 32  
4303.232, 4501.01, 4501.02, 4501.06, 4501.21, 4501.81, 4503.03, 33  
4503.031, 4503.04, 4503.521, 4503.62, 4503.701, 4503.94, 4505.06, 34  
4505.08, 4505.09, 4506.08, 4507.05, 4507.1612, 4507.23, 4507.45, 35  
4509.101, 4509.81, 4510.10, 4510.22, 4510.43, 4510.72, 4511.108, 36  
4511.191, 4511.53, 4511.69, 4513.24, 4513.263, 4513.61, 4517.01, 37  
4517.02, 4517.03, 4517.33, 4582.12, 4582.31, 4905.802, 5501.51, 38  
5501.55, 5502.011, 5502.11, 5503.02, 5517.011, 5525.15, 5531.12, 39  
5531.18, 5540.01, 5577.042, and 5751.01, be amended, section 40  
4905.802 (4905.801) be amended for the purpose of adopting a new 41  
section number as shown in parentheses, and sections 121.531, 42  
122.014, 4503.037, 4503.564, 4503.751, 4517.16, 4517.17, 4517.171, 43  
4517.18, 4749.031, 5501.70, 5501.71, 5501.72, 5502.73, 5501.74, 44

5501.75, 5501.76, 5501.77, 5501.78, 5501.79, 5501.80, 5501.81, 45  
5501.82, 5501.83, 5537.051, 5577.043, and 6137.112 of the Revised 46  
Code be enacted to read as follows: 47

Sec. 121.531. No recipient or distributor of funds received 48  
under the "American Recovery and Reinvestment Act of 2009," Pub. 49  
L. No. 111-5, 123 Stat. 115, shall spend such funds to purchase, 50  
produce, erect, or maintain signs identifying the American 51  
Recovery and Reinvestment Act of 2009 as the source of specific 52  
project funding. 53

Sec. 122.014. (A) As used in this section, "gaming 54  
activities" means activities conducted in connection with or that 55  
include any of the following: 56

(1) Casino gaming, as authorized and defined in Section 6(C) 57  
of Article XV, Ohio Constitution; 58

(2) Casino gaming, as defined in division (D) of section 59  
3772.01 of the Revised Code; or 60

(3) The pari-mutuel system of wagering as authorized and 61  
described in Chapter 3769. of the Revised Code. 62

(B) The department of development or any other entity that 63  
administers any program or development project established under 64  
Chapter 122., 166., or 184. of the Revised Code or in sections 65  
149.311, 5709.87, or 5709.88 of the Revised Code shall not provide 66  
any financial assistance, including loans, tax credits, and 67  
grants, staffing assistance, technical support, or other 68  
assistance to businesses conducting gaming activities or for 69  
project sites on which gaming activities are or will be conducted. 70

**Sec. 122.075. (A) As used in this section: 71**

(1) "Alternative fuel" ~~means blended biodiesel, blended 72~~

~~gasoline, or compressed air used~~ has the same meaning as in 73  
~~air compression driven engines~~ section 125.831 of the Revised 74  
Code. 75

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 76  
fuel that is derived from vegetable oils or animal fats, or any 77  
combination of those reagents, and that meets American society for 78  
testing and materials specification D6751-03a for biodiesel fuel 79  
(B100) blend stock distillate fuels. 80

(3) "Diesel fuel" and "gasoline" have the same meanings as in 81  
section 5735.01 of the Revised Code. 82

(4) "Ethanol" has the same meaning as in section 5733.46 of 83  
the Revised Code. 84

(5) "Blended biodiesel" means diesel fuel containing at least 85  
twenty per cent biodiesel by volume. 86

(6) "Blended gasoline" means gasoline containing at least 87  
eighty-five per cent ethanol by volume. 88

(7) "Incremental cost" means either of the following: 89

(a) The difference in cost between blended gasoline and 90  
gasoline containing ten per cent or less ethanol at the time that 91  
the blended gasoline is purchased; 92

(b) The difference in cost between blended biodiesel and 93  
diesel fuel containing two per cent or less biodiesel at the time 94  
that the blended biodiesel is purchased. 95

(B) For the purpose of improving the air quality in this 96  
state, the director of development shall establish an alternative 97  
fuel transportation grant program under which the director may 98  
make grants to businesses, nonprofit organizations, public school 99  
systems, or local governments for the purchase and installation of 100  
alternative fuel refueling or distribution facilities and 101  
terminals, for the purchase and use of alternative fuel, and to 102

pay the costs of educational and promotional materials and 103  
activities intended for prospective alternative fuel consumers, 104  
fuel marketers, and others in order to increase the availability 105  
and use of alternative fuel. 106

(C) The director, in consultation with the director of 107  
agriculture, shall adopt rules in accordance with Chapter 119. of 108  
the Revised Code that are necessary for the administration of the 109  
alternative fuel transportation grant program. The rules shall 110  
establish at least all of the following: 111

(1) An application form and procedures governing the 112  
application process for a grant under the program; 113

(2) A procedure for prioritizing the award of grants under 114  
the program. The procedures shall give preference to all of the 115  
following: 116

(a) Publicly accessible refueling facilities; 117

(b) Entities seeking grants that have secured funding from 118  
other sources, including, but not limited to, private or federal 119  
grants; 120

(c) Entities that have presented compelling evidence of 121  
demand in the market in which the facilities or terminals will be 122  
located; 123

(d) Entities that have committed to utilizing purchased or 124  
installed facilities or terminals for the greatest number of 125  
years; 126

(e) Entities that will be purchasing or installing facilities 127  
or terminals for ~~both blended biodiesel and blended gasoline~~ any 128  
type of alternative fuel. 129

(3) A requirement that the maximum grant for the purchase and 130  
installation of an alternative fuel refueling or distribution 131  
facility or terminal be eighty per cent of the cost of the 132

facility or terminal, except that at least twenty per cent of the 133  
total net cost of the facility or terminal shall be incurred by 134  
the grant recipient and not compensated for by any other source; 135

(4) A requirement that the maximum grant for the purchase of 136  
alternative fuel be eighty per cent of the ~~incremental~~ cost of the 137  
fuel or, in the case of blended biodiesel or blended gasoline, 138  
eighty per cent of the incremental cost of the blended biodiesel 139  
or blended gasoline; 140

(5) Any other criteria, procedures, or guidelines that the 141  
director determines are necessary to administer the program. 142

(D) An applicant for a grant under this section that sells 143  
motor vehicle fuel at retail shall agree that if the applicant 144  
receives a grant, the applicant will report to the director the 145  
gallon or gallon equivalent amounts of ~~blended gasoline and~~ 146  
~~blended biodiesel~~ alternative fuel the applicant sells at retail 147  
in this state for a period of three years after the grant is 148  
awarded. 149

The director shall enter into a written confidentiality 150  
agreement with the applicant regarding the gallon or gallon 151  
equivalent amounts sold as described in this division, and upon 152  
execution of the agreement this information is not a public 153  
record. 154

(E) There is hereby created in the state treasury the 155  
alternative fuel transportation grant fund. The fund shall consist 156  
of money transferred to the fund under division (C) of section 157  
125.836 of the Revised Code, money that is appropriated to it by 158  
the general assembly, and money as may be specified by the general 159  
assembly from the advanced energy fund created by section 4928.61 160  
of the Revised Code. Money in the fund shall be used to make 161  
grants under the alternative fuel transportation grant program and 162  
by the director in the administration of that program. 163

**Sec. 125.11.** (A) Subject to division (B) of this section, 164  
contracts awarded pursuant to a reverse auction under section 165  
125.072 of the Revised Code or pursuant to competitive sealed 166  
bidding, including contracts awarded under section 125.081 of the 167  
Revised Code, shall be awarded to the lowest responsive and 168  
responsible bidder on each item in accordance with section 9.312 169  
of the Revised Code. When the contract is for meat products as 170  
defined in section 918.01 of the Revised Code or poultry products 171  
as defined in section 918.21 of the Revised Code, only those bids 172  
received from vendors offering products from establishments on the 173  
current list of meat and poultry vendors established and 174  
maintained by the director of administrative services under 175  
section 125.17 of the Revised Code shall be eligible for 176  
acceptance. The department of administrative services may accept 177  
or reject any or all bids in whole or by items, except that when 178  
the contract is for services or products available from a 179  
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 180  
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 181  
awarded to that agency. 182

(B) Prior to awarding a contract under division (A) of this 183  
section, the department of administrative services or the state 184  
agency responsible for evaluating a contract for the purchase of 185  
products shall evaluate the bids received according to the 186  
criteria and procedures established pursuant to divisions (C)(1) 187  
and (2) of section 125.09 of the Revised Code for determining if a 188  
product is produced or mined in the United States and if a product 189  
is produced or mined in this state. The department or other state 190  
agency shall first remove bids that offer products that have not 191  
been or that will not be produced or mined in the United States. 192  
From among the remaining bids, the department or other state 193  
agency shall select the lowest responsive and responsible bid, in 194  
accordance with section 9.312 of the Revised Code, from among the 195

bids that offer products that have been produced or mined in this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product. ~~If there are two or more qualified bids that offer products that have been produced or mined in this state, it shall be deemed that there is sufficient competition to prevent an excessive price for the product or the acquiring of a disproportionately inferior product.~~

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

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

(E) The director of administrative services shall publish in the form of a model act for use by counties, townships, municipal corporations, or any other political subdivision described in division (B) of section 125.04 of the Revised Code, a system of preferences for products mined and produced in this state and in the United States and for Ohio-based contractors. The model act shall reflect substantial equivalence to the system of preferences in purchasing and public improvement contracting procedures under which the state operates pursuant to this chapter and section 153.012 of the Revised Code. To the maximum extent possible, consistent with the Ohio system of preferences in purchasing and public improvement contracting procedures, the model act shall incorporate all of the requirements of the federal "Buy America Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and the rules adopted under that act.

Before and during the development and promulgation of the model act, the director shall consult with appropriate statewide organizations representing counties, townships, and municipal corporations so as to identify the special requirements and



concerns these political subdivisions have in their purchasing and 228  
public improvement contracting procedures. The director shall 229  
promulgate the model act by rule adopted pursuant to Chapter 119. 230  
of the Revised Code and shall revise the act as necessary to 231  
reflect changes in this chapter or section 153.012 of the Revised 232  
Code. 233

The director shall make available copies of the model act, 234  
supporting information, and technical assistance to any township, 235  
county, or municipal corporation wishing to incorporate the 236  
provisions of the act into its purchasing or public improvement 237  
contracting procedure. 238

**Sec. 127.12.** There is hereby created a controlling board 239  
consisting of ~~the~~ all of the following: 240

(A) The director of budget and management or an employee of 241  
the office of budget and management designated by the director, 242  
~~the chairman;~~ 243

(B) The chairperson or vice-chairperson of the 244  
finance-appropriations committee of the house of representatives, 245  
~~the chairman~~ as designated by the speaker; 246

(C) The chairperson or vice-chairperson of the finance 247  
committee of the senate, ~~two~~ as designated by the president; 248

(D) Two members of the house of representatives appointed by 249  
the speaker, one from the majority party and one from the minority 250  
party, ~~and two;~~ 251

(E) Two members of the senate appointed by the president, one 252  
from the majority party and one from the minority party. 253

Notwithstanding section 101.26 of the Revised Code, the 254  
legislative members, when engaged in their duties as members of 255  
the controlling board, shall be paid at the per diem rate of one 256  
hundred fifty dollars, and their necessary traveling expenses, 257

which shall be paid from the funds appropriated for the payment of 258  
expenses of legislative committees. 259

In the event of the absence, illness, disability, death, or 260  
resignation of a legislative member, the following persons may 261  
serve in ~~his~~ the member's absence: for the ~~chairman~~ chairperson or 262  
vice-chairperson of the finance-appropriations committee of the 263  
house of representatives, the speaker ~~of the house~~ or a member of 264  
the house designated by ~~him~~ the speaker; for the ~~chairman~~ 265  
chairperson or vice-chairperson of the senate finance committee, 266  
the president ~~of the senate~~ or a member of the senate designated 267  
by ~~him~~ the president; for a member of the board appointed by the 268  
speaker of the house of representatives, or the president of the 269  
senate, the speaker or the president, as the case may be, or a 270  
member of the house of representatives or of the senate of the 271  
same party as such controlling board member, designated by such 272  
speaker or president. 273

As used in any statute, "controlling board," unless the 274  
context otherwise requires, means the controlling board created by 275  
this section. 276

**Sec. 164.04.** (A) In each of the districts created in section 277  
164.03 of the Revised Code, a district public works integrating 278  
committee shall be established as follows: 279

(1) In district one, the district committee shall consist of 280  
seven members appointed as follows: two members shall be appointed 281  
by the board of county commissioners or the chief executive 282  
officer of the county; two members shall be appointed by the chief 283  
executive officer of the most populous municipal corporation in 284  
the district; two members shall be appointed by a majority of the 285  
chief executive officers of the other municipal corporations 286  
located within the district; and one member, who shall have 287  
experience in local infrastructure planning and economic 288

development and who shall represent the interests of private 289  
industry within the district, shall be appointed by a majority of 290  
the members of the district committee or their alternates. Except 291  
with respect to the selection of the private sector member of the 292  
committee, the affirmative vote of at least five committee members 293  
or their alternates is required for any action taken by a vote of 294  
the committee. 295

(2) In district two, the district committee shall consist of 296  
nine members appointed as follows: two members shall be appointed 297  
by the board of county commissioners; three members shall be 298  
appointed by the chief executive officer of the most populous 299  
municipal corporation in the district; two members shall be 300  
appointed by a majority of the other chief executive officers of 301  
municipal corporations in the district; and two members shall be 302  
appointed by a majority of the boards of township trustees in the 303  
district. Of the members appointed by the board of county 304  
commissioners, one member shall have experience in local 305  
infrastructure planning and economic development, and one member 306  
shall be either a county commissioner or a county engineer of the 307  
district. The affirmative vote of at least seven members of the 308  
committee or their alternates is required for any action taken by 309  
a vote of the committee. 310

(3) In districts three, four, eight, twelve, and nineteen, 311  
the district committee shall consist of nine members appointed as 312  
follows: two members shall be appointed by the board of county 313  
commissioners or by the chief executive officer of the county; two 314  
members shall be appointed by the chief executive officer of the 315  
most populous municipal corporation located within the district; 316  
two members shall be appointed by a majority of the other chief 317  
executive officers of the municipal corporations located in the 318  
district; two members shall be appointed by a majority of the 319  
boards of township trustees located in the district; and one 320

member, who shall have experience in local infrastructure planning 321  
and economic development and who shall represent the interests of 322  
private industry within the district, shall be appointed by a 323  
majority of the members of the committee or their alternates. 324  
Except with respect to the selection of the private sector member 325  
of the committee, the affirmative vote of at least seven committee 326  
members or their alternates is required for any action taken by a 327  
vote of the committee. 328

(4) In district six, the district committee shall consist of 329  
nine members appointed as follows: one member shall be appointed 330  
by the board of county commissioners of each county in the 331  
district; one member shall be appointed by the chief executive 332  
officer of the most populous municipal corporation in each county 333  
in the district; one member shall be appointed alternately by a 334  
majority of the chief executives of the municipal corporations, 335  
other than the largest municipal corporation, within one of the 336  
counties of the district; and one member shall be appointed 337  
alternately by a majority of the boards of township trustees 338  
within one of the counties in the district. The two persons who 339  
are the county engineers of the counties in the district also 340  
shall be members of the committee. At least six of these members 341  
or their alternates shall agree upon the appointment to the 342  
committee of a private sector person who shall have experience in 343  
local infrastructure planning and economic development. The 344  
affirmative vote of seven committee members or their alternates is 345  
required for any action taken by a vote of the committee. 346

The first appointment to the committee made by the majority 347  
of the boards of township trustees of a county shall be made by 348  
the boards of township trustees located in the least populous 349  
county of the district, and the first appointment made by the 350  
majority of the chief executives of municipal corporations, other 351  
than the largest municipal corporation, of a county shall be made 352

by the chief executives of municipal corporations, other than the 353  
largest municipal corporation, from the most populous county in 354  
the district. 355

Notwithstanding division (C) of this section, the members of 356  
the district committee appointed alternately by a majority of the 357  
chief executive officers of municipal corporations, other than the 358  
largest municipal corporation, of a county and a majority of 359  
boards of township trustees of a county shall serve five-year 360  
terms. 361

(5) In districts seven, nine, and ten, the district committee 362  
shall consist of two members appointed by the board of county 363  
commissioners of each county in the district, two members 364  
appointed by a majority of the chief executive officers of all 365  
cities within each county in the district, three members appointed 366  
by a majority of the boards of township trustees of all townships 367  
in the district, three members appointed by a majority of chief 368  
executive officers of all villages in the district, one member who 369  
is appointed by a majority of the county engineers in the district 370  
and who shall be a county engineer, and one member, who shall have 371  
experience in local infrastructure planning and economic 372  
development, shall be appointed by a majority of all other 373  
committee members or their alternates. If there is a county in the 374  
district in which there are no cities, the member that is to be 375  
appointed by the chief executive officers of the cities within 376  
that county shall be appointed by the chief executive officer of 377  
the village with the largest population in that county. 378

(6) In districts five, eleven, and thirteen through eighteen, 379  
the members of each district committee shall be appointed as 380  
follows: one member shall be appointed by each board of county 381  
commissioners; one member shall be appointed by the majority of 382  
the chief executive officers of the cities located in each county; 383  
three members shall be appointed by a majority of the chief 384

executive officers of villages located within the district; three 385  
members shall be appointed by a majority of the boards of township 386  
trustees located within the district; one member shall be 387  
appointed by a majority of the county engineers of the district 388  
and shall be a county engineer; and one member, who shall have 389  
experience in local infrastructure planning and economic 390  
development and who shall represent the interests of private 391  
industry within the district, shall be appointed by a majority of 392  
the members of the committee or their alternates. If there is a 393  
county in the district in which there are no cities, the member 394  
that is to be appointed by the chief executive officers of the 395  
cities within that county shall be appointed by the chief 396  
executive officer of the village with the largest population in 397  
that county. 398

(7) In districts five, seven, nine, ten, eleven, thirteen, 399  
fourteen, sixteen, and seventeen organized in accordance with 400  
divisions (A)(5) and (6) of this section, a nine-member executive 401  
committee shall be established that shall include at least one of 402  
the persons appointed to the district committee by the chief 403  
executive officers of the villages within the district, at least 404  
one of the persons appointed to the district committee by the 405  
boards of township trustees within the district, the person 406  
appointed to the district committee to represent the interests of 407  
private industry, and six additional district committee members 408  
selected to serve on the executive committee by a majority of the 409  
members of the district committee or their alternates, except that 410  
not more than three persons who were appointed to the district 411  
committee by a board of county commissioners and not more than 412  
three persons who were appointed to the district committee by the 413  
chief executives of the cities located in the district shall serve 414  
on the executive committee. 415

(8) In districts fifteen and eighteen organized in accordance 416

with division (A)(6) of this section, an eleven-member executive 417  
committee shall be established that shall include at least one of 418  
the persons appointed to the district committee by the chief 419  
executive officers of the villages within the district, at least 420  
one of the persons appointed to the district committee by the 421  
boards of township trustees within the district, the person 422  
appointed to the district committee to represent the interests of 423  
private industry, and eight additional district committee members 424  
selected to serve on the executive committee by a majority of the 425  
members of the district committee or their alternates, except that 426  
not more than four persons who were appointed to the district 427  
committee by a board of county commissioners and not more than 428  
four persons who were appointed to the district committee by the 429  
chief executives of the cities located in the district shall serve 430  
on the executive committee. No more than two persons from each 431  
county shall be on the executive committee. 432

All decisions of a district committee required to be 433  
organized in accordance with divisions (A)(5) and (6) of this 434  
section shall be approved by its executive committee. The 435  
affirmative vote of at least seven executive committee members or 436  
their alternates for executive committees formed under division 437  
(A)(7) of this section and at least nine members or their 438  
alternates for executive committees formed under division (A)(8) 439  
of this section is required for any action taken by vote of the 440  
executive committee, except that any decision of the executive 441  
committee may be rejected by a vote of at least two-thirds of the 442  
full membership of the district committee within thirty days of 443  
the executive committee action. Only projects approved by the 444  
executive committee may be submitted to the director of the Ohio 445  
public works commission pursuant to section 164.05 of the Revised 446  
Code. 447

(B) Appointing authorities that appoint district committee 448

members also may appoint an alternate for each committee member 449  
appointed under divisions (A)(1) to (6) of this section. If a 450  
district committee member is absent from a district or executive 451  
committee or subcommittee meeting, the alternate has the right to 452  
vote and participate in all proceedings and actions at that 453  
meeting. 454

(C) Terms of office for members of district committees and 455  
their alternates shall be for three years, with each term ending 456  
on the same day of the same month as did the term that it 457  
succeeds. Each member and that member's alternate shall hold 458  
office from the date of appointment until the end of the term for 459  
which the member is appointed, except that, with respect to any 460  
member who was an elected or appointed official of a township, 461  
county, or municipal corporation or that member's alternate, the 462  
term of office for that person under this section shall not extend 463  
beyond the member's term as an elected or appointed official 464  
unless the member was appointed by a group of officials of more 465  
than one political subdivision or the members of the district 466  
committee, in which case the member's alternate shall continue to 467  
serve for the full term. Members and their alternates may be 468  
reappointed. Vacancies shall be filled in the same manner provided 469  
for original appointments. Any member or that member's alternate 470  
appointed to fill a vacancy occurring prior to the expiration date 471  
of the term for which the member's or alternate's predecessor was 472  
appointed shall hold office for the remainder of that term. A 473  
member or that member's alternate shall continue in office 474  
subsequent to the expiration date of the member's or alternate's 475  
term until the member's or alternate's successor takes office or 476  
until a period of sixty days has elapsed, whichever occurs first. 477  
Each district public works integrating committee shall elect a 478  
chairperson, vice-chairperson, and other officers it considers 479  
advisable. 480



(D) For purposes of this chapter, if a subdivision is located 481  
in more than one county or in more than one district, the 482  
subdivision shall be deemed to be a part of the county or district 483  
in which the largest number of its population is located. However, 484  
if after a decennial census the change in a subdivision's 485  
population would result in the subdivision becoming part of a 486  
different county or district, the legislative authority of the 487  
subdivision may, by resolution, choose to remain a part of the 488  
county or district of which the subdivision was originally deemed 489  
to be a part. Such a decision is not revocable unless similar 490  
conditions arise following the next decennial census. 491

(E) Notwithstanding any provision of law to the contrary, a 492  
county, municipal, or township public official may serve as a 493  
member of a district public works integrating committee. 494

(F) A member of a district committee or that member's 495  
alternate does not have an unlawful interest in a public contract 496  
under section 2921.42 of the Revised Code solely by virtue of the 497  
receipt of financial assistance under this chapter by the local 498  
subdivision of which the member or that member's alternate is also 499  
a public official or appointee. 500

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 501  
151.08 or section 164.09 of the Revised Code, the net proceeds of 502  
obligations issued and sold by the treasurer of state pursuant to 503  
section 164.09 of the Revised Code before September 30, 2000, or 504  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 505  
the purpose of financing or assisting in the financing of the cost 506  
of public infrastructure capital improvement projects of local 507  
subdivisions, as provided for in Section 2k, 2m, or 2p of Article 508  
VIII, Ohio Constitution, and this chapter, shall be paid into the 509  
state capital improvements fund, which is hereby created in the 510  
state treasury. Investment earnings on moneys in the fund shall be 511

credited to the fund. 512

(B) ~~Each~~ Beginning July 1, 2011, each program year the amount 513  
of obligations authorized by the general assembly in accordance 514  
with sections 151.01 and 151.08 or section 164.09 of the Revised 515  
Code, excluding the proceeds of refunding or renewal obligations, 516  
shall be allocated by the director of the Ohio public works 517  
commission as follows: 518

(1) First, ~~twelve~~ fifteen million dollars of the amount of 519  
obligations authorized shall be allocated to provide financial 520  
assistance to villages and to townships with populations in the 521  
unincorporated areas of the township of less than five thousand 522  
persons, for capital improvements in accordance with section 523  
164.051 and division (D) of section 164.06 of the Revised Code. As 524  
used in division (B)(1) of this section, "capital improvements" 525  
includes resurfacing and improving roads. 526

(2) Following the allocation required by division (B)(1) of 527  
this section, the director may allocate ~~two~~ three million ~~five~~ 528  
~~hundred thousand~~ dollars of the authorized obligations to provide 529  
financial assistance to local subdivisions for capital improvement 530  
projects which in the judgment of the director of the Ohio public 531  
works commission are necessary for the immediate preservation of 532  
the health, safety, and welfare of the citizens of the local 533  
subdivision requesting assistance. 534

(3) For the second, third, fourth, and fifth years that 535  
obligations are authorized and are available for allocation under 536  
this chapter, one million dollars shall be allocated to the sewer 537  
and water fund created in section 1525.11 of the Revised Code. 538  
Money from this allocation shall be transferred to that fund when 539  
needed to support specific payments from that fund. 540

(4) For program years twelve and fourteen that obligations 541  
are authorized and available for allocation under this chapter, 542

two million dollars each program year shall be allocated to the 543  
small county capital improvement program for use in providing 544  
financial assistance under division (F) of section 164.02 of the 545  
Revised Code. 546

(5) After the allocation required by division (B)(3) of this 547  
section is made, the director shall determine the amount of the 548  
remaining obligations authorized to be issued and sold that each 549  
county would receive if such amounts were allocated on a per 550  
capita basis each year. If a county's per capita share for the 551  
year would be less than three hundred thousand dollars, the 552  
director shall allocate to the district in which that county is 553  
located an amount equal to the difference between three hundred 554  
thousand dollars and the county's per capita share. 555

(6) After making the allocation required by division (B)(5) 556  
of this section, the director shall allocate the remaining amount 557  
to each district on a per capita basis. 558

(C)(1) There is hereby created in the state treasury the 559  
state capital improvements revolving loan fund, into which shall 560  
be deposited all repayments of loans made to local subdivisions 561  
for capital improvements pursuant to this chapter. Investment 562  
earnings on moneys in the fund shall be credited to the fund. 563

(2) There may also be deposited in the state capital 564  
improvements revolving loan fund moneys obtained from federal or 565  
private grants, or from other sources, which are to be used for 566  
any of the purposes authorized by this chapter. Such moneys shall 567  
be allocated each year in accordance with division (B)(6) of this 568  
section. 569

(3) Moneys deposited into the state capital improvements 570  
revolving loan fund shall be used to make loans for the purpose of 571  
financing or assisting in the financing of the cost of capital 572  
improvement projects of local subdivisions. 573

(4) Investment earnings credited to the state capital 574  
improvements revolving loan fund that exceed the amounts required 575  
to meet estimated federal arbitrage rebate requirements shall be 576  
used to pay costs incurred by the public works commission in 577  
administering this section. Investment earnings credited to the 578  
state capital improvements revolving loan fund that exceed the 579  
amounts required to pay for the administrative costs and estimated 580  
rebate requirements shall be allocated to each district on a per 581  
capita basis. 582

(5) Each program year, loan repayments received and on 583  
deposit in the state capital improvements revolving loan fund 584  
shall be allocated as follows: 585

(a) Each district public works integrating committee shall be 586  
allocated an amount equal to the sum of all loan repayments made 587  
to the state capital improvements revolving loan fund by local 588  
subdivisions that are part of the district. Moneys not used in a 589  
program year may be used in the next program year in the same 590  
manner and for the same purpose as originally allocated. 591

(b) Loan repayments made pursuant to projects approved under 592  
division (B)(1) of this section shall be used to make loans in 593  
accordance with section 164.051 and division (D) of section 164.06 594  
of the Revised Code. Allocations for this purpose made pursuant to 595  
division (C)(5) of this section shall be in addition to the 596  
allocation provided in division (B)(1) of this section. 597

(c) Loan repayments made pursuant to projects approved under 598  
division (B)(2) of this section shall be used to make loans in 599  
accordance with division (B)(2) of this section. Allocations for 600  
this purpose made pursuant to division (C)(5) of this section 601  
shall be in addition to the allocation provided in division (B)(2) 602  
of this section. 603

(d) Loans made from the state capital improvements revolving 604

loan fund shall not be limited in their usage by divisions (E), (F), (G), (H), and (I) of section 164.05 of the Revised Code.

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

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

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

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

**Sec. 1515.29.** The board of county commissioners, or, if a joint board of county commissioners has been created under section

1515.22 of the Revised Code, the joint board, shall maintain the 636  
works of improvement constructed by the board for a soil and water 637  
conservation district~~7~~. For that purpose, the board or joint board 638  
may use procedures and requirements established in sections 639  
6137.08 to 6137.14 of the Revised Code and may contract with or 640  
authorize the supervisors or joint board of supervisors of a soil 641  
and water conservation district to perform maintenance of such 642  
works of improvement. 643

**Sec. 4163.07.** (A)(1) Prior to transporting any high-level 644  
radioactive waste, spent nuclear fuel, transuranic waste, or any 645  
quantity of special nuclear material or by-product material that 646  
meets or exceeds the highway route controlled quantity, within, 647  
into, or through the state, the ~~carrier~~ or shipper of the material 648  
shall notify the executive director of the emergency management 649  
agency established under section 5502.22 of the Revised Code of 650  
the shipment. The notice shall be in writing and be sent by 651  
certified mail and shall include the name of the shipper; the name 652  
of the carrier; the type and quantity of the material; the 653  
transportation mode of the shipment; the proposed date and time of 654  
shipment of the material within, into, or through the state; and 655  
the starting point, termination or exit point, scheduled route, 656  
and each alternate route, if any, of the shipment. In order to 657  
constitute effective notification under division (A)(1) of this 658  
section, notification shall be received by the executive director 659  
at least four days prior to shipment within, into, or through the 660  
state. 661

(2) The carrier or shipper of any shipment subject to 662  
division (A)(1) of this section shall immediately notify the 663  
executive director of any change in the date and time of the 664  
shipment or in the route of the shipment within, into, or through 665  
the state. 666

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

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

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

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

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

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

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

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

**Sec. 4301.10.** (A) The division of liquor control shall do all of the following:

(1) Control the traffic in beer and intoxicating liquor in this state, including the manufacture, importation, and sale of beer and intoxicating liquor;

(2) Grant or refuse permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor and the sale of alcohol, as authorized or required by this chapter and Chapter 4303. of the Revised Code. A certificate, signed by the superintendent of liquor control and to which is affixed the official seal of the division, stating that it appears from the records of the division that no permit has been issued to the person specified in the certificate, or that a permit, if issued, has been revoked, canceled, or suspended, shall be received as prima-facie evidence of the facts recited in the certificate in any court or before any officer of this state.

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any



manufacturing plants, distributing and bottling plants, 729  
warehouses, and other facilities that it considers expedient, 730  
establish and maintain a state monopoly of the distribution of 731  
spirituous liquor and its sale in packages or containers; and for 732  
that purpose, manufacture, buy, import, possess, and sell 733  
spirituous liquors as provided in this chapter and Chapter 4303. 734  
of the Revised Code, and in the rules promulgated by the 735  
superintendent of liquor control pursuant to those chapters; lease 736  
or in any manner acquire the use of any land or building required 737  
for any of those purposes; purchase any equipment that is 738  
required; and borrow money to carry on its business, and issue, 739  
sign, endorse, and accept notes, checks, and bills of exchange; 740  
but all obligations of the division created under authority of 741  
this division shall be a charge only upon the moneys received by 742  
the division from the sale of spirituous liquor and its other 743  
business transactions in connection with the sale of spirituous 744  
liquor, and shall not be general obligations of the state; 745

(4) Enforce the administrative provisions of this chapter and 746  
Chapter 4303. of the Revised Code, and the rules and orders of the 747  
liquor control commission and the superintendent relating to the 748  
manufacture, importation, transportation, distribution, and sale 749  
of beer or intoxicating liquor. The attorney general, any 750  
prosecuting attorney, and any prosecuting officer of a municipal 751  
corporation or a municipal court shall, at the request of the 752  
division of liquor control or the department of public safety, 753  
prosecute any person charged with the violation of any provision 754  
in those chapters or of any section of the Revised Code relating 755  
to the manufacture, importation, transportation, distribution, and 756  
sale of beer or intoxicating liquor. 757

(5) Determine the locations of all state liquor stores and 758  
manufacturing, distributing, and bottling plants required in 759  
connection with those stores, subject to this chapter and Chapter 760

4303. of the Revised Code; 761

(6) Conduct inspections of liquor permit premises to 762  
determine compliance with the administrative provisions of this 763  
chapter and Chapter 4303. of the Revised Code and the rules 764  
adopted under those provisions by the liquor control commission. 765

Except as otherwise provided in division (A)(6) of this 766  
section, those inspections may be conducted only during those 767  
hours in which the permit holder is open for business and only by 768  
authorized agents or employees of the division or by any peace 769  
officer, as defined in section 2935.01 of the Revised Code. 770  
Inspections may be conducted at other hours only to determine 771  
compliance with laws or commission rules that regulate the hours 772  
of sale of beer or intoxicating liquor and only if the 773  
investigator has reasonable cause to believe that those laws or 774  
rules are being violated. Any inspection conducted pursuant to 775  
division (A)(6) of this section is subject to all of the following 776  
requirements: 777

(a) The only property that may be confiscated is contraband, 778  
as defined in section 2901.01 of the Revised Code, or property 779  
that is otherwise necessary for evidentiary purposes. 780

(b) A complete inventory of all property confiscated from the 781  
premises shall be given to the permit holder or the permit 782  
holder's agent or employee by the confiscating agent or officer at 783  
the conclusion of the inspection. At that time, the inventory 784  
shall be signed by the confiscating agent or officer, and the 785  
agent or officer shall give the permit holder or the permit 786  
holder's agent or employee the opportunity to sign the inventory. 787

(c) Inspections conducted pursuant to division (A)(6) of this 788  
section shall be conducted in a reasonable manner. A finding by 789  
any court of competent jurisdiction that an inspection was not 790  
conducted in a reasonable manner in accordance with this section 791

or any rules adopted by the commission may be considered grounds 792  
for suppression of evidence. A finding by the commission that an 793  
inspection was not conducted in a reasonable manner in accordance 794  
with this section or any rules adopted by it may be considered 795  
grounds for dismissal of the commission case. 796

If any court of competent jurisdiction finds that property 797  
confiscated as the result of an administrative inspection is not 798  
necessary for evidentiary purposes and is not contraband, as 799  
defined in section 2901.01 of the Revised Code, the court shall 800  
order the immediate return of the confiscated property, provided 801  
that property is not otherwise subject to forfeiture, to the 802  
permit holder. However, the return of this property is not grounds 803  
for dismissal of the case. The commission likewise may order the 804  
return of confiscated property if no criminal prosecution is 805  
pending or anticipated. 806

(7) Delegate to any of its agents or employees any power of 807  
investigation that the division possesses with respect to the 808  
enforcement of any of the administrative laws relating to beer or 809  
intoxicating liquor, provided that this division does not 810  
authorize the division to designate any agent or employee to serve 811  
as an enforcement agent. The employment and designation of 812  
enforcement agents shall be within the exclusive authority of the 813  
director of public safety pursuant to sections 5502.13 to 5502.19 814  
of the Revised Code. 815

(8) Collect the following fees: 816

(a) A biennial fifty-dollar registration fee for each agent, 817  
solicitor, or salesperson, registered pursuant to section 4303.25 818  
of the Revised Code, of a beer or intoxicating liquor 819  
manufacturer, supplier, broker, or wholesale distributor doing 820  
business in this state; 821

(b) A fifty-dollar product registration fee for each new beer 822

or intoxicating liquor product sold in this state. The product 823  
registration fee also applies to products sold in this state by 824  
B-2a and S permit holders. The product registration fee shall be 825  
accompanied by a copy of the federal label and product approval 826  
for the new product. 827

(c) An annual three-hundred-dollar supplier registration fee 828  
from each manufacturer or supplier that produces and ships into 829  
this state, or ships into this state, intoxicating liquor or beer, 830  
in addition to an initial application fee of one hundred dollars. 831  
A manufacturer that produces and ships beer or wine into this 832  
state and that holds only an S permit is exempt from the supplier 833  
registration fee. A manufacturer that produces and ships wine into 834  
this state and that holds a B-2a permit shall pay an annual 835  
seventy-six-dollar supplier registration fee. A manufacturer that 836  
produces and ships wine into this state and that does not hold 837  
either an S or a B-2a permit, but that produces less than two 838  
hundred fifty thousand gallons of wine per year and that is 839  
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 840  
annual seventy-six-dollar supplier registration fee. A B-2a or S 841  
permit holder that does not sell its wine to wholesale 842  
distributors of wine in this state and an S permit holder that 843  
does not sell its beer to wholesale distributors of beer in this 844  
state shall not be required to submit to the division territory 845  
designation forms. 846

Each supplier, agent, solicitor, or salesperson registration 847  
issued under this division shall authorize the person named to 848  
carry on the activity specified in the registration. Each agent, 849  
solicitor, or salesperson registration is valid for two years or 850  
for the unexpired portion of a two-year registration period. Each 851  
supplier registration is valid for one year or for the unexpired 852  
portion of a one-year registration period. Registrations shall end 853  
on their respective uniform expiration date, which shall be 854

designated by the division, and are subject to suspension, 855  
revocation, cancellation, or fine as authorized by this chapter 856  
and Chapter 4303. of the Revised Code. 857

(9) Establish a system of electronic data interchange within 858  
the division and regulate the electronic transfer of information 859  
and funds among persons and governmental entities engaged in the 860  
manufacture, distribution, and retail sale of alcoholic beverages; 861

(10) Notify all holders of retail permits of the forms of 862  
permissible identification for purposes of division (A) of section 863  
4301.639 of the Revised Code; 864

(11) Exercise all other powers expressly or by necessary 865  
implication conferred upon the division by this chapter and 866  
Chapter 4303. of the Revised Code, and all powers necessary for 867  
the exercise or discharge of any power, duty, or function 868  
expressly conferred or imposed upon the division by those 869  
chapters. 870

(B) The division may do all of the following: 871

(1) Sue, but may be sued only in connection with the 872  
execution of leases of real estate and the purchases and contracts 873  
necessary for the operation of the state liquor stores that are 874  
made under this chapter and Chapter 4303. of the Revised Code; 875

(2) Enter into leases and contracts of all descriptions and 876  
acquire and transfer title to personal property with regard to the 877  
sale, distribution, and storage of spirituous liquor within the 878  
state; 879

(3) Terminate at will any lease entered into pursuant to 880  
division (B)(2) of this section upon first giving ninety days' 881  
notice in writing to the lessor of its intention to do so; 882

(4) Fix the wholesale and retail prices at which the various 883  
classes, varieties, and brands of spirituous liquor shall be sold 884

by the division. Those retail prices shall be the same at all 885  
state liquor stores, except to the extent that a price 886  
differential is required to collect a county sales tax levied 887  
pursuant to section 5739.021 of the Revised Code and for which tax 888  
the tax commissioner has authorized prepayment pursuant to section 889  
5739.05 of the Revised Code. In fixing selling prices, the 890  
division shall compute an anticipated gross profit at least 891  
sufficient to provide in each calendar year all costs and expenses 892  
of the division and also an adequate working capital reserve for 893  
the division. The gross profit shall not exceed forty per cent of 894  
the retail selling price based on costs of the division, and in 895  
addition the sum required by section 4301.12 of the Revised Code 896  
to be paid into the state treasury. An amount equal to one and 897  
one-half per cent of that gross profit shall be paid into the 898  
statewide treatment and prevention fund created by section 4301.30 899  
of the Revised Code and be appropriated by the general assembly 900  
from the fund to the department of alcohol and drug addiction 901  
services as provided in section 4301.30 of the Revised Code. 902

On spirituous liquor manufactured in this state from the 903  
juice of grapes or fruits grown in this state, the division shall 904  
compute an anticipated gross profit of not to exceed ten per cent. 905

The wholesale prices fixed under this division shall be at a 906  
discount of not less than six per cent of the retail selling 907  
prices as determined by the division in accordance with this 908  
section. 909

(C) The division may approve the expansion or diminution of a 910  
premises to which a liquor permit has been issued and may adopt 911  
standards governing such an expansion or diminution. 912

**Sec. 4301.20.** This chapter and Chapter 4303. of the Revised 913  
Code do not prevent the following: 914

(A) The storage of intoxicating liquor in bonded warehouses, 915

established in accordance with the acts of congress and under the 916  
regulation of the United States, located in this state, or the 917  
transportation of intoxicating liquor to or from bonded warehouses 918  
of the United States wherever located; 919

(B) A bona fide resident of this state who is the owner of a 920  
warehouse receipt from obtaining or transporting to the resident's 921  
residence for the resident's own consumption and not for resale 922  
spirituous liquor stored in a government bonded warehouse in this 923  
state or in another state prior to December 1933, subject to such 924  
terms as are prescribed by the division of liquor control; 925

(C) The manufacture of cider from fruit for the purpose of 926  
making vinegar, and nonintoxicating cider and fruit juices for use 927  
and sale; 928

(D) A licensed physician or dentist from administering or 929  
dispensing intoxicating liquor or alcohol to a patient in good 930  
faith in the actual course of the practice of the physician's or 931  
dentist's profession; 932

(E) The sale of alcohol to physicians, dentists, druggists, 933  
veterinary surgeons, manufacturers, hospitals, infirmaries, or 934  
medical or educational institutions using the alcohol for 935  
medicinal, mechanical, chemical, or scientific purposes; 936

(F) The sale, gift, or keeping for sale by druggists and 937  
others of any of the medicinal preparations manufactured in 938  
accordance with the formulas prescribed by the United States 939  
Pharmacopoeia and National Formulary, patent or proprietary 940  
preparations, and other bona fide medicinal and technical 941  
preparations, which contain no more alcohol than is necessary to 942  
hold the medicinal agents in solution and to preserve the same, 943  
which are manufactured and sold as medicine and not as beverages, 944  
are unfit for use for beverage purposes, and the sale of which 945  
does not require the payment of a United States liquor dealer's 946

tax;	947
(G) The manufacture and sale of tinctures or of toilet,	948
medicinal, and antiseptic preparations and solutions not intended	949
for internal human use nor to be sold as beverages, and which are	950
unfit for beverage purposes, if upon the outside of each bottle,	951
box, or package of which there is printed in the English language,	952
conspicuously and legibly, the quantity by volume of alcohol in	953
the preparation or solution;	954
(H) The manufacture and keeping for sale of the food products	955
known as flavoring extracts when manufactured and sold for	956
cooking, culinary, or flavoring purposes, and which are unfit for	957
use for beverage purposes;	958
(I) The lawful sale of wood alcohol or of ethyl alcohol for	959
external use when combined with other substances as to make it	960
unfit for internal use;	961
(J) The manufacture, sale, and transport of ethanol or ethyl	962
alcohol for use as fuel. As used in this division, "ethanol" has	963
the same meaning as in section 5733.46 of the Revised Code.	964
(K) The purchase and importation into this state of	965
intoxicating liquor for use in manufacturing processes of	966
nonbeverage food products under terms prescribed by the division,	967
provided that the terms prescribed by the division shall not	968
increase the cost of the intoxicating liquor to any person, firm,	969
or corporation purchasing and importing it into this state for	970
that use;	971
(L) Any resident of this state or any member of the armed	972
forces of the United States, who has attained the age of	973
twenty-one years, from bringing into this state, for personal use	974
and not for resale, not more than one liter of spirituous liquor,	975
<u>four and one-half liters of wine, or two hundred eighty-eight</u>	976
<u>ounces of beer</u> in any thirty-day period, and the same is free of	977



any tax consent fee when the resident or member of the armed 978  
forces physically possesses and accompanies the spirituous liquor, 979  
wine, or beer on returning from a foreign country, another state, 980  
or an insular possession of the United States; 981

(M) Persons, at least twenty-one years of age, who collect 982  
ceramic commemorative bottles containing spirituous liquor that 983  
have unbroken federal tax stamps on them from selling or trading 984  
the bottles to other collectors. The bottles shall originally have 985  
been purchased at retail from the division, legally imported under 986  
division (L) of this section, or legally imported pursuant to a 987  
supplier registration issued by the division. The sales shall be 988  
for the purpose of exchanging a ceramic commemorative bottle 989  
between private collectors and shall not be for the purpose of 990  
selling the spirituous liquor for personal consumption. The sale 991  
or exchange authorized by this division shall not occur on the 992  
premises of any permit holder, shall not be made in connection 993  
with the business of any permit holder, and shall not be made in 994  
connection with any mercantile business. 995

(N) The sale of beer or intoxicating liquor without a liquor 996  
permit at a private residence, not more than five times per 997  
calendar year at a residence address, at an event that has the 998  
following characteristics: 999

(1) The event is for a charitable, benevolent, or political 1000  
purpose, but shall not include any event the proceeds of which are 1001  
for the profit or gain of any individual; 1002

(2) The event has in attendance not more than fifty people; 1003

(3) The event shall be for a period not to exceed twelve 1004  
hours; 1005

(4) The sale of beer and intoxicating liquor at the event 1006  
shall not take place between two-thirty a.m. and five-thirty a.m.; 1007

(5) No person under twenty-one years of age shall purchase or 1008

consume beer or intoxicating liquor at the event and no beer or 1009  
intoxicating liquor shall be sold to any person under twenty-one 1010  
years of age at the event; and 1011

(6) No person at the event shall sell or furnish beer or 1012  
intoxicating liquor to an intoxicated person. 1013

**Sec. 4301.62.** (A) As used in this section: 1014

(1) "Chauffeured limousine" means a vehicle registered under 1015  
section 4503.24 of the Revised Code. 1016

(2) "Street," "highway," and "motor vehicle" have the same 1017  
meanings as in section 4511.01 of the Revised Code. 1018

(B) No person shall have in the person's possession an opened 1019  
container of beer or intoxicating liquor in any of the following 1020  
circumstances: 1021

(1) In a state liquor store; 1022

(2) Except as provided in division (C) of this section, on 1023  
the premises of the holder of any permit issued by the division of 1024  
liquor control; 1025

(3) In any other public place; 1026

(4) Except as provided in division (D) or (E) of this 1027  
section, while operating or being a passenger in or on a motor 1028  
vehicle on any street, highway, or other public or private 1029  
property open to the public for purposes of vehicular travel or 1030  
parking; 1031

(5) Except as provided in division (D) or (E) of this 1032  
section, while being in or on a stationary motor vehicle on any 1033  
street, highway, or other public or private property open to the 1034  
public for purposes of vehicular travel or parking. 1035

(C)(1) A person may have in the person's possession an opened 1036  
container of any of the following: 1037

(a) Beer or intoxicating liquor that has been lawfully 1038  
purchased for consumption on the premises where bought from the 1039  
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 1040  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 1041  
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 1042  
F-8 permit; 1043

(b) Beer, wine, or mixed beverages served for consumption on 1044  
the premises by the holder of an F-3 permit or wine served for 1045  
consumption on the premises by the holder of an F-4 or F-6 permit; 1046

(c) Beer or intoxicating liquor consumed on the premises of a 1047  
convention facility as provided in section 4303.201 of the Revised 1048  
Code; 1049

(d) Beer or intoxicating liquor to be consumed during 1050  
tastings and samplings approved by rule of the liquor control 1051  
commission. 1052

(2) A person may have in the person's possession on an F 1053  
liquor permit premises an opened container of beer or intoxicating 1054  
liquor that was not purchased from the holder of the F permit if 1055  
the premises for which the F permit is issued is a music festival 1056  
and the holder of the F permit grants permission for that 1057  
possession on the premises during the period for which the F 1058  
permit is issued. As used in this division, "music festival" means 1059  
a series of outdoor live musical performances, extending for a 1060  
period of at least three consecutive days and located on an area 1061  
of land of at least forty acres. 1062

(3)(a) A person may have in the person's possession on a D-2 1063  
liquor permit premises an opened or unopened container of wine 1064  
that was not purchased from the holder of the D-2 permit if the 1065  
premises for which the D-2 permit is issued is an outdoor 1066  
performing arts center, the person is attending an orchestral 1067  
performance, and the holder of the D-2 permit grants permission 1068

for the possession and consumption of wine in certain 1069  
predesignated areas of the premises during the period for which 1070  
the D-2 permit is issued. 1071

(b) As used in division (C)(3)(a) of this section: 1072

(i) "Orchestral performance" means a concert comprised of a 1073  
group of not fewer than forty musicians playing various musical 1074  
instruments. 1075

(ii) "Outdoor performing arts center" means an outdoor 1076  
performing arts center that is located on not less than ~~eight~~ one 1077  
hundred fifty acres of land and that is open for performances from 1078  
the first day of April to the last day of October of each year. 1079

(4) A person may have in the person's possession an opened or 1080  
unopened container of beer or intoxicating liquor at an outdoor 1081  
location at which the person is attending an orchestral 1082  
performance as defined in division (C)(3)(b)(i) of this section if 1083  
the person with supervision and control over the performance 1084  
grants permission for the possession and consumption of beer or 1085  
intoxicating liquor in certain predesignated areas of that outdoor 1086  
location. 1087

(D) This section does not apply to a person who pays all or a 1088  
portion of the fee imposed for the use of a chauffeured limousine 1089  
pursuant to a prearranged contract, or the guest of the person, 1090  
when all of the following apply: 1091

(1) The person or guest is a passenger in the limousine. 1092

(2) The person or guest is located in the limousine, but is 1093  
not occupying a seat in the front compartment of the limousine 1094  
where the operator of the limousine is located. 1095

(3) The limousine is located on any street, highway, or other 1096  
public or private property open to the public for purposes of 1097  
vehicular travel or parking. 1098

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

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

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

**Sec. 4303.232.** (A)(1) Permit S may be issued to a person that is the brand owner or United States importer of beer or wine, is the designated agent of a brand owner or importer for all beer or wine sold in this state for that owner or importer, or manufactures wine if ~~such~~ the manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than two hundred fifty thousand gallons of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides or by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) The fee for the S permit is twenty-five dollars.

(3) The holder of an S permit may sell beer or wine to a personal consumer by receiving and filling orders that the

personal consumer submits to the permit holder. The permit holder 1130  
shall sell only wine that the permit holder has manufactured to a 1131  
personal consumer. 1132

(4) The holder of an S permit shall renew the permit in 1133  
accordance with section 4303.271 of the Revised Code, except that 1134  
the renewal shall not be subject to the notice and hearing 1135  
requirements established in division (B) of that section. 1136

(5) The division of liquor control may refuse to renew an S 1137  
permit for any of the reasons specified in section 4303.292 of the 1138  
Revised Code or if the holder of the permit fails to do any of the 1139  
following: 1140

(a) Collect and pay all applicable taxes specified in 1141  
division (B) of this section; 1142

(b) Pay the permit fee; 1143

(c) Comply with this section or any rules adopted by the 1144  
liquor control commission under section 4301.03 of the Revised 1145  
Code. 1146

(B)(1) The holder of an S permit who sells wine shall collect 1147  
and pay the taxes relating to the delivery of wine to a personal 1148  
consumer that are levied under sections 4301.421, ~~4301.43~~, and 1149  
4301.432 and Chapters 5739. and 5741. of the Revised Code. 1150

(2) The holder of an S permit who sells beer shall collect 1151  
and pay the taxes relating to the delivery of beer to a personal 1152  
consumer that are levied under sections 4301.42 and 4301.421 and 1153  
Chapters 4305., 4307., 5739., and 5741. of the Revised Code. 1154

(C)(1) The holder of an S permit shall send a shipment of 1155  
beer or wine that has been paid for by a personal consumer to that 1156  
personal consumer via the holder of an H permit. Prior to sending 1157  
a shipment of beer or wine to a personal consumer, the holder of 1158  
an S permit, or an employee of the permit holder, shall make a 1159

bona fide effort to ensure that the personal consumer is at least 1160  
twenty-one years of age. The shipment of beer or wine shall be 1161  
shipped in a package that clearly has written on it in bold print 1162  
the words "alcohol enclosed." No person shall fail to comply with 1163  
division (C)(1) of this section. 1164

(2) Upon delivering a shipment of beer or wine to a personal 1165  
consumer, the holder of the H permit, or an employee of the permit 1166  
holder, shall verify that the personal consumer is at least 1167  
twenty-one years of age by checking the personal consumer's 1168  
driver's or commercial driver's license or identification card 1169  
issued under sections 4507.50 to 4507.52 of the Revised Code. 1170

(3) The holder of an S permit shall keep a record of each 1171  
shipment of beer or wine that the permit holder sends to a 1172  
personal consumer. The records shall be used for all of the 1173  
following: 1174

(a) To provide a copy of each beer or wine shipment invoice 1175  
to the tax commissioner in a manner prescribed by the 1176  
commissioner. The invoice shall include the name of each personal 1177  
consumer that purchased beer or wine from the S permit holder in 1178  
accordance with this section and any other information required by 1179  
the tax commissioner. 1180

(b) To provide annually in electronic format by electronic 1181  
means a report to the division. The report shall include the name 1182  
and address of each personal consumer that purchased beer or wine 1183  
from the S permit holder in accordance with this section, the 1184  
quantity of beer or wine purchased by each personal consumer, and 1185  
any other information requested by the division. The division 1186  
shall prescribe and provide an electronic form for the report and 1187  
shall determine the specific electronic means that the S permit 1188  
holder must use to submit the report. 1189

(c) To notify a personal consumer of any health or welfare 1190

recalls of the beer or wine that has been purchased by the 1191  
personal consumer. 1192

(D) As used in this section, "personal consumer" means an 1193  
individual who is at least twenty-one years of age, is a resident 1194  
of this state, does not hold a permit issued under this chapter, 1195  
and intends to use beer or wine purchased in accordance with this 1196  
section for personal consumption only and not for resale or other 1197  
commercial purposes. 1198

(E) The holder of an S permit shall comply with this chapter, 1199  
Chapter 4301. of the Revised Code, and any rules adopted by the 1200  
liquor control commission under section 4301.03 of the Revised 1201  
Code. 1202

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 1203  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 1204  
Revised Code, and in the penal laws, except as otherwise provided: 1205

(A) "Vehicles" means everything on wheels or runners, 1206  
including motorized bicycles, but does not mean electric personal 1207  
assistive mobility devices, vehicles that are operated exclusively 1208  
on rails or tracks or from overhead electric trolley wires, and 1209  
vehicles that belong to any police department, municipal fire 1210  
department, or volunteer fire department, or that are used by such 1211  
a department in the discharge of its functions. 1212

(B) "Motor vehicle" means any vehicle, including mobile homes 1213  
and recreational vehicles, that is propelled or drawn by power 1214  
other than muscular power or power collected from overhead 1215  
electric trolley wires. "Motor vehicle" does not include utility 1216  
vehicles as defined in division (VV) of this section, motorized 1217  
bicycles, road rollers, traction engines, power shovels, power 1218  
cranes, and other equipment used in construction work and not 1219  
designed for or employed in general highway transportation, 1220  
well-drilling machinery, ditch-digging machinery, farm machinery, 1221



and trailers that are designed and used exclusively to transport a 1222  
boat between a place of storage and a marina, or in and around a 1223  
marina, when drawn or towed on a public road or highway for a 1224  
distance of no more than ten miles and at a speed of twenty-five 1225  
miles per hour or less. 1226

(C) "Agricultural tractor" and "traction engine" mean any 1227  
self-propelling vehicle that is designed or used for drawing other 1228  
vehicles or wheeled machinery, but has no provisions for carrying 1229  
loads independently of such other vehicles, and that is used 1230  
principally for agricultural purposes. 1231

(D) "Commercial tractor," except as defined in division (C) 1232  
of this section, means any motor vehicle that has motive power and 1233  
either is designed or used for drawing other motor vehicles, or is 1234  
designed or used for drawing another motor vehicle while carrying 1235  
a portion of the other motor vehicle or its load, or both. 1236

(E) "Passenger car" means any motor vehicle that is designed 1237  
and used for carrying not more than nine persons and includes any 1238  
motor vehicle that is designed and used for carrying not more than 1239  
fifteen persons in a ridesharing arrangement. 1240

(F) "Collector's vehicle" means any motor vehicle or 1241  
agricultural tractor or traction engine that is of special 1242  
interest, that has a fair market value of one hundred dollars or 1243  
more, whether operable or not, and that is owned, operated, 1244  
collected, preserved, restored, maintained, or used essentially as 1245  
a collector's item, leisure pursuit, or investment, but not as the 1246  
owner's principal means of transportation. "Licensed collector's 1247  
vehicle" means a collector's vehicle, other than an agricultural 1248  
tractor or traction engine, that displays current, valid license 1249  
tags issued under section 4503.45 of the Revised Code, or a 1250  
similar type of motor vehicle that displays current, valid license 1251  
tags issued under substantially equivalent provisions in the laws 1252  
of other states. 1253

(G) "Historical motor vehicle" means any motor vehicle that 1254  
is over twenty-five years old and is owned solely as a collector's 1255  
item and for participation in club activities, exhibitions, tours, 1256  
parades, and similar uses, but that in no event is used for 1257  
general transportation. 1258

(H) "Noncommercial motor vehicle" means any motor vehicle, 1259  
including a farm truck as defined in section 4503.04 of the 1260  
Revised Code, that is designed by the manufacturer to carry a load 1261  
of no more than one ton and is used exclusively for purposes other 1262  
than engaging in business for profit. 1263

(I) "Bus" means any motor vehicle that has motor power and is 1264  
designed and used for carrying more than nine passengers, except 1265  
any motor vehicle that is designed and used for carrying not more 1266  
than fifteen passengers in a ridesharing arrangement. 1267

(J) "Commercial car" or "truck" means any motor vehicle that 1268  
has motor power and is designed and used for carrying merchandise 1269  
or freight, or that is used as a commercial tractor. 1270

(K) "Bicycle" means every device, other than a tricycle that 1271  
is designed solely for use as a play vehicle by a child, that is 1272  
propelled solely by human power upon which any person may ride, 1273  
and that has two tandem wheels, or one wheel in front and two 1274  
wheels in the rear, or two wheels in the front and one wheel in 1275  
the rear, any of which is more than fourteen inches in diameter. 1276

(L) "Motorized bicycle" means any vehicle that either has two 1277  
tandem wheels or one wheel in the front and two wheels in the 1278  
rear, that is capable of being pedaled, and that is equipped with 1279  
a helper motor of not more than fifty cubic centimeters piston 1280  
displacement that produces no more than one brake horsepower and 1281  
is capable of propelling the vehicle at a speed of no greater than 1282  
twenty miles per hour on a level surface. 1283

(M) "Trailer" means any vehicle without motive power that is 1284

designed or used for carrying property or persons wholly on its 1285  
own structure and for being drawn by a motor vehicle, and includes 1286  
any such vehicle that is formed by or operated as a combination of 1287  
a semitrailer and a vehicle of the dolly type such as that 1288  
commonly known as a trailer dolly, a vehicle used to transport 1289  
agricultural produce or agricultural production materials between 1290  
a local place of storage or supply and the farm when drawn or 1291  
towed on a public road or highway at a speed greater than 1292  
twenty-five miles per hour, and a vehicle that is designed and 1293  
used exclusively to transport a boat between a place of storage 1294  
and a marina, or in and around a marina, when drawn or towed on a 1295  
public road or highway for a distance of more than ten miles or at 1296  
a speed of more than twenty-five miles per hour. "Trailer" does 1297  
not include a manufactured home or travel trailer. 1298

(N) "Noncommercial trailer" means any trailer, except a 1299  
travel trailer or trailer that is used to transport a boat as 1300  
described in division (B) of this section, but, where applicable, 1301  
includes a vehicle that is used to transport a boat as described 1302  
in division (M) of this section, that has a gross weight of no 1303  
more than ~~three~~ ten thousand pounds, and that is used exclusively 1304  
for purposes other than engaging in business for a profit, such as 1305  
the transportation of personal items for personal or recreational 1306  
purposes. 1307

(O) "Mobile home" means a building unit or assembly of closed 1308  
construction that is fabricated in an off-site facility, is more 1309  
than thirty-five body feet in length or, when erected on site, is 1310  
three hundred twenty or more square feet, is built on a permanent 1311  
chassis, is transportable in one or more sections, and does not 1312  
qualify as a manufactured home as defined in division (C)(4) of 1313  
section 3781.06 of the Revised Code or as an industrialized unit 1314  
as defined in division (C)(3) of section 3781.06 of the Revised 1315  
Code. 1316

(P) "Semitrailer" means any vehicle of the trailer type that 1317  
does not have motive power and is so designed or used with another 1318  
and separate motor vehicle that in operation a part of its own 1319  
weight or that of its load, or both, rests upon and is carried by 1320  
the other vehicle furnishing the motive power for propelling 1321  
itself and the vehicle referred to in this division, and includes, 1322  
for the purpose only of registration and taxation under those 1323  
chapters, any vehicle of the dolly type, such as a trailer dolly, 1324  
that is designed or used for the conversion of a semitrailer into 1325  
a trailer. 1326

(Q) "Recreational vehicle" means a vehicular portable 1327  
structure that meets all of the following conditions: 1328

(1) It is designed for the sole purpose of recreational 1329  
travel. 1330

(2) It is not used for the purpose of engaging in business 1331  
for profit. 1332

(3) It is not used for the purpose of engaging in intrastate 1333  
commerce. 1334

(4) It is not used for the purpose of commerce as defined in 1335  
49 C.F.R. 383.5, as amended. 1336

(5) It is not regulated by the public utilities commission 1337  
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 1338

(6) It is classed as one of the following: 1339

(a) "Travel trailer" means a nonself-propelled recreational 1340  
vehicle that does not exceed an overall length of thirty-five 1341  
feet, exclusive of bumper and tongue or coupling, and contains 1342  
less than three hundred twenty square feet of space when erected 1343  
on site. "Travel trailer" includes a tent-type fold-out camping 1344  
trailer as defined in section 4517.01 of the Revised Code. 1345

(b) "Motor home" means a self-propelled recreational vehicle 1346

that has no fifth wheel and is constructed with permanently 1347  
installed facilities for cold storage, cooking and consuming of 1348  
food, and for sleeping. 1349

(c) "Truck camper" means a nonself-propelled recreational 1350  
vehicle that does not have wheels for road use and is designed to 1351  
be placed upon and attached to a motor vehicle. "Truck camper" 1352  
does not include truck covers that consist of walls and a roof, 1353  
but do not have floors and facilities enabling them to be used as 1354  
a dwelling. 1355

(d) "Fifth wheel trailer" means a vehicle that is of such 1356  
size and weight as to be movable without a special highway permit, 1357  
that has a gross trailer area of four hundred square feet or less, 1358  
that is constructed with a raised forward section that allows a 1359  
bi-level floor plan, and that is designed to be towed by a vehicle 1360  
equipped with a fifth-wheel hitch ordinarily installed in the bed 1361  
of a truck. 1362

(e) "Park trailer" means a vehicle that is commonly known as 1363  
a park model recreational vehicle, meets the American national 1364  
standard institute standard A119.5 (1988) for park trailers, is 1365  
built on a single chassis, has a gross trailer area of four 1366  
hundred square feet or less when set up, is designed for seasonal 1367  
or temporary living quarters, and may be connected to utilities 1368  
necessary for the operation of installed features and appliances. 1369

(R) "Pneumatic tires" means tires of rubber and fabric or 1370  
tires of similar material, that are inflated with air. 1371

(S) "Solid tires" means tires of rubber or similar elastic 1372  
material that are not dependent upon confined air for support of 1373  
the load. 1374

(T) "Solid tire vehicle" means any vehicle that is equipped 1375  
with two or more solid tires. 1376

(U) "Farm machinery" means all machines and tools that are 1377

used in the production, harvesting, and care of farm products, and 1378  
includes trailers that are used to transport agricultural produce 1379  
or agricultural production materials between a local place of 1380  
storage or supply and the farm, agricultural tractors, threshing 1381  
machinery, hay-baling machinery, corn shellers, hammermills, and 1382  
machinery used in the production of horticultural, agricultural, 1383  
and vegetable products. 1384

(V) "Owner" includes any person or firm, other than a 1385  
manufacturer or dealer, that has title to a motor vehicle, except 1386  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 1387  
includes in addition manufacturers and dealers. 1388

(W) "Manufacturer" and "dealer" include all persons and firms 1389  
that are regularly engaged in the business of manufacturing, 1390  
selling, displaying, offering for sale, or dealing in motor 1391  
vehicles, at an established place of business that is used 1392  
exclusively for the purpose of manufacturing, selling, displaying, 1393  
offering for sale, or dealing in motor vehicles. A place of 1394  
business that is used for manufacturing, selling, displaying, 1395  
offering for sale, or dealing in motor vehicles shall be deemed to 1396  
be used exclusively for those purposes even though snowmobiles or 1397  
all-purpose vehicles are sold or displayed for sale thereat, even 1398  
though farm machinery is sold or displayed for sale thereat, or 1399  
even though repair, accessory, gasoline and oil, storage, parts, 1400  
service, or paint departments are maintained thereat, or, in any 1401  
county having a population of less than seventy-five thousand at 1402  
the last federal census, even though a department in a place of 1403  
business is used to dismantle, salvage, or rebuild motor vehicles 1404  
by means of used parts, if such departments are operated for the 1405  
purpose of furthering and assisting in the business of 1406  
manufacturing, selling, displaying, offering for sale, or dealing 1407  
in motor vehicles. Places of business or departments in a place of 1408  
business used to dismantle, salvage, or rebuild motor vehicles by 1409

means of using used parts are not considered as being maintained 1410  
for the purpose of assisting or furthering the manufacturing, 1411  
selling, displaying, and offering for sale or dealing in motor 1412  
vehicles. 1413

(X) "Operator" includes any person who drives or operates a 1414  
motor vehicle upon the public highways. 1415

(Y) "Chauffeur" means any operator who operates a motor 1416  
vehicle, other than a taxicab, as an employee for hire; or any 1417  
operator whether or not the owner of a motor vehicle, other than a 1418  
taxicab, who operates such vehicle for transporting, for gain, 1419  
compensation, or profit, either persons or property owned by 1420  
another. Any operator of a motor vehicle who is voluntarily 1421  
involved in a ridesharing arrangement is not considered an 1422  
employee for hire or operating such vehicle for gain, 1423  
compensation, or profit. 1424

(Z) "State" includes the territories and federal districts of 1425  
the United States, and the provinces of Canada. 1426

(AA) "Public roads and highways" for vehicles includes all 1427  
public thoroughfares, bridges, and culverts. 1428

(BB) "Manufacturer's number" means the manufacturer's 1429  
original serial number that is affixed to or imprinted upon the 1430  
chassis or other part of the motor vehicle. 1431

(CC) "Motor number" means the manufacturer's original number 1432  
that is affixed to or imprinted upon the engine or motor of the 1433  
vehicle. 1434

(DD) "Distributor" means any person who is authorized by a 1435  
motor vehicle manufacturer to distribute new motor vehicles to 1436  
licensed motor vehicle dealers at an established place of business 1437  
that is used exclusively for the purpose of distributing new motor 1438  
vehicles to licensed motor vehicle dealers, except when the 1439  
distributor also is a new motor vehicle dealer, in which case the 1440

distributor may distribute at the location of the distributor's 1441  
licensed dealership. 1442

(EE) "Ridesharing arrangement" means the transportation of 1443  
persons in a motor vehicle where the transportation is incidental 1444  
to another purpose of a volunteer driver and includes ridesharing 1445  
arrangements known as carpools, vanpools, and buspools. 1446

(FF) "Apportionable vehicle" means any vehicle that is used 1447  
or intended for use in two or more international registration plan 1448  
member jurisdictions that allocate or proportionally register 1449  
vehicles, that is used for the transportation of persons for hire 1450  
or designed, used, or maintained primarily for the transportation 1451  
of property, and that meets any of the following qualifications: 1452

(1) Is a power unit having a gross vehicle weight in excess 1453  
of twenty-six thousand pounds; 1454

(2) Is a power unit having three or more axles, regardless of 1455  
the gross vehicle weight; 1456

(3) Is a combination vehicle with a gross vehicle weight in 1457  
excess of twenty-six thousand pounds. 1458

"Apportionable vehicle" does not include recreational 1459  
vehicles, vehicles displaying restricted plates, city pick-up and 1460  
delivery vehicles, buses used for the transportation of chartered 1461  
parties, or vehicles owned and operated by the United States, this 1462  
state, or any political subdivisions thereof. 1463

(GG) "Chartered party" means a group of persons who contract 1464  
as a group to acquire the exclusive use of a passenger-carrying 1465  
motor vehicle at a fixed charge for the vehicle in accordance with 1466  
the carrier's tariff, lawfully on file with the United States 1467  
department of transportation, for the purpose of group travel to a 1468  
specified destination or for a particular itinerary, either agreed 1469  
upon in advance or modified by the chartered group after having 1470  
left the place of origin. 1471



(HH) "International registration plan" means a reciprocal 1472  
agreement of member jurisdictions that is endorsed by the American 1473  
association of motor vehicle administrators, and that promotes and 1474  
encourages the fullest possible use of the highway system by 1475  
authorizing apportioned registration of fleets of vehicles and 1476  
recognizing registration of vehicles apportioned in member 1477  
jurisdictions. 1478

(II) "Restricted plate" means a license plate that has a 1479  
restriction of time, geographic area, mileage, or commodity, and 1480  
includes license plates issued to farm trucks under division (J) 1481  
of section 4503.04 of the Revised Code. 1482

(JJ) "Gross vehicle weight," with regard to any commercial 1483  
car, trailer, semitrailer, or bus that is taxed at the rates 1484  
established under section 4503.042 or 4503.65 of the Revised Code, 1485  
means the unladen weight of the vehicle fully equipped plus the 1486  
maximum weight of the load to be carried on the vehicle. 1487

(KK) "Combined gross vehicle weight" with regard to any 1488  
combination of a commercial car, trailer, and semitrailer, that is 1489  
taxed at the rates established under section 4503.042 or 4503.65 1490  
of the Revised Code, means the total unladen weight of the 1491  
combination of vehicles fully equipped plus the maximum weight of 1492  
the load to be carried on that combination of vehicles. 1493

(LL) "Chauffeured limousine" means a motor vehicle that is 1494  
designed to carry nine or fewer passengers and is operated for 1495  
hire on an hourly basis pursuant to a prearranged contract for the 1496  
transportation of passengers on public roads and highways along a 1497  
route under the control of the person hiring the vehicle and not 1498  
over a defined and regular route. "Prearranged contract" means an 1499  
agreement, made in advance of boarding, to provide transportation 1500  
from a specific location in a chauffeured limousine at a fixed 1501  
rate per hour or trip. "Chauffeured limousine" does not include 1502  
any vehicle that is used exclusively in the business of funeral 1503

directing. 1504

(MM) "Manufactured home" has the same meaning as in division 1505  
(C)(4) of section 3781.06 of the Revised Code. 1506

(NN) "Acquired situs," with respect to a manufactured home or 1507  
a mobile home, means to become located in this state by the 1508  
placement of the home on real property, but does not include the 1509  
placement of a manufactured home or a mobile home in the inventory 1510  
of a new motor vehicle dealer or the inventory of a manufacturer, 1511  
remanufacturer, or distributor of manufactured or mobile homes. 1512

(OO) "Electronic" includes electrical, digital, magnetic, 1513  
optical, electromagnetic, or any other form of technology that 1514  
entails capabilities similar to these technologies. 1515

(PP) "Electronic record" means a record generated, 1516  
communicated, received, or stored by electronic means for use in 1517  
an information system or for transmission from one information 1518  
system to another. 1519

(QQ) "Electronic signature" means a signature in electronic 1520  
form attached to or logically associated with an electronic 1521  
record. 1522

(RR) "Financial transaction device" has the same meaning as 1523  
in division (A) of section 113.40 of the Revised Code. 1524

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1525  
dealer licensed under Chapter 4517. of the Revised Code whom the 1526  
registrar of motor vehicles determines meets the criteria 1527  
designated in section 4503.035 of the Revised Code for electronic 1528  
motor vehicle dealers and designates as an electronic motor 1529  
vehicle dealer under that section. 1530

(TT) "Electric personal assistive mobility device" means a 1531  
self-balancing two non-tandem wheeled device that is designed to 1532  
transport only one person, has an electric propulsion system of an 1533

average of seven hundred fifty watts, and when ridden on a paved 1534  
level surface by an operator who weighs one hundred seventy pounds 1535  
has a maximum speed of less than twenty miles per hour. 1536

(UU) "Limited driving privileges" means the privilege to 1537  
operate a motor vehicle that a court grants under section 4510.021 1538  
of the Revised Code to a person whose driver's or commercial 1539  
driver's license or permit or nonresident operating privilege has 1540  
been suspended. 1541

(VV) "Utility vehicle" means a self-propelled vehicle 1542  
designed with a bed, principally for the purpose of transporting 1543  
material or cargo in connection with construction, agricultural, 1544  
forestry, grounds maintenance, lawn and garden, materials 1545  
handling, or similar activities. "Utility vehicle" includes a 1546  
vehicle with a maximum attainable speed of twenty miles per hour 1547  
or less that is used exclusively within the boundaries of state 1548  
parks by state park employees or volunteers for the operation or 1549  
maintenance of state park facilities. 1550

**Sec. 4501.02.** (A) There is hereby created in the department 1551  
of public safety a bureau of motor vehicles, which shall be 1552  
administered by a registrar of motor vehicles. The registrar shall 1553  
be appointed by the director of public safety and shall serve at 1554  
the director's pleasure. 1555

The registrar shall administer the laws of the state relative 1556  
to the registration of and certificates of title for motor 1557  
vehicles, and the licensing of motor vehicle dealers, motor 1558  
vehicle leasing dealers, distributors, and salespersons, and of 1559  
motor vehicle salvage dealers, salvage motor vehicle auctions, and 1560  
salvage motor vehicle pools. The registrar also shall, in 1561  
accordance with section 4503.61 of the Revised Code, take those 1562  
steps necessary to enter this state into membership in the 1563  
international registration plan and carry out the registrar's 1564

other duties under that section. The registrar, with the approval  
of the director of public safety, may do all of the following:

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

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

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

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

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

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

The director of public safety may investigate the activities  
of the bureau and have access to its records at any time, and the

registrar shall make a report to the director at any time upon 1596  
request. 1597

All laws relating to the licensing of motor vehicle dealers, 1598  
motor vehicle leasing dealers, distributors, and salespersons, and 1599  
of motor vehicle salvage dealers, salvage motor vehicle auctions, 1600  
and salvage motor vehicle pools, designating and granting power to 1601  
the registrar shall be liberally construed to the end that the 1602  
practice or commission of fraud in the business of selling motor 1603  
vehicles and of disposing of salvage motor vehicles may be 1604  
prohibited and prevented. 1605

(B) There is hereby created in the department of public 1606  
safety a division of emergency medical services, which shall be 1607  
administered by an executive director of emergency medical 1608  
services appointed under section 4765.03 of the Revised Code. 1609

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 1610  
referred to in division (O) of section 4503.04, division (E) of 1611  
section 4503.042, division (B) of section 4503.07, division (C)(1) 1612  
of section 4503.10, division (D) of section 4503.182, division (A) 1613  
of section 4503.19, division (D)(2) of section 4507.24, division 1614  
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 1615  
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 1616  
of the Revised Code, and the taxes charged in section 4503.65 that 1617  
are distributed in accordance with division (A)(2) of section 1618  
4501.044 of the Revised Code unless otherwise designated by law, 1619  
shall be deposited in the state treasury to the credit of the 1620  
state highway safety fund, which is hereby created, and shall, 1621  
after receipt of certifications from the commissioners of the 1622  
sinking fund certifying, ~~as required by sections 5528.15 and~~ 1623  
~~5528.35 of the Revised Code, that there are sufficient moneys to~~ 1624  
~~the credit of the highway improvement bond retirement fund created~~ 1625  
~~by section 5528.12 of the Revised Code to meet in full all~~ 1626

~~payments of interest, principal, and charges for the retirement of~~ 1627  
~~bonds and other obligations issued pursuant to Section 2g of~~ 1628  
~~Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11~~ 1629  
~~of the Revised Code due and payable during the current calendar~~ 1630  
~~year, and~~ that there are sufficient moneys to the credit of the 1631  
highway obligations bond retirement fund created by section 1632  
5528.32 of the Revised Code to meet in full all payments of 1633  
interest, principal, and charges for the retirement of highway 1634  
obligations issued pursuant to Section 2i of Article VIII, Ohio 1635  
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1636  
due and payable during the current calendar year, be used for the 1637  
purpose of enforcing and paying the expenses of administering the 1638  
law relative to the registration and operation of motor vehicles 1639  
on the public roads or highways. Amounts credited to the fund may 1640  
also be used to pay the expenses of administering and enforcing 1641  
the laws under which such fees were collected. All investment 1642  
earnings of the state highway safety fund shall be credited to the 1643  
fund. 1644

**Sec. 4501.21.** (A) There is hereby created in the state 1645  
treasury the license plate contribution fund. The fund shall 1646  
consist of all contributions paid by motor vehicle registrants and 1647  
collected by the registrar of motor vehicles pursuant to sections 1648  
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 1649  
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 1650  
4503.523, 4503.531, 4503.545, 4503.55, 4503.551, 4503.552, 1651  
4503.553, 4503.561, 4503.562, 4503.564, 4503.591, 4503.67, 1652  
4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 4503.72, 1653  
4503.73, 4503.74, 4503.75, 4503.751, 4503.85, 4503.89, ~~and~~ 1654  
4503.92, and 4503.94 of the Revised Code. 1655

(B) The registrar shall pay the contributions the registrar 1656  
collects in the fund as follows: 1657

The registrar shall pay the contributions received pursuant 1658  
to section 4503.491 of the Revised Code to the breast cancer fund 1659  
of Ohio, which shall use that money only to pay for programs that 1660  
provide assistance and education to Ohio breast cancer patients 1661  
and that improve access for such patients to quality health care 1662  
and clinical trials and shall not use any of the money for 1663  
abortion information, counseling, services, or other 1664  
abortion-related activities. 1665

The registrar shall pay the contributions received pursuant 1666  
to section 4503.493 of the Revised Code to the autism society of 1667  
Ohio, which shall use the contributions for programs and autism 1668  
awareness efforts throughout the state. 1669

The registrar shall pay the contributions the registrar 1670  
receives pursuant to section 4503.494 of the Revised Code to the 1671  
national multiple sclerosis society for distribution in equal 1672  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 1673  
chapters of the national multiple sclerosis society. These 1674  
chapters shall use the money they receive under this section to 1675  
assist in paying the expenses they incur in providing services 1676  
directly to their clients. 1677

The registrar shall pay the contributions the registrar 1678  
receives pursuant to section 4503.496 of the Revised Code to the 1679  
Ohio sickle cell and health association, which shall use the 1680  
contributions to help support educational, clinical, and social 1681  
support services for adults who have sickle cell disease. 1682

The registrar shall pay the contributions the registrar 1683  
receives pursuant to section 4503.498 of the Revised Code to 1684  
special olympics Ohio, inc., which shall use the contributions for 1685  
its programs, charitable efforts, and other activities. 1686

The registrar shall pay the contributions the registrar 1687  
receives pursuant to section 4503.499 of the Revised Code to the 1688

children's glioma cancer foundation, which shall use the 1689  
contributions for its research and other programs. 1690

The registrar shall pay the contributions the registrar 1691  
receives pursuant to section 4503.50 of the Revised Code to the 1692  
future farmers of America foundation, which shall deposit the 1693  
contributions into its general account to be used for educational 1694  
and scholarship purposes of the future farmers of America 1695  
foundation. 1696

The registrar shall pay the contributions the registrar 1697  
receives pursuant to section 4503.501 of the Revised Code to the 1698  
4-H youth development program of the Ohio state university 1699  
extension program, which shall use those contributions to pay the 1700  
expenses it incurs in conducting its educational activities. 1701

The registrar shall pay the contributions received pursuant 1702  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 1703  
foundation, which shall use those contributions for scholarships 1704  
and other educational activities. 1705

The registrar shall pay the contributions received pursuant 1706  
to section 4503.505 of the Revised Code to the organization Ohio 1707  
region phi theta kappa, which shall use those contributions for 1708  
scholarships for students who are members of that organization. 1709

The registrar shall pay each contribution the registrar 1710  
receives pursuant to section 4503.51 of the Revised Code to the 1711  
university or college whose name or marking or design appears on 1712  
collegiate license plates that are issued to a person under that 1713  
section. A university or college that receives contributions from 1714  
the fund shall deposit the contributions into its general 1715  
scholarship fund. 1716

The registrar shall pay the contributions the registrar 1717  
receives pursuant to section 4503.522 of the Revised Code to the 1718  
"friends of Perry's victory and international peace memorial, 1719



incorporated," a nonprofit corporation organized under the laws of 1720  
this state, to assist that organization in paying the expenses it 1721  
incurs in sponsoring or holding charitable, educational, and 1722  
cultural events at the monument. 1723

The registrar shall pay the contributions the registrar 1724  
receives pursuant to section 4503.523 of the Revised Code to the 1725  
fairport lights foundation, which shall use the money to pay for 1726  
the restoration, maintenance, and preservation of the lighthouses 1727  
of fairport harbor. 1728

The registrar shall pay the contributions the registrar 1729  
receives pursuant to section 4503.531 of the Revised Code to the 1730  
thank you foundation, incorporated, a nonprofit corporation 1731  
organized under the laws of this state, to assist that 1732  
organization in paying for the charitable activities and programs 1733  
it sponsors in support of United States military personnel, 1734  
veterans, and their families. 1735

The registrar shall pay the contributions the registrar 1736  
receives pursuant to section 4503.55 of the Revised Code to the 1737  
pro football hall of fame, which shall deposit the contributions 1738  
into a special bank account that it establishes and which shall be 1739  
separate and distinct from any other account the pro football hall 1740  
of fame maintains, to be used exclusively for the purpose of 1741  
promoting the pro football hall of fame as a travel destination. 1742

The registrar shall pay the contributions that are paid to 1743  
the registrar pursuant to section 4503.545 of the Revised Code to 1744  
the national rifle association foundation, which shall use the 1745  
money to pay the costs of the educational activities and programs 1746  
the foundation holds or sponsors in this state. 1747

The registrar shall pay to the Ohio pet fund the 1748  
contributions the registrar receives pursuant to section 4503.551 1749  
of the Revised Code and any other money from any other source, 1750

including donations, gifts, and grants, that is designated by the 1751  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 1752  
use the moneys it receives under this section to support programs 1753  
for the sterilization of dogs and cats and for educational 1754  
programs concerning the proper veterinary care of those animals, 1755  
and for expenses of the Ohio pet fund that are reasonably 1756  
necessary for it to obtain and maintain its tax-exempt status and 1757  
to perform its duties. 1758

The registrar shall pay the contributions the registrar 1759  
receives pursuant to section 4503.552 of the Revised Code to the 1760  
rock and roll hall of fame and museum, incorporated. 1761

The registrar shall pay the contributions the registrar 1762  
receives pursuant to section 4503.553 of the Revised Code to the 1763  
Ohio coalition for animals, incorporated, a nonprofit corporation. 1764  
Except as provided in division (B) of this section, the coalition 1765  
shall distribute the money to its members, and the members shall 1766  
use the money only to pay for educational, charitable, and other 1767  
programs of each coalition member that provide care for unwanted, 1768  
abused, and neglected horses. The Ohio coalition for animals may 1769  
use a portion of the money to pay for reasonable marketing costs 1770  
incurred in the design and promotion of the license plate and for 1771  
administrative costs incurred in the disbursement and management 1772  
of funds received under this section. 1773

The registrar shall pay the contributions the registrar 1774  
receives pursuant to section 4503.561 of the Revised Code to the 1775  
state of Ohio chapter of ducks unlimited, inc., which shall 1776  
deposit the contributions into a special bank account that it 1777  
establishes. The special bank account shall be separate and 1778  
distinct from any other account the state of Ohio chapter of ducks 1779  
unlimited, inc., maintains and shall be used exclusively for the 1780  
purpose of protecting, enhancing, restoring, and managing wetlands 1781  
and conserving wildlife habitat. The state of Ohio chapter of 1782

ducks unlimited, inc., annually shall notify the registrar in 1783  
writing of the name, address, and account to which such payments 1784  
are to be made. 1785

The registrar shall pay the contributions the registrar 1786  
receives pursuant to section 4503.562 of the Revised Code to the 1787  
Mahoning river consortium, which shall use the money to pay the 1788  
expenses it incurs in restoring and maintaining the Mahoning river 1789  
watershed. 1790

The registrar shall pay the contributions the registrar 1791  
receives pursuant to section 4503.564 of the Revised Code to 1792  
Antioch college for the use of the Glen Helen ecology institute to 1793  
pay expenses related to the Glen Helen nature preserve. 1794

The registrar shall pay to a sports commission created 1795  
pursuant to section 4503.591 of the Revised Code each contribution 1796  
the registrar receives under that section that an applicant pays 1797  
to obtain license plates that bear the logo of a professional 1798  
sports team located in the county of that sports commission and 1799  
that is participating in the license plate program pursuant to 1800  
division (E) of that section, irrespective of the county of 1801  
residence of an applicant. 1802

The registrar shall pay to a community charity each 1803  
contribution the registrar receives under section 4503.591 of the 1804  
Revised Code that an applicant pays to obtain license plates that 1805  
bear the logo of a professional sports team that is participating 1806  
in the license plate program pursuant to division (G) of that 1807  
section. 1808

The registrar shall pay the contributions the registrar 1809  
receives pursuant to section 4503.67 of the Revised Code to the 1810  
Dan Beard council of the boy scouts of America. The council shall 1811  
distribute all contributions in an equitable manner throughout the 1812  
state to regional councils of the boy scouts. 1813

The registrar shall pay the contributions the registrar 1814  
receives pursuant to section 4503.68 of the Revised Code to the 1815  
great river council of the girl scouts of the United States of 1816  
America. The council shall distribute all contributions in an 1817  
equitable manner throughout the state to regional councils of the 1818  
girl scouts. 1819

The registrar shall pay the contributions the registrar 1820  
receives pursuant to section 4503.69 of the Revised Code to the 1821  
Dan Beard council of the boy scouts of America. The council shall 1822  
distribute all contributions in an equitable manner throughout the 1823  
state to regional councils of the boy scouts. 1824

The registrar shall pay the contributions the registrar 1825  
receives pursuant to section 4503.701 of the Revised Code to the 1826  
Prince Hall grand lodge of free and accepted masons of Ohio, which 1827  
shall use the contributions for scholarship purposes. 1828

The registrar shall pay the contributions the registrar 1829  
receives pursuant to section 4503.71 of the Revised Code to the 1830  
fraternal order of police of Ohio, incorporated, which shall 1831  
deposit the fees into its general account to be used for purposes 1832  
of the fraternal order of police of Ohio, incorporated. 1833

The registrar shall pay the contributions the registrar 1834  
receives pursuant to section 4503.711 of the Revised Code to the 1835  
fraternal order of police of Ohio, incorporated, which shall 1836  
deposit the contributions into an account that it creates to be 1837  
used for the purpose of advancing and protecting the law 1838  
enforcement profession, promoting improved law enforcement 1839  
methods, and teaching respect for law and order. 1840

The registrar shall pay the contributions received pursuant 1841  
to section 4503.712 of the Revised Code to Ohio concerns of police 1842  
survivors, which shall use those contributions to provide whatever 1843  
assistance may be appropriate to the families of Ohio law 1844

enforcement officers who are killed in the line of duty. 1845

The registrar shall pay the contributions the registrar 1846  
receives pursuant to section 4503.72 of the Revised Code to the 1847  
organization known on March 31, 2003, as the Ohio CASA/GAL 1848  
association, a private, nonprofit corporation organized under 1849  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 1850  
shall use these contributions to pay the expenses it incurs in 1851  
administering a program to secure the proper representation in the 1852  
courts of this state of abused, neglected, and dependent children, 1853  
and for the training and supervision of persons participating in 1854  
that program. 1855

The registrar shall pay the contributions the registrar 1856  
receives pursuant to section 4503.73 of the Revised Code to Wright 1857  
B. Flyer, incorporated, which shall deposit the contributions into 1858  
its general account to be used for purposes of Wright B. Flyer, 1859  
incorporated. 1860

The registrar shall pay the contributions the registrar 1861  
receives pursuant to section 4503.74 of the Revised Code to the 1862  
Columbus zoological park association, which shall disburse the 1863  
moneys to Ohio's major metropolitan zoos, as defined in section 1864  
4503.74 of the Revised Code, in accordance with a written 1865  
agreement entered into by the major metropolitan zoos. 1866

The registrar shall pay the contributions the registrar 1867  
receives pursuant to section 4503.75 of the Revised Code to the 1868  
rotary foundation, located on March 31, 2003, in Evanston, 1869  
Illinois, to be placed in a fund known as the permanent fund and 1870  
used to endow educational and humanitarian programs of the rotary 1871  
foundation. 1872

The registrar shall pay the contributions the registrar 1873  
receives pursuant to section 4503.751 of the Revised Code to the 1874  
Ohio association of realtors, which shall deposit the 1875

contributions into a property disaster relief fund maintained 1876  
under the Ohio realtors charitable and education foundation. 1877

The registrar shall pay the contributions the registrar 1878  
receives pursuant to section 4503.85 of the Revised Code to the 1879  
Ohio sea grant college program to be used for Lake Erie area 1880  
research projects. 1881

The registrar shall pay the contributions the registrar 1882  
receives pursuant to section 4503.89 of the Revised Code to the 1883  
American red cross of greater Columbus on behalf of the Ohio 1884  
chapters of the American red cross, which shall use the 1885  
contributions for disaster readiness, preparedness, and response 1886  
programs on a statewide basis. 1887

The registrar shall pay the contributions received pursuant 1888  
to section 4503.92 of the Revised Code to support our troops, 1889  
incorporated, a national nonprofit corporation, which shall use 1890  
those contributions in accordance with its articles of 1891  
incorporation and for the benefit of servicemembers of the armed 1892  
forces of the United States and their families when they are in 1893  
financial need. 1894

The registrar shall pay the contributions the registrar 1895  
receives pursuant to section 4503.94 of the Revised Code to the 1896  
Michelle's leading star foundation, which shall use the money 1897  
solely to fund the rental, lease, or purchase of the simulated 1898  
driving curriculum of the Michelle's leading star foundation by 1899  
boards of education of city, exempted village, local, and joint 1900  
vocational school districts. 1901

(C) All investment earnings of the license plate contribution 1902  
fund shall be credited to the fund. Not later than the first day 1903  
of May of every year, the registrar shall distribute to each 1904  
entity described in division (B) of this section the investment 1905  
income the fund earned the previous calendar year. The amount of 1906

such a distribution paid to an entity shall be proportionate to 1907  
the amount of money the entity received from the fund during the 1908  
previous calendar year. 1909

**Sec. 4501.81.** (A) The bureau of motor vehicles shall 1910  
establish a database of the next of kin of persons who are issued 1911  
~~and~~ driver's licenses, commercial driver's licenses, temporary 1912  
instruction permits, motorcycle operator's licenses and 1913  
endorsements, and identification cards. Information in the 1914  
database shall be accessible only to employees of the bureau and 1915  
to criminal justice agencies and is not a public record for 1916  
purposes of section 149.43 of the Revised Code. 1917

(B) ~~An~~ When an individual holding a valid Ohio submits an 1918  
application to the registrar of motor vehicles or a deputy 1919  
registrar for a driver's license, commercial driver's license, 1920  
temporary instruction permit, motorcycle operator's license or 1921  
endorsement, or identification card, or renewal of any of them, 1922  
the individual shall be ~~afforded the opportunity to~~ furnished with 1923  
a next of kin information form on which the individual may list 1924  
the name, address, telephone number, and relationship to the 1925  
individual of at least one contact person whom the individual 1926  
wishes to be contacted if the individual is involved in a motor 1927  
vehicle accident or emergency situation and the individual dies or 1928  
is seriously injured or rendered unconscious and is unable to 1929  
communicate with the contact person. The contact person may or may 1930  
not be the next of kin of the applicant, except that if the 1931  
applicant is under eighteen years of age and is not emancipated, 1932  
the contact person shall include the parent, guardian, or 1933  
custodian of the applicant. 1934

The form described in this division shall inform the 1935  
individual that, after completing the form, the individual may 1936  
return the form to the registrar or any deputy registrar, each of 1937

whom shall accept the form from the individual without payment of 1938  
any fee. The form also shall contain the mailing address of the 1939  
bureau, to which the individual may mail the completed form, and 1940  
also instructions whereby the individual may furnish the 1941  
information described in this division to the registrar through 1942  
use of the internet. 1943

(C) The bureau, in accordance with Chapter 119. of the 1944  
Revised Code, shall adopt rules to implement this section. The 1945  
rules shall address ~~both~~ all of the following: 1946

(1) The methods whereby a person who has submitted the name 1947  
of a contact person for inclusion in the database may make changes 1948  
to that entry; 1949

(2) The contents of the next of kin information form; 1950

(3) Any other aspect of the database or its operation that 1951  
the registrar ~~of motor vehicles~~ determines is necessary in order 1952  
to implement this section. 1953

(D) In the event of a motor vehicle accident or emergency 1954  
situation in which a person dies or is seriously injured or 1955  
rendered unconscious and is unable to communicate with the contact 1956  
person specified in the database, an employee of a criminal 1957  
justice agency shall make a good faith effort to notify the 1958  
contact person of the situation, but neither the bureau ~~of motor~~ 1959  
~~vehicles~~ nor the employee nor the criminal justice agency that 1960  
employs that employee incurs any liability if the employee is not 1961  
able to make contact with the contact person. 1962

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 1963  
designate the county auditor in each county a deputy registrar. If 1964  
the population of a county is forty thousand or less according to 1965  
the last federal census and if the county auditor is designated by 1966  
the registrar as a deputy registrar, no other person need be 1967



designated in the county to act as a deputy registrar. 1968

(b) The registrar may designate a clerk of a court of common 1969  
pleas as a deputy registrar if the population of the county is 1970  
forty thousand or less according to the last federal census. In a 1971  
county with a population greater than forty thousand but not more 1972  
than fifty thousand according to the last federal census, the 1973  
clerk of a court of common pleas is eligible to act as a deputy 1974  
registrar and may participate in the competitive selection process 1975  
for the award of a deputy registrar contract by applying in the 1976  
same manner as any other person. All fees collected and retained 1977  
by a clerk for conducting deputy registrar services shall be paid 1978  
into the county treasury to the credit of the certificate of title 1979  
administration fund created under section 325.33 of the Revised 1980  
Code. 1981

(c) In all other instances, the registrar shall contract with 1982  
one or more other persons in each county to act as deputy 1983  
registrars. Notwithstanding the county population restrictions in 1984  
division (A)(1)(b) of this section, if no person applies to act 1985  
under contract as a deputy registrar in a county and the county 1986  
auditor is not designated as a deputy registrar, the registrar may 1987  
ask the clerk of a court of common pleas to serve as the deputy 1988  
registrar for that county. 1989

(2) Deputy registrars shall accept applications for the 1990  
annual license tax for any vehicle not taxed under section 4503.63 1991  
of the Revised Code and shall assign distinctive numbers in the 1992  
same manner as the registrar. Such deputies shall be located in 1993  
such locations in the county as the registrar sees fit. There 1994  
shall be at least one deputy registrar in each county. 1995

Deputy registrar contracts are subject to the provisions of 1996  
division (B) of section 125.081 of the Revised Code. 1997

(B) The registrar shall not contract with any person to act 1998

as a deputy registrar if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (B)(4) of section 3517.01 of the Revised Code or "political action committee" as defined in division (B)(8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated with contributions to that political party.

The contribution limitations contained in this division do not apply to any county auditor or clerk of a court of common pleas. A county auditor or clerk of a court of common pleas is not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

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

(1) Any elected public official other than a county auditor or, as authorized by division (A)(1)(b) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political

subdivision; 2031

(2) Any person holding a current, valid contract to conduct 2032  
motor vehicle inspections under section 3704.14 of the Revised 2033  
Code. 2034

As used in division (B) of this section "political 2035  
subdivision" has the same meaning as in section 3501.01 of the 2036  
Revised Code. 2037

(C)(1) Except as provided in division (C)(2) of this section, 2038  
deputy registrars are independent contractors and neither they nor 2039  
their employees are employees of this state, except that nothing 2040  
in this section shall affect the status of county auditors or 2041  
clerks of courts of common pleas as public officials, nor the 2042  
status of their employees as employees of any of the counties of 2043  
this state, which are political subdivisions of this state. Each 2044  
deputy registrar shall be responsible for the payment of all 2045  
unemployment compensation premiums, all workers' compensation 2046  
premiums, social security contributions, and any and all taxes for 2047  
which the deputy registrar is legally responsible. Each deputy 2048  
registrar shall comply with all applicable federal, state, and 2049  
local laws requiring the withholding of income taxes or other 2050  
taxes from the compensation of the deputy registrar's employees. 2051  
Each deputy registrar shall maintain during the entire term of the 2052  
deputy registrar's contract a policy of business liability 2053  
insurance satisfactory to the registrar and shall hold the 2054  
department of public safety, the director of public safety, the 2055  
bureau of motor vehicles, and the registrar harmless upon any and 2056  
all claims for damages arising out of the operation of the deputy 2057  
registrar agency. 2058

(2) For purposes of Chapter 4141. of the Revised Code, 2059  
determinations concerning the employment of deputy registrars and 2060  
their employees shall be made under Chapter 4141. of the Revised 2061  
Code. 2062

(D)(1) With the approval of the director, the registrar shall 2063  
adopt rules governing the terms of the contract between the 2064  
registrar and each deputy registrar and specifications for the 2065  
services to be performed. The rules shall include specifications 2066  
relating to the amount of bond to be given as provided in this 2067  
section; the size and location of the deputy's office; and the 2068  
leasing of equipment necessary to conduct the vision screenings 2069  
required under section 4507.12 of the Revised Code and training in 2070  
the use of the equipment. The specifications shall permit and 2071  
encourage every deputy registrar to inform the public of the 2072  
location of the deputy registrar's office and hours of operation 2073  
by means of public service announcements and allow any deputy 2074  
registrar to advertise in regard to the operation of the deputy 2075  
registrar's office. The rules also shall include specifications 2076  
for the hours the deputy's office is to be open to the public and 2077  
shall require as a minimum that one deputy's office in each county 2078  
be open to the public for at least four hours each weekend, 2079  
provided that if only one deputy's office is located within the 2080  
boundary of the county seat, that office is the office that shall 2081  
be open for the four-hour period each weekend, and that every 2082  
deputy's office in each county shall be open to the public until 2083  
six-thirty p.m. on at least one weeknight each week. The rules 2084  
also shall include specifications providing that every deputy in 2085  
each county, upon request, provide any person with information 2086  
about the location and office hours of all deputy registrars in 2087  
the county and that every deputy prominently display within the 2088  
deputy's office, the toll-free telephone number of the bureau. The 2089  
rules shall not prohibit the award of a deputy registrar contract 2090  
to a nonprofit corporation formed under the laws of this state. 2091  
The rules shall prohibit any deputy registrar from operating more 2092  
than one such office at any time, except that the rules may permit 2093  
a nonprofit corporation formed for the purposes of providing 2094  
automobile-related services to its members or the public and that 2095

provides such services from more than one location in this state 2096  
to operate a deputy registrar office at any such location, 2097  
provided that the nonprofit corporation operates no more than one 2098  
deputy registrar office in any one county. The rules may include 2099  
such other specifications as the registrar and director consider 2100  
necessary to provide a high level of service. 2101

The rules shall establish procedures for a deputy registrar 2102  
who requests such authority to collect reinstatement fees under 2103  
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 2104  
4510.72, and 4511.191 of the Revised Code and to transmit the 2105  
reinstatement fees and two dollars of the service fee collected 2106  
under those sections. The registrar shall ensure that, not later 2107  
than January 1, 2012, at least one deputy registrar in each county 2108  
has the necessary equipment and is able to accept reinstatement 2109  
fees. The registrar shall deposit the service fees received from a 2110  
deputy registrar under those sections into the state bureau of 2111  
motor vehicles fund created in section 4501.25 of the Revised Code 2112  
and shall use the money for deputy registrar equipment necessary 2113  
in connection with accepting reinstatement fees. 2114

(2) As a daily adjustment, the bureau of motor vehicles shall 2115  
credit to a deputy registrar three dollars and fifty cents for 2116  
each damaged license plate or validation sticker the deputy 2117  
registrar replaces as a service to a member of the public. 2118

(3) With the prior approval of the registrar, each deputy 2119  
registrar may conduct at the location of the deputy registrar's 2120  
office any business that is consistent with the functions of a 2121  
deputy registrar and that is not specifically mandated or 2122  
authorized by this or another chapter of the Revised Code or by 2123  
implementing rules of the registrar. 2124

In accordance with guidelines the director of public safety 2125  
shall establish, a deputy registrar may operate or contract for 2126  
the operation of a vending machine at a deputy registrar location 2127

if products of the vending machine are consistent with the 2128  
functions of a deputy registrar. 2129

~~(3)~~(4) As used in this section and in section 4507.01 of the 2130  
Revised Code, "nonprofit corporation" has the same meaning as in 2131  
section 1702.01 of the Revised Code. 2132

(E) Unless otherwise terminated and except for interim 2133  
contracts of less than one year, contracts with deputy registrars 2134  
shall be for a term of at least two years, but no more than three 2135  
years, and all contracts effective on or after July 1, 1996, shall 2136  
be for a term of more than two years, but not more than three 2137  
years. All contracts with deputy registrars shall expire on the 2138  
last Saturday of June in the year of their expiration. The auditor 2139  
of state may examine the accounts, reports, systems, and other 2140  
data of each deputy registrar at least every two years. The 2141  
registrar, with the approval of the director, shall immediately 2142  
remove a deputy who violates any provision of the Revised Code 2143  
related to the duties as a deputy, any rule adopted by the 2144  
registrar, or a term of the deputy's contract with the registrar. 2145  
The registrar also may remove a deputy who, in the opinion of the 2146  
registrar, has engaged in any conduct that is either unbecoming to 2147  
one representing this state or is inconsistent with the efficient 2148  
operation of the deputy's office. 2149

If the registrar, with the approval of the director, 2150  
determines that there is good cause to believe that a deputy 2151  
registrar or a person proposing for a deputy registrar contract 2152  
has engaged in any conduct that would require the denial or 2153  
termination of the deputy registrar contract, the registrar may 2154  
require the production of books, records, and papers as the 2155  
registrar determines are necessary, and may take the depositions 2156  
of witnesses residing within or outside the state in the same 2157  
manner as is prescribed by law for the taking of depositions in 2158  
civil actions in the court of common pleas, and for that purpose 2159

the registrar may issue a subpoena for any witness or a subpoena 2160  
duces tecum to compel the production of any books, records, or 2161  
papers, directed to the sheriff of the county where the witness 2162  
resides or is found. Such a subpoena shall be served and returned 2163  
in the same manner as a subpoena in a criminal case is served and 2164  
returned. The fees of the sheriff shall be the same as that 2165  
allowed in the court of common pleas in criminal cases. Witnesses 2166  
shall be paid the fees and mileage provided for under section 2167  
119.094 of the Revised Code. The fees and mileage shall be paid 2168  
from the fund in the state treasury for the use of the agency in 2169  
the same manner as other expenses of the agency are paid. 2170

In any case of disobedience or neglect of any subpoena served 2171  
on any person or the refusal of any witness to testify to any 2172  
matter regarding which the witness lawfully may be interrogated, 2173  
the court of common pleas of any county where the disobedience, 2174  
neglect, or refusal occurs or any judge of that court, on 2175  
application by the registrar, shall compel obedience by attachment 2176  
proceedings for contempt, as in the case of disobedience of the 2177  
requirements of a subpoena issued from that court, or a refusal to 2178  
testify in that court. 2179

Nothing in this division shall be construed to require a 2180  
hearing of any nature prior to the termination of any deputy 2181  
registrar contract by the registrar, with the approval of the 2182  
director, for cause. 2183

(F) Except as provided in section 2743.03 of the Revised 2184  
Code, no court, other than the court of common pleas of Franklin 2185  
county, has jurisdiction of any action against the department of 2186  
public safety, the director, the bureau, or the registrar to 2187  
restrain the exercise of any power or authority, or to entertain 2188  
any action for declaratory judgment, in the selection and 2189  
appointment of, or contracting with, deputy registrars. Neither 2190  
the department, the director, the bureau, nor the registrar is 2191

liable in any action at law for damages sustained by any person 2192  
because of any acts of the department, the director, the bureau, 2193  
or the registrar, or of any employee of the department or bureau, 2194  
in the performance of official duties in the selection and 2195  
appointment of, and contracting with, deputy registrars. 2196

(G) The registrar shall assign to each deputy registrar a 2197  
series of numbers sufficient to supply the demand at all times in 2198  
the area the deputy registrar serves, and the registrar shall keep 2199  
a record in the registrar's office of the numbers within the 2200  
series assigned. Each deputy shall be required to give bond in the 2201  
amount of at least twenty-five thousand dollars, or in such higher 2202  
amount as the registrar determines necessary, based on a uniform 2203  
schedule of bond amounts established by the registrar and 2204  
determined by the volume of registrations handled by the deputy. 2205  
The form of the bond shall be prescribed by the registrar. The 2206  
bonds required of deputy registrars, in the discretion of the 2207  
registrar, may be individual or schedule bonds or may be included 2208  
in any blanket bond coverage carried by the department. 2209

(H) Each deputy registrar shall keep a file of each 2210  
application received by the deputy and shall register that motor 2211  
vehicle with the name and address of its owner. 2212

(I) Upon request, a deputy registrar shall make the physical 2213  
inspection of a motor vehicle and issue the physical inspection 2214  
certificate required in section 4505.061 of the Revised Code. 2215

(J) Each deputy registrar shall file a report semi-annually 2216  
with the registrar of motor vehicles listing the number of 2217  
applicants for licenses the deputy has served, the number of voter 2218  
registration applications the deputy has completed and transmitted 2219  
to the board of elections, and the number of voter registration 2220  
applications declined. 2221

**Sec. 4503.031.** (A)(1) If the registrar determines that space 2222



is available at a deputy registrar's office, the clerk of the 2223  
court of common pleas in the county where the deputy is located 2224  
shall be given the opportunity to use the space for the purpose of 2225  
carrying out ~~his~~ the clerk's duties related to the titling of 2226  
motor vehicles. Each clerk of the court of common pleas using 2227  
space in a deputy registrar's office shall remit to the deputy a 2228  
rental fee equal to the percentage of space occupied by the clerk 2229  
in the deputy's office multiplied by the rental fee or mortgage 2230  
cost paid for the entire deputy registrar's office plus a pro rata 2231  
share of all utility costs. 2232

(2) If the clerk of the court of common pleas determines that 2233  
space is available at any location at which the clerk has an 2234  
office, the clerk shall inform the registrar of that fact and 2235  
shall provide the registrar with all pertinent information about 2236  
the available space. After giving due consideration to the 2237  
locations of deputy registrar offices existing in the county in 2238  
which the clerk of the court of common pleas is located, the 2239  
registrar shall inform the appropriate deputy registrars, if any, 2240  
of the available space of the clerk of the court of common pleas. 2241  
Each such deputy registrar shall be given the opportunity to use 2242  
the space for the purpose of carrying out the deputy registrar's 2243  
duties. Each deputy registrar using space in the office of the 2244  
clerk of a court of common pleas shall remit to the clerk a rental 2245  
fee equal to the percentage of space occupied by the deputy 2246  
registrar in the clerk's office multiplied by the rental fee or 2247  
mortgage cost, if any, paid for the entire clerk's office plus a 2248  
pro rata share of all utility costs. 2249

If no current deputy registrar elects to utilize the 2250  
available space of the clerk of the court of common pleas, the 2251  
registrar shall inform all persons who express an interest to the 2252  
registrar in becoming a deputy registrar in that county of the 2253  
available space of the clerk if the space in fact continues to be 2254

available. 2255

(3) A clerk of the court of common pleas and a deputy registrar may elect to occupy a location at which neither the clerk nor the deputy currently is an occupant. Any such arrangement is subject to the approval of the registrar, who shall give due consideration to all issues and aspects of the proposed arrangement, including security at the location and service to the public. 2256  
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(B) The registrar and the superintendent of the state highway patrol shall cooperate to the fullest extent possible in locating a driver's license examination station at or near a deputy registrar's office. For each driver's license examination station located at a deputy registrar's office, the superintendent of the state highway patrol shall remit to the deputy a rental fee equal to the percentage of space occupied for the driver's license examination station multiplied by the rental fee or mortgage cost paid for the entire deputy registrar's office plus a pro rata share of all utility costs. 2263  
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(C) During the regular business hours of deputy registrars, the registrar shall keep the central office open and sufficiently staffed to be able to respond to the technical needs of the deputies. 2273  
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(D) The registrar shall adopt rules to promote public information regarding motor vehicle registration. The rules shall include: 2277  
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(1) The operation by the registrar, during the regular business hours of deputy registrars, of a toll-free telephone number to give information and receive complaints; 2280  
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(2) The listing by the registrar, of each deputy registrar, together with the toll-free telephone number required under division (D)(1) of this section, in the local business and 2283  
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advertising telephone directory for the area served by the deputy, 2286  
under the heading of the bureau of motor vehicles. 2287

Sec. 4503.037. (A) To promote the efficient use of 2288  
governmental resources, including staff and facilities, and to 2289  
improve service to the public, a county auditor who is designated 2290  
to act as a deputy registrar and the clerk of the court of common 2291  
pleas from the same county, subject to approval by the board of 2292  
county commissioners and by the registrar of motor vehicles, may 2293  
enter into a memorandum of understanding to allocate motor 2294  
vehicle-related duties between the auditor and clerk. The board of 2295  
county commissioners shall act by resolution in approving or 2296  
rejecting a memorandum. The registrar shall approve or reject a 2297  
memorandum in writing. 2298

(B) A memorandum of understanding may allocate the 2299  
performance of motor vehicle-related duties only to the extent 2300  
that the auditor acting as a deputy registrar or the clerk 2301  
otherwise is authorized by law to perform such duties, and except 2302  
as provided in this section, the performance of motor 2303  
vehicle-related duties under a memorandum of understanding shall 2304  
be in accordance with all applicable laws. 2305

A memorandum may allocate motor vehicle-related duties 2306  
without regard to whether the duty is allocated by law to a deputy 2307  
registrar or a clerk, and the performance of motor-vehicle related 2308  
duties by either an auditor or clerk under this section is deemed 2309  
sufficient to satisfy laws specifying that a deputy registrar or 2310  
clerk perform the duty. A memorandum may allocate any fees that 2311  
are retained by a deputy registrar or clerk by law. 2312

(C) For purposes of this section, "motor vehicle-related 2313  
duties" means all deputy registrar duties and certificate of title 2314  
duties under Chapters 1548., 4505., and 4519. of the Revised Code. 2315

Sec. 4503.04. Except as provided in sections 4503.042 and	2316
4503.65 of the Revised Code for the registration of commercial	2317
cars, trailers, semitrailers, and certain buses, the rates of the	2318
taxes imposed by section 4503.02 of the Revised Code shall be as	2319
follows:	2320
(A) For motor vehicles having three wheels or less, the	2321
license tax is:	2322
(1) For each motorized bicycle, ten dollars;	2323
(2) For each motorcycle, fourteen dollars.	2324
(B) For each passenger car, twenty dollars;	2325
(C) For each manufactured home, each mobile home, and each	2326
travel trailer, ten dollars;	2327
(D) For each noncommercial motor vehicle designed by the	2328
manufacturer to carry a load of no more than three-quarters of one	2329
ton and for each motor home, thirty-five dollars; for each	2330
noncommercial motor vehicle designed by the manufacturer to carry	2331
a load of more than three-quarters of one ton, but not more than	2332
one ton, seventy dollars;	2333
(E) For each noncommercial trailer, the license tax is:	2334
(1) Eighty-five cents for each one hundred pounds or part	2335
thereof for the first two thousand pounds or part thereof of	2336
weight of vehicle fully equipped;	2337
(2) One dollar and forty cents for each one hundred pounds or	2338
part thereof in excess of two thousand pounds up to and including	2339
<del>three</del> <u>ten</u> thousand pounds.	2340
(F) Notwithstanding its weight, twelve dollars for any:	2341
(1) Vehicle equipped, owned, and used by a charitable or	2342
nonprofit corporation exclusively for the purpose of administering	2343
chest x-rays or receiving blood donations;	2344

(2) Van used principally for the transportation of 2345  
handicapped persons that has been modified by being equipped with 2346  
adaptive equipment to facilitate the movement of such persons into 2347  
and out of the van; 2348

(3) Bus used principally for the transportation of 2349  
handicapped persons or persons sixty-five years of age or older; 2350

(G) Notwithstanding its weight, twenty dollars for any bus 2351  
used principally for the transportation of persons in a 2352  
ridesharing arrangement. 2353

(H) For each transit bus having motor power the license tax 2354  
is twelve dollars. 2355

"Transit bus" means either a motor vehicle having a seating 2356  
capacity of more than seven persons which is operated and used by 2357  
any person in the rendition of a public mass transportation 2358  
service primarily in a municipal corporation or municipal 2359  
corporations and provided at least seventy-five per cent of the 2360  
annual mileage of such service and use is within such municipal 2361  
corporation or municipal corporations or a motor vehicle having a 2362  
seating capacity of more than seven persons which is operated 2363  
solely for the transportation of persons associated with a 2364  
charitable or nonprofit corporation, but does not mean any motor 2365  
vehicle having a seating capacity of more than seven persons when 2366  
such vehicle is used in a ridesharing capacity or any bus 2367  
described by division (F)(3) of this section. 2368

The application for registration of such transit bus shall be 2369  
accompanied by an affidavit prescribed by the registrar of motor 2370  
vehicles and signed by the person or an agent of the firm or 2371  
corporation operating such bus stating that the bus has a seating 2372  
capacity of more than seven persons, and that it is either to be 2373  
operated and used in the rendition of a public mass transportation 2374  
service and that at least seventy-five per cent of the annual 2375

mileage of such operation and use shall be within one or more 2376  
municipal corporations or that it is to be operated solely for the 2377  
transportation of persons associated with a charitable or 2378  
nonprofit corporation. 2379

The form of the license plate, and the manner of its 2380  
attachment to the vehicle, shall be prescribed by the registrar of 2381  
motor vehicles. 2382

(I) The minimum tax for any vehicle having motor power other 2383  
than a farm truck, a motorized bicycle, or motorcycle is ten 2384  
dollars and eighty cents, and for each noncommercial trailer, five 2385  
dollars. 2386

(J)(1) Except as otherwise provided in division (J) of this 2387  
section, for each farm truck, except a noncommercial motor 2388  
vehicle, that is owned, controlled, or operated by one or more 2389  
farmers exclusively in farm use as defined in this section, and 2390  
not for commercial purposes, and provided that at least 2391  
seventy-five per cent of such farm use is by or for the one or 2392  
more owners, controllers, or operators of the farm in the 2393  
operation of which a farm truck is used, the license tax is five 2394  
dollars plus: 2395

(a) Fifty cents per one hundred pounds or part thereof for 2396  
the first three thousand pounds; 2397

(b) Seventy cents per one hundred pounds or part thereof in 2398  
excess of three thousand pounds up to and including four thousand 2399  
pounds; 2400

(c) Ninety cents per one hundred pounds or part thereof in 2401  
excess of four thousand pounds up to and including six thousand 2402  
pounds; 2403

(d) Two dollars for each one hundred pounds or part thereof 2404  
in excess of six thousand pounds up to and including ten thousand 2405  
pounds; 2406

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;	2407 2408
(f) The minimum license tax for any farm truck shall be twelve dollars.	2409 2410
(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code.	2411 2412 2413 2414 2415
(3) A farm bus may be registered for a period of ninety days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than any two ninety-day periods in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products.	2416 2417 2418 2419 2420 2421
(4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety.	2422 2423 2424
(5) Every person registering a farm truck or bus under this section shall furnish an affidavit certifying that the truck or bus licensed to that person is to be so used as to meet the requirements necessary for the farm truck or farm bus classification.	2425 2426 2427 2428 2429
Any farmer may use a truck owned by the farmer for commercial purposes by paying the difference between the commercial truck registration fee and the farm truck registration fee for the remaining part of the registration period for which the truck is registered. Such remainder shall be calculated from the beginning of the semiannual period in which application for such commercial license is made.	2430 2431 2432 2433 2434 2435 2436
Taxes at the rates provided in this section are in lieu of	2437

all taxes on or with respect to the ownership of such motor 2438  
vehicles, except as provided in section 4503.042 and section 2439  
4503.06 of the Revised Code. 2440

(K) Other than trucks registered under the international 2441  
registration plan in another jurisdiction and for which this state 2442  
has received an apportioned registration fee, the license tax for 2443  
each truck which is owned, controlled, or operated by a 2444  
nonresident, and licensed in another state, and which is used 2445  
exclusively for the transportation of nonprocessed agricultural 2446  
products intrastate, from the place of production to the place of 2447  
processing, is twenty-four dollars. 2448

"Truck," as used in this division, means any pickup truck, 2449  
straight truck, semitrailer, or trailer other than a travel 2450  
trailer. Nonprocessed agricultural products, as used in this 2451  
division, does not include livestock or grain. 2452

A license issued under this division shall be issued for a 2453  
period of one hundred thirty days in the same manner in which all 2454  
other licenses are issued under this section, provided that no 2455  
truck shall be so licensed for more than one 2456  
one-hundred-thirty-day period during any calendar year. 2457

The license issued pursuant to this division shall consist of 2458  
a windshield decal to be designed by the director of public 2459  
safety. 2460

Every person registering a truck under this division shall 2461  
furnish an affidavit certifying that the truck licensed to the 2462  
person is to be used exclusively for the purposes specified in 2463  
this division. 2464

(L) Every person registering a motor vehicle as a 2465  
noncommercial motor vehicle as defined in section 4501.01 of the 2466  
Revised Code, or registering a trailer as a noncommercial trailer 2467  
as defined in that section, shall furnish an affidavit certifying 2468



that the motor vehicle or trailer so licensed to the person is to 2469  
be so used as to meet the requirements necessary for the 2470  
noncommercial vehicle classification. 2471

(M) Every person registering a van or bus as provided in 2472  
divisions (F)(2) and (3) of this section shall furnish a notarized 2473  
statement certifying that the van or bus licensed to the person is 2474  
to be used for the purposes specified in those divisions. The form 2475  
of the license plate issued for such motor vehicles shall be 2476  
prescribed by the registrar. 2477

(N) Every person registering as a passenger car a motor 2478  
vehicle designed and used for carrying more than nine but not more 2479  
than fifteen passengers, and every person registering a bus as 2480  
provided in division (G) of this section, shall furnish an 2481  
affidavit certifying that the vehicle so licensed to the person is 2482  
to be used in a ridesharing arrangement and that the person will 2483  
have in effect whenever the vehicle is used in a ridesharing 2484  
arrangement a policy of liability insurance with respect to the 2485  
motor vehicle in amounts and coverages no less than those required 2486  
by section 4509.79 of the Revised Code. The form of the license 2487  
plate issued for such a motor vehicle shall be prescribed by the 2488  
registrar. 2489

(O)(1) Commencing on October 1, 2009, if an application for 2490  
registration renewal is not applied for prior to the expiration 2491  
date of the registration or within seven days after that date, the 2492  
registrar or deputy registrar shall collect a fee of twenty 2493  
dollars for the issuance of the vehicle registration, ~~but~~. For any 2494  
motor vehicle that is used on a seasonal basis, whether used for 2495  
general transportation or not, and that has not been used on the 2496  
public roads or highways since the expiration of the registration, 2497  
the registrar or deputy registrar shall waive the fee established 2498  
under this division if the application is accompanied by 2499  
supporting evidence of seasonal use as the registrar may require. 2500

The registrar or deputy registrar may waive the fee for other good 2501  
cause shown if the application is accompanied by supporting 2502  
evidence as the registrar may require. The fee shall be in 2503  
addition to all other fees established by this section. A deputy 2504  
registrar shall retain fifty cents of the fee and shall transmit 2505  
the remaining amount to the registrar at the time and in the 2506  
manner provided by section 4503.10 of the Revised Code. The 2507  
registrar shall deposit all moneys received under this division 2508  
into the state highway safety fund established in section 4501.06 2509  
of the Revised Code. 2510

(2) Division (O)(1) of this section does not apply to a farm 2511  
truck or farm bus registered under division (J) of this section. 2512

(P) As used in this section: 2513

(1) "Van" means any motor vehicle having a single rear axle 2514  
and an enclosed body without a second seat. 2515

(2) "Handicapped person" means any person who has lost the 2516  
use of one or both legs, or one or both arms, or is blind, deaf, 2517  
or so severely disabled as to be unable to move about without the 2518  
aid of crutches or a wheelchair. 2519

(3) "Farm truck" means a truck used in the transportation 2520  
from the farm of products of the farm, including livestock and its 2521  
products, poultry and its products, floricultural and 2522  
horticultural products, and in the transportation to the farm of 2523  
supplies for the farm, including tile, fence, and every other 2524  
thing or commodity used in agricultural, floricultural, 2525  
horticultural, livestock, and poultry production and livestock, 2526  
poultry, and other animals and things used for breeding, feeding, 2527  
or other purposes connected with the operation of the farm. 2528

(4) "Farm bus" means a bus used only for the transportation 2529  
of agricultural employees and used only in the transportation of 2530  
such employees as are necessary in the operation of the farm. 2531

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

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

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

(B) "Share the road" license plates and validation stickers shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the

issuing of the "share the road" license plates, any applicable 2563  
motor vehicle tax levied under Chapter 4504. of the Revised Code, 2564  
any applicable additional fee prescribed by section 4503.40 or 2565  
4503.42 of the Revised Code, and compliance with all other 2566  
applicable laws relating to the registration of motor vehicles. 2567

(C) For each application for registration and registration 2568  
renewal that the registrar receives under this section, the 2569  
registrar shall collect a contribution of five dollars. The 2570  
registrar shall transmit this contribution to the treasurer of 2571  
state for deposit in the state highway safety fund created in 2572  
section 4501.06 of the Revised Code ~~to~~. The contribution may be 2573  
used only to ~~publish~~ create and distribute a ~~booklet that~~ 2574  
~~instructs bicycle riders on the methods and procedures of riding~~ 2575  
~~bicycles on the roads and streets of this state in a confident,~~ 2576  
~~legal, and safe manner~~ safety education materials. 2577

The registrar shall deposit the additional fee of ten dollars 2578  
specified in division (B) of this section that the applicant for 2579  
registration pays for the purpose of compensating the bureau for 2580  
the additional services required in the issuing of the applicant's 2581  
"share the road" license plates in the state bureau of motor 2582  
vehicles fund created in section 4501.25 of the Revised Code. 2583

Sec. 4503.564. (A) The owner or lessee of any passenger car, 2584  
noncommercial motor vehicle, recreational vehicle, or other 2585  
vehicle of a class approved by the registrar of motor vehicles may 2586  
apply to the registrar for the registration of the vehicle and 2587  
issuance of Glen Helen nature preserve license plates. The 2588  
application for Glen Helen nature preserve license plates may be 2589  
combined with a request for a special reserved license plate under 2590  
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2591  
the completed application and compliance with division (B) of this 2592  
section, the registrar shall issue to the applicant the 2593

appropriate vehicle registration and a set of Glen Helen nature 2594  
preserve license plates with a validation sticker or a validation 2595  
sticker alone when required by section 4503.191 of the Revised 2596  
Code. 2597

In addition to the letters and numbers ordinarily inscribed 2598  
thereon, Glen Helen nature preserve license plates shall be 2599  
inscribed with identifying words or markings designed by the Glen 2600  
Helen ecology institute and approved by the registrar. Glen Helen 2601  
nature preserve license plates shall bear county identification 2602  
stickers that identify the county of registration by name or 2603  
number. 2604

(B) The Glen Helen nature preserve license plates and 2605  
validation sticker shall be issued upon receipt of a contribution 2606  
as provided in division (C) of this section and upon payment of 2607  
the regular license fees as prescribed under section 4503.04 of 2608  
the Revised Code, a bureau of motor vehicles administrative fee of 2609  
ten dollars, any applicable motor vehicle tax levied under Chapter 2610  
4504. of the Revised Code, and compliance with all other 2611  
applicable laws relating to the registration of motor vehicles. If 2612  
the application for Glen Helen nature preserve license plates is 2613  
combined with a request for a special reserved license plate under 2614  
section 4503.40 or 4503.42 of the Revised Code, the license plates 2615  
and validation sticker shall be issued upon payment of the 2616  
contribution, fees, and taxes contained in this division and the 2617  
additional fee prescribed under section 4503.40 or 4503.42 of the 2618  
Revised Code. 2619

(C) For each application for registration and registration 2620  
renewal submitted under this section, the registrar shall collect 2621  
a contribution of fifteen dollars. The registrar shall transmit 2622  
this contribution to the treasurer of state for deposit in the 2623  
license plate contribution fund created in section 4501.21 of the 2624  
Revised Code. 2625

The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Glen Helen nature preserve license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

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

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

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

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

motor vehicles. All fees associated with payment by use of a 2657  
financial transaction device shall be borne by the applicants 2658  
seeking the registration of apportionable or other vehicles under 2659  
the program established pursuant to division (C) of this section. 2660  
The bureau shall not pay any costs, and shall not retain any 2661  
additional fees, associated with the use of a financial 2662  
transaction device. 2663

(E) As used in this section, "financial transaction device" 2664  
has the same meaning as in section 113.40 of the Revised Code. 2665

**Sec. 4503.701.** (A) The owner or lessee of any passenger car, 2666  
noncommercial motor vehicle, recreational vehicle, or other 2667  
vehicle of a class approved by the registrar of motor vehicles may 2668  
apply to the registrar for the registration of the vehicle and 2669  
issuance of Prince Hall freemason license plates. The application 2670  
for Prince Hall freemason license plates may be combined with a 2671  
request for a special reserved license plate under section 4503.40 2672  
or 4503.42 of the Revised Code. Upon receipt of the completed 2673  
application and compliance by the applicant with this section, the 2674  
registrar shall issue to the applicant the appropriate vehicle 2675  
registration and a set of Prince Hall freemason license plates 2676  
with a validation sticker or a validation sticker alone when 2677  
required by section 4503.191 of the Revised Code. 2678

In addition to the letters and numbers ordinarily inscribed 2679  
thereon, Prince Hall freemason license plates shall be inscribed 2680  
with identifying words and a symbol or logo designed by the Prince 2681  
Hall grand lodge of free and accepted masons of Ohio and approved 2682  
by the registrar. Prince Hall freemason license plates shall bear 2683  
county identification stickers that identify the county of 2684  
registration by name or number. 2685

(B) Prince Hall freemason license plates and validation 2686  
stickers shall be issued upon receipt of a contribution as 2687

provided in division (C) of this section and upon payment of the 2688  
regular license fee required by section 4503.04 of the Revised 2689  
Code, payment of any local motor vehicle license tax levied under 2690  
Chapter 4504. of the Revised Code, payment of an additional fee of 2691  
ten dollars, and compliance with all other applicable laws 2692  
relating to the registration of motor vehicles. If the application 2693  
for Prince Hall freemason license plates is combined with a 2694  
request for a special reserved license plate under section 4503.40 2695  
or 4503.42 of the Revised Code, the license plates and validation 2696  
sticker shall be issued upon payment of the fees and taxes 2697  
contained in this section and the additional fee prescribed under 2698  
section 4503.40 or 4503.42 of the Revised Code. The additional fee 2699  
of ten dollars shall be for the purpose of compensating the bureau 2700  
of motor vehicles for additional services required in the issuing 2701  
of Prince Hall freemason license plates, and shall be transmitted 2702  
by the. 2703

(C) For each application for registration and registration 2704  
renewal notice the registrar receives under this section, the 2705  
registrar shall collect a contribution of fifteen dollars. The 2706  
registrar shall transmit this contribution to the treasurer of 2707  
state for deposit in the license plate contribution fund created 2708  
in section 4501.21 of the Revised Code. 2709

The registrar shall transmit the additional fee of ten 2710  
dollars paid to compensate the bureau for the additional services 2711  
required in the issuing of Prince Hall freemason license plates to 2712  
the treasurer of state for deposit into the state treasury to the 2713  
credit of the state bureau of motor vehicles fund created by 2714  
section 4501.25 of the Revised Code. 2715

Sec. 4503.751. (A) The owner or lessee of any passenger car, 2716  
noncommercial motor vehicle, recreational vehicle, or other 2717  
vehicle of a class approved by the registrar of motor vehicles who 2718



also is a member of a national, state, or local association of 2719  
realtors may apply to the registrar for the registration of the 2720  
vehicle and issuance of realtor license plates. The application 2721  
for realtor license plates may be combined with a request for a 2722  
special reserved license plate under section 4503.40 or 4503.42 of 2723  
the Revised Code. Upon receipt of the completed application, proof 2724  
of membership in a national, state, or local association of 2725  
realtors as required by the registrar, and compliance with 2726  
division (B) of this section, the registrar shall issue to the 2727  
applicant the appropriate vehicle registration and a set of 2728  
realtor license plates with a validation sticker or a validation 2729  
sticker alone when required by section 4503.191 of the Revised 2730  
Code. 2731

In addition to the letters and numbers ordinarily inscribed 2732  
thereon, realtor license plates shall be inscribed with 2733  
identifying words or markings representing realtors and approved 2734  
by the registrar. Realtor license plates shall bear county 2735  
identification stickers that identify the county of registration 2736  
by name or number. 2737

(B) The realtor license plates and validation sticker shall 2738  
be issued upon receipt of a contribution as provided in division 2739  
(C) of this section and upon payment of the regular license tax as 2740  
prescribed under section 4503.04 of the Revised Code, a fee of ten 2741  
dollars for the purpose of compensating the bureau of motor 2742  
vehicles for additional services required in the issuing of the 2743  
realtor license plates, any applicable motor vehicle tax levied 2744  
under Chapter 4504. of the Revised Code, and compliance with all 2745  
other applicable laws relating to the registration of motor 2746  
vehicles. If the application for realtor license plates is 2747  
combined with a request for a special reserved license plate under 2748  
section 4503.40 or 4503.42 of the Revised Code, the license plate 2749  
and validation sticker shall be issued upon payment of the 2750

contribution, fees, and taxes contained in this division and the 2751  
additional fee prescribed under section 4503.40 or 4503.42 of the 2752  
Revised Code. 2753

(C) For each application for registration and registration 2754  
renewal the registrar receives under this section, the registrar 2755  
shall collect a contribution of fifteen dollars. The registrar 2756  
shall transmit this contribution to the treasurer of state for 2757  
deposit in the license plate contribution fund created in section 2758  
4501.21 of the Revised Code. 2759

The registrar shall deposit the additional fee of ten dollars 2760  
specified in division (B) of this section that the applicant for 2761  
registration voluntarily pays for the purpose of compensating the 2762  
bureau for the additional services required in the issuing of the 2763  
applicant's realtor license plates in the state bureau of motor 2764  
vehicles fund created in section 4501.25 of the Revised Code. 2765

**Sec. 4503.94.** (A) The owner or lessee of any passenger car, 2766  
noncommercial motor vehicle, recreational vehicle, or other 2767  
vehicle of a class approved by the registrar of motor vehicles may 2768  
apply to the registrar for the registration of the vehicle and 2769  
issuance of "teen driver education" license plates. The 2770  
application may be combined with a request for a special reserved 2771  
license plate under section 4503.40 or 4503.42 of the Revised 2772  
Code. Upon receipt of the completed application and compliance by 2773  
the applicant with divisions (B) and (C) of this section, the 2774  
registrar shall issue to the applicant the appropriate vehicle 2775  
registration and a set of "teen driver education" license plates 2776  
and a validation sticker, or a validation sticker alone when 2777  
required by section 4503.191 of the Revised Code. 2778

In addition to the letters and numbers ordinarily inscribed 2779  
on the license plates, "teen driver education" license plates 2780  
shall bear an appropriate logo and the words "teen driver 2781

education." The bureau of motor vehicles shall design "teen driver 2782  
education" license plates, and they shall display county 2783  
identification stickers that identify the county of registration 2784  
by name or number. 2785

(B) "Teen driver education" license plates and a validation 2786  
sticker, or validation sticker alone, shall be issued upon receipt 2787  
of an application for registration of a motor vehicle under this 2788  
section; payment of the regular license tax as prescribed under 2789  
section 4503.04 of the Revised Code, any applicable motor vehicle 2790  
license tax levied under Chapter 4504. of the Revised Code, any 2791  
applicable additional fee prescribed by section 4503.40 or 4503.42 2792  
of the Revised Code, an additional fee of ten dollars, and a 2793  
contribution as provided in division (C) of this section; and 2794  
compliance with all other applicable laws relating to the 2795  
registration of motor vehicles. 2796

(C) For each application for registration and registration 2797  
renewal notice the registrar receives under this section, the 2798  
registrar shall collect a contribution of fifteen dollars. The 2799  
registrar shall transmit this contribution to the treasurer of 2800  
state for deposit into the state treasury to the credit of the 2801  
~~teen driver education~~ license plate contribution fund created by 2802  
section ~~4501.14~~ 4501.21 of the Revised Code. 2803

The registrar shall transmit the additional fee of ten 2804  
dollars, which is to compensate the bureau for the additional 2805  
services required in the issuing of "teen driver education" 2806  
license plates, to the treasurer of state for deposit into the 2807  
state treasury to the credit of the state bureau of motor vehicles 2808  
fund created by section 4501.25 of the Revised Code. 2809

**Sec. 4505.06.** (A)(1) Application for a certificate of title 2810  
shall be made in a form prescribed by the registrar of motor 2811  
vehicles and shall be sworn to before a notary public or other 2812

officer empowered to administer oaths. The application shall be 2813  
filed with the clerk of any court of common pleas. An application 2814  
for a certificate of title may be filed electronically by any 2815  
electronic means approved by the registrar in any county with the 2816  
clerk of the court of common pleas of that county. Any payments 2817  
required by this chapter shall be considered as accompanying any 2818  
electronically transmitted application when payment actually is 2819  
received by the clerk. Payment of any fee or taxes may be made by 2820  
electronic transfer of funds. 2821

(2) The application for a certificate of title shall be 2822  
accompanied by the fee prescribed in section 4505.09 of the 2823  
Revised Code. The fee shall be retained by the clerk who issues 2824  
the certificate of title and shall be distributed in accordance 2825  
with that section. If a clerk of a court of common pleas, other 2826  
than the clerk of the court of common pleas of an applicant's 2827  
county of residence, issues a certificate of title to the 2828  
applicant, the clerk shall transmit data related to the 2829  
transaction to the automated title processing system. 2830

(3) If a certificate of title previously has been issued for 2831  
a motor vehicle in this state, the application for a certificate 2832  
of title also shall be accompanied by that certificate of title 2833  
duly assigned, unless otherwise provided in this chapter. If a 2834  
certificate of title previously has not been issued for the motor 2835  
vehicle in this state, the application, unless otherwise provided 2836  
in this chapter, shall be accompanied by a manufacturer's or 2837  
importer's certificate or by a certificate of title of another 2838  
state from which the motor vehicle was brought into this state. If 2839  
the application refers to a motor vehicle last previously 2840  
registered in another state, the application also shall be 2841  
accompanied by the physical inspection certificate required by 2842  
section 4505.061 of the Revised Code. If the application is made 2843  
by two persons regarding a motor vehicle in which they wish to 2844

establish joint ownership with right of survivorship, they may do 2845  
so as provided in section 2131.12 of the Revised Code. If the 2846  
applicant requests a designation of the motor vehicle in 2847  
beneficiary form so that upon the death of the owner of the motor 2848  
vehicle, ownership of the motor vehicle will pass to a designated 2849  
transfer-on-death beneficiary or beneficiaries, the applicant may 2850  
do so as provided in section 2131.13 of the Revised Code. A person 2851  
who establishes ownership of a motor vehicle that is transferable 2852  
on death in accordance with section 2131.13 of the Revised Code 2853  
may terminate that type of ownership or change the designation of 2854  
the transfer-on-death beneficiary or beneficiaries by applying for 2855  
a certificate of title pursuant to this section. The clerk shall 2856  
retain the evidence of title presented by the applicant and on 2857  
which the certificate of title is issued, except that, if an 2858  
application for a certificate of title is filed electronically by 2859  
an electronic motor vehicle dealer on behalf of the purchaser of a 2860  
motor vehicle, the clerk shall retain the completed electronic 2861  
record to which the dealer converted the certificate of title 2862  
application and other required documents. The registrar, after 2863  
consultation with the attorney general, shall adopt rules that 2864  
govern the location at which, and the manner in which, are stored 2865  
the actual application and all other documents relating to the 2866  
sale of a motor vehicle when an electronic motor vehicle dealer 2867  
files the application for a certificate of title electronically on 2868  
behalf of the purchaser. Not later than December 31, 2011, the 2869  
registrar shall enable all electronic motor vehicle dealers to 2870  
file applications for certificates of title on behalf of 2871  
purchasers of motor vehicles electronically directly with the 2872  
registrar and not through a third party. 2873

The clerk shall use reasonable diligence in ascertaining 2874  
whether or not the facts in the application for a certificate of 2875  
title are true by checking the application and documents 2876  
accompanying it or the electronic record to which a dealer 2877

converted the application and accompanying documents with the 2878  
records of motor vehicles in the clerk's office. If the clerk is 2879  
satisfied that the applicant is the owner of the motor vehicle and 2880  
that the application is in the proper form, the clerk, within five 2881  
business days after the application is filed and except as 2882  
provided in section 4505.021 of the Revised Code, shall issue a 2883  
physical certificate of title over the clerk's signature and 2884  
sealed with the clerk's seal, unless the applicant specifically 2885  
requests the clerk not to issue a physical certificate of title 2886  
and instead to issue an electronic certificate of title. For 2887  
purposes of the transfer of a certificate of title, if the clerk 2888  
is satisfied that the secured party has duly discharged a lien 2889  
notation but has not canceled the lien notation with a clerk, the 2890  
clerk may cancel the lien notation on the automated title 2891  
processing system and notify the clerk of the county of origin. 2892

(4) In the case of the sale of a motor vehicle to a general 2893  
buyer or user by a dealer, by a motor vehicle leasing dealer 2894  
selling the motor vehicle to the lessee or, in a case in which the 2895  
leasing dealer subleased the motor vehicle, the sublessee, at the 2896  
end of the lease agreement or sublease agreement, or by a 2897  
manufactured housing broker, the certificate of title shall be 2898  
obtained in the name of the buyer by the dealer, leasing dealer, 2899  
or manufactured housing broker, as the case may be, upon 2900  
application signed by the buyer. The certificate of title shall be 2901  
issued, or the process of entering the certificate of title 2902  
application information into the automated title processing system 2903  
if a physical certificate of title is not to be issued shall be 2904  
completed, within five business days after the application for 2905  
title is filed with the clerk. If the buyer of the motor vehicle 2906  
previously leased the motor vehicle and is buying the motor 2907  
vehicle at the end of the lease pursuant to that lease, the 2908  
certificate of title shall be obtained in the name of the buyer by 2909  
the motor vehicle leasing dealer who previously leased the motor 2910

vehicle to the buyer or by the motor vehicle leasing dealer who 2911  
subleased the motor vehicle to the buyer under a sublease 2912  
agreement. 2913

In all other cases, except as provided in section 4505.032 2914  
and division (D)(2) of section 4505.11 of the Revised Code, such 2915  
certificates shall be obtained by the buyer. 2916

(5)(a)(i) If the certificate of title is being obtained in 2917  
the name of the buyer by a motor vehicle dealer or motor vehicle 2918  
leasing dealer and there is a security interest to be noted on the 2919  
certificate of title, the dealer or leasing dealer shall submit 2920  
the application for the certificate of title and payment of the 2921  
applicable tax to a clerk within seven business days after the 2922  
later of the delivery of the motor vehicle to the buyer or the 2923  
date the dealer or leasing dealer obtains the manufacturer's or 2924  
importer's certificate, or certificate of title issued in the name 2925  
of the dealer or leasing dealer, for the motor vehicle. Submission 2926  
of the application for the certificate of title and payment of the 2927  
applicable tax within the required seven business days may be 2928  
indicated by postmark or receipt by a clerk within that period. 2929

(ii) Upon receipt of the certificate of title with the 2930  
security interest noted on its face, the dealer or leasing dealer 2931  
shall forward the certificate of title to the secured party at the 2932  
location noted in the financing documents or otherwise specified 2933  
by the secured party. 2934

(iii) A motor vehicle dealer or motor vehicle leasing dealer 2935  
is liable to a secured party for a late fee of ten dollars per day 2936  
for each certificate of title application and payment of the 2937  
applicable tax that is submitted to a clerk more than seven 2938  
business days but less than twenty-one days after the later of the 2939  
delivery of the motor vehicle to the buyer or the date the dealer 2940  
or leasing dealer obtains the manufacturer's or importer's 2941  
certificate, or certificate of title issued in the name of the 2942

dealer or leasing dealer, for the motor vehicle and, from then on, 2943  
twenty-five dollars per day until the application and applicable 2944  
tax are submitted to a clerk. 2945

(b) In all cases of transfer of a motor vehicle except the 2946  
transfer of a manufactured home or mobile home, the application 2947  
for certificate of title shall be filed within thirty days after 2948  
the assignment or delivery of the motor vehicle. 2949

(c) An application for a certificate of title for a new 2950  
manufactured home shall be filed within thirty days after the 2951  
delivery of the new manufactured home to the purchaser. The date 2952  
of the delivery shall be the date on which an occupancy permit for 2953  
the manufactured home is delivered to the purchaser of the home by 2954  
the appropriate legal authority. 2955

(d) An application for a certificate of title for a used 2956  
manufactured home or a used mobile home shall be filed as follows: 2957

(i) If a certificate of title for the used manufactured home 2958  
or used mobile home was issued to the motor vehicle dealer prior 2959  
to the sale of the manufactured or mobile home to the purchaser, 2960  
the application for certificate of title shall be filed within 2961  
thirty days after the date on which an occupancy permit for the 2962  
manufactured or mobile home is delivered to the purchaser by the 2963  
appropriate legal authority. 2964

(ii) If the motor vehicle dealer has been designated by a 2965  
secured party to display the manufactured or mobile home for sale, 2966  
or to sell the manufactured or mobile home under section 4505.20 2967  
of the Revised Code, but the certificate of title has not been 2968  
transferred by the secured party to the motor vehicle dealer, and 2969  
the dealer has complied with the requirements of division (A) of 2970  
section 4505.181 of the Revised Code, the application for 2971  
certificate of title shall be filed within thirty days after the 2972  
date on which the motor vehicle dealer obtains the certificate of 2973



title for the home from the secured party or the date on which an 2974  
occupancy permit for the manufactured or mobile home is delivered 2975  
to the purchaser by the appropriate legal authority, whichever 2976  
occurs later. 2977

(6) If an application for a certificate of title is not filed 2978  
within the period specified in division (A)(5)(b), (c), or (d) of 2979  
this section, the clerk shall collect a fee of five dollars for 2980  
the issuance of the certificate, except that no such fee shall be 2981  
required from a motor vehicle salvage dealer, as defined in 2982  
division (A) of section 4738.01 of the Revised Code, who 2983  
immediately surrenders the certificate of title for cancellation. 2984  
The fee shall be in addition to all other fees established by this 2985  
chapter, and shall be retained by the clerk. The registrar shall 2986  
provide, on the certificate of title form prescribed by section 2987  
4505.07 of the Revised Code, language necessary to give evidence 2988  
of the date on which the assignment or delivery of the motor 2989  
vehicle was made. 2990

(7) As used in division (A) of this section, "lease 2991  
agreement," "lessee," and "sublease agreement" have the same 2992  
meanings as in section 4505.04 of the Revised Code and "new 2993  
manufactured home," "used manufactured home," and "used mobile 2994  
home" have the same meanings as in section 5739.0210 of the 2995  
Revised Code. 2996

(B)(1) The clerk, except as provided in this section, shall 2997  
refuse to accept for filing any application for a certificate of 2998  
title and shall refuse to issue a certificate of title unless the 2999  
dealer or the applicant, in cases in which the certificate shall 3000  
be obtained by the buyer, submits with the application payment of 3001  
the tax levied by or pursuant to Chapters 5739. and 5741. of the 3002  
Revised Code based on the purchaser's county of residence. Upon 3003  
payment of the tax in accordance with division (E) of this 3004  
section, the clerk shall issue a receipt prescribed by the 3005

registrar and agreed upon by the tax commissioner showing payment 3006  
of the tax or a receipt issued by the commissioner showing the 3007  
payment of the tax. When submitting payment of the tax to the 3008  
clerk, a dealer shall retain any discount to which the dealer is 3009  
entitled under section 5739.12 of the Revised Code. 3010

(2) For receiving and disbursing such taxes paid to the clerk 3011  
by a resident of the clerk's county, the clerk may retain a 3012  
poundage fee of one and one one-hundredth per cent, and the clerk 3013  
shall pay the poundage fee into the certificate of title 3014  
administration fund created by section 325.33 of the Revised Code. 3015  
The clerk shall not retain a poundage fee from payments of taxes 3016  
by persons who do not reside in the clerk's county. 3017

A clerk, however, may retain from the taxes paid to the clerk 3018  
an amount equal to the poundage fees associated with certificates 3019  
of title issued by other clerks of courts of common pleas to 3020  
applicants who reside in the first clerk's county. The registrar, 3021  
in consultation with the tax commissioner and the clerks of the 3022  
courts of common pleas, shall develop a report from the automated 3023  
title processing system that informs each clerk of the amount of 3024  
the poundage fees that the clerk is permitted to retain from those 3025  
taxes because of certificates of title issued by the clerks of 3026  
other counties to applicants who reside in the first clerk's 3027  
county. 3028

(3) In the case of casual sales of motor vehicles, as defined 3029  
in section 4517.01 of the Revised Code, the price for the purpose 3030  
of determining the tax shall be the purchase price on the assigned 3031  
certificate of title executed by the seller and filed with the 3032  
clerk by the buyer on a form to be prescribed by the registrar, 3033  
which shall be prima-facie evidence of the amount for the 3034  
determination of the tax. 3035

(4) Each county clerk shall forward to the treasurer of state 3036  
all sales and use tax collections resulting from sales of motor 3037

vehicles, off-highway motorcycles, and all-purpose vehicles during 3038  
a calendar week on or before the Friday following the close of 3039  
that week. If, on any Friday, the offices of the clerk of courts 3040  
or the state are not open for business, the tax shall be forwarded 3041  
to the treasurer of state on or before the next day on which the 3042  
offices are open. Every remittance of tax under division (B)(4) of 3043  
this section shall be accompanied by a remittance report in such 3044  
form as the tax commissioner prescribes. Upon receipt of a tax 3045  
remittance and remittance report, the treasurer of state shall 3046  
date stamp the report and forward it to the tax commissioner. If 3047  
the tax due for any week is not remitted by a clerk of courts as 3048  
required under division (B)(4) of this section, the commissioner 3049  
may require the clerk to forfeit the poundage fees for the sales 3050  
made during that week. The treasurer of state may require the 3051  
clerks of courts to transmit tax collections and remittance 3052  
reports electronically. 3053

(C)(1) If the transferor indicates on the certificate of 3054  
title that the odometer reflects mileage in excess of the designed 3055  
mechanical limit of the odometer, the clerk shall enter the phrase 3056  
"exceeds mechanical limits" following the mileage designation. If 3057  
the transferor indicates on the certificate of title that the 3058  
odometer reading is not the actual mileage, the clerk shall enter 3059  
the phrase "nonactual: warning - odometer discrepancy" following 3060  
the mileage designation. The clerk shall use reasonable care in 3061  
transferring the information supplied by the transferor, but is 3062  
not liable for any errors or omissions of the clerk or those of 3063  
the clerk's deputies in the performance of the clerk's duties 3064  
created by this chapter. 3065

The registrar shall prescribe an affidavit in which the 3066  
transferor shall swear to the true selling price and, except as 3067  
provided in this division, the true odometer reading of the motor 3068  
vehicle. The registrar may prescribe an affidavit in which the 3069

seller and buyer provide information pertaining to the odometer 3070  
reading of the motor vehicle in addition to that required by this 3071  
section, as such information may be required by the United States 3072  
secretary of transportation by rule prescribed under authority of 3073  
subchapter IV of the "Motor Vehicle Information and Cost Savings 3074  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 3075

(2) Division (C)(1) of this section does not require the 3076  
giving of information concerning the odometer and odometer reading 3077  
of a motor vehicle when ownership of a motor vehicle is being 3078  
transferred as a result of a bequest, under the laws of intestate 3079  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 3080  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 3081  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 3082  
connection with the creation of a security interest or for a 3083  
vehicle with a gross vehicle weight rating of more than sixteen 3084  
thousand pounds. 3085

(D) When the transfer to the applicant was made in some other 3086  
state or in interstate commerce, the clerk, except as provided in 3087  
this section, shall refuse to issue any certificate of title 3088  
unless the tax imposed by or pursuant to Chapter 5741. of the 3089  
Revised Code based on the purchaser's county of residence has been 3090  
paid as evidenced by a receipt issued by the tax commissioner, or 3091  
unless the applicant submits with the application payment of the 3092  
tax. Upon payment of the tax in accordance with division (E) of 3093  
this section, the clerk shall issue a receipt prescribed by the 3094  
registrar and agreed upon by the tax commissioner, showing payment 3095  
of the tax. 3096

For receiving and disbursing such taxes paid to the clerk by 3097  
a resident of the clerk's county, the clerk may retain a poundage 3098  
fee of one and one one-hundredth per cent. The clerk shall not 3099  
retain a poundage fee from payments of taxes by persons who do not 3100  
reside in the clerk's county. 3101

A clerk, however, may retain from the taxes paid to the clerk 3102  
an amount equal to the poundage fees associated with certificates 3103  
of title issued by other clerks of courts of common pleas to 3104  
applicants who reside in the first clerk's county. The registrar, 3105  
in consultation with the tax commissioner and the clerks of the 3106  
courts of common pleas, shall develop a report from the automated 3107  
title processing system that informs each clerk of the amount of 3108  
the poundage fees that the clerk is permitted to retain from those 3109  
taxes because of certificates of title issued by the clerks of 3110  
other counties to applicants who reside in the first clerk's 3111  
county. 3112

When the vendor is not regularly engaged in the business of 3113  
selling motor vehicles, the vendor shall not be required to 3114  
purchase a vendor's license or make reports concerning those 3115  
sales. 3116

(E) The clerk shall accept any payment of a tax in cash, or 3117  
by cashier's check, certified check, draft, money order, or teller 3118  
check issued by any insured financial institution payable to the 3119  
clerk and submitted with an application for a certificate of title 3120  
under division (B) or (D) of this section. The clerk also may 3121  
accept payment of the tax by corporate, business, or personal 3122  
check, credit card, electronic transfer or wire transfer, debit 3123  
card, or any other accepted form of payment made payable to the 3124  
clerk. The clerk may require bonds, guarantees, or letters of 3125  
credit to ensure the collection of corporate, business, or 3126  
personal checks. Any service fee charged by a third party to a 3127  
clerk for the use of any form of payment may be paid by the clerk 3128  
from the certificate of title administration fund created in 3129  
section 325.33 of the Revised Code, or may be assessed by the 3130  
clerk upon the applicant as an additional fee. Upon collection, 3131  
the additional fees shall be paid by the clerk into that 3132  
certificate of title administration fund. 3133

The clerk shall make a good faith effort to collect any 3134  
payment of taxes due but not made because the payment was returned 3135  
or dishonored, but the clerk is not personally liable for the 3136  
payment of uncollected taxes or uncollected fees. The clerk shall 3137  
notify the tax commissioner of any such payment of taxes that is 3138  
due but not made and shall furnish the information to the 3139  
commissioner that the commissioner requires. The clerk shall 3140  
deduct the amount of taxes due but not paid from the clerk's 3141  
periodic remittance of tax payments, in accordance with procedures 3142  
agreed upon by the tax commissioner. The commissioner may collect 3143  
taxes due by assessment in the manner provided in section 5739.13 3144  
of the Revised Code. 3145

Any person who presents payment that is returned or 3146  
dishonored for any reason is liable to the clerk for payment of a 3147  
penalty over and above the amount of the taxes due. The clerk 3148  
shall determine the amount of the penalty, and the penalty shall 3149  
be no greater than that amount necessary to compensate the clerk 3150  
for banking charges, legal fees, or other expenses incurred by the 3151  
clerk in collecting the returned or dishonored payment. The 3152  
remedies and procedures provided in this section are in addition 3153  
to any other available civil or criminal remedies. Subsequently 3154  
collected penalties, poundage fees, and title fees, less any title 3155  
fee due the state, from returned or dishonored payments collected 3156  
by the clerk shall be paid into the certificate of title 3157  
administration fund. Subsequently collected taxes, less poundage 3158  
fees, shall be sent by the clerk to the treasurer of state at the 3159  
next scheduled periodic remittance of tax payments, with 3160  
information as the commissioner may require. The clerk may abate 3161  
all or any part of any penalty assessed under this division. 3162

(F) In the following cases, the clerk shall accept for filing 3163  
an application and shall issue a certificate of title without 3164  
requiring payment or evidence of payment of the tax: 3165

(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;	3166 3167 3168
(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;	3169 3170
(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;	3171 3172 3173
(4) When the purchaser is the federal government;	3174
(5) When the motor vehicle was purchased outside this state for use outside this state;	3175 3176
(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.	3177 3178 3179 3180 3181 3182
(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."	3183 3184 3185 3186 3187 3188 3189 3190 3191 3192 3193 3194
(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing,	3195 3196

pursuant to Chapter 5739. of the Revised Code, an application for 3197  
a certificate of title for a manufactured home or mobile home 3198  
without requiring payment of any tax pursuant to section 5739.02, 3199  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 3200  
issued by the tax commissioner showing payment of the tax. For 3201  
sales of manufactured homes or mobile homes occurring on or after 3202  
January 1, 2000, the applicant shall pay to the clerk an 3203  
additional fee of five dollars for each certificate of title 3204  
issued by the clerk for a manufactured or mobile home pursuant to 3205  
division (H) of section 4505.11 of the Revised Code and for each 3206  
certificate of title issued upon transfer of ownership of the 3207  
home. The clerk shall credit the fee to the county certificate of 3208  
title administration fund, and the fee shall be used to pay the 3209  
expenses of archiving those certificates pursuant to division (A) 3210  
of section 4505.08 and division (H)(3) of section 4505.11 of the 3211  
Revised Code. The tax commissioner shall administer any tax on a 3212  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 3213  
of the Revised Code. 3214

(I) Every clerk shall have the capability to transact by 3215  
electronic means all procedures and transactions relating to the 3216  
issuance of motor vehicle certificates of title that are described 3217  
in the Revised Code as being accomplished by electronic means. 3218

**Sec. 4505.08.** (A) When the clerk of a court of common pleas 3219  
issues a physical certificate of title, the clerk shall issue the 3220  
certificate of title on a form and in a manner prescribed by the 3221  
registrar of motor vehicles. The clerk shall file a copy of the 3222  
physical evidence for the creation of the certificate of title in 3223  
a manner prescribed by the registrar. A clerk may retain digital 3224  
images of documents used as evidence for issuance of a certificate 3225  
of title. Certified printouts of documents retained as digital 3226  
images shall have the same evidentiary value as the original 3227  
physical documents. The record of the issuance of the certificate 3228



of title shall be maintained in the automated title processing 3229  
system. The clerk shall sign and affix the clerk's seal to the 3230  
original certificate of title and, if there are no liens on the 3231  
motor vehicle, shall deliver the certificate to the applicant or 3232  
the selling dealer. If there are one or more liens on the motor 3233  
vehicle, the certificate of title shall be delivered to the holder 3234  
of the first lien or the selling dealer, who shall deliver the 3235  
certificate of title to the holder of the first lien. 3236

The registrar shall prescribe a uniform method of numbering 3237  
certificates of title, and such numbering shall be in such manner 3238  
that the county of issuance is indicated. The clerk shall assign 3239  
numbers to certificates of title in the manner prescribed by the 3240  
registrar. The clerk shall file all certificates of title 3241  
according to rules to be prescribed by the registrar, and the 3242  
clerk shall maintain in the clerk's office indexes for the 3243  
certificates of title. 3244

The clerk need not retain on file any current certificates of 3245  
title, current duplicate certificates of title, current memorandum 3246  
certificates of title, or current salvage certificates of title, 3247  
or supporting evidence of them covering any motor vehicle or 3248  
manufactured or mobile home for a period longer than seven years 3249  
after the date of its filing; thereafter, the documents and 3250  
supporting evidence may be destroyed. The clerk need not retain on 3251  
file any inactive records, including certificates of title, 3252  
duplicate certificates of title, or memorandum certificates of 3253  
title, or supporting evidence of them, including the electronic 3254  
record described in division (A) of section 4505.06 of the Revised 3255  
Code, covering any motor vehicle or manufactured or mobile home 3256  
for a period longer than five years after the date of its filing; 3257  
thereafter, the documents and supporting evidence may be 3258  
destroyed. 3259

The automated title processing system shall contain all 3260  
active records and an index of the active records, a record and 3261  
index of all inactive titles for ten years, and a record and index 3262  
of all inactive titles for manufactured and mobile homes for 3263  
thirty years. If the clerk provides a written copy of any 3264  
information contained in the database, the copy shall be 3265  
considered the original for purposes of the clerk certifying the 3266  
record of the information for use in any legal proceeding. 3267

(B)(1) If the clerk issues a certificate of title for a motor 3268  
vehicle that was last previously registered in another state, the 3269  
clerk shall record verbatim, where practicable, in the space on 3270  
the title described in division (B)(19) of section 4505.07 of the 3271  
Revised Code, the words that appear as a notation to the vehicle 3272  
on the title issued by the previous state. These notations may 3273  
include, but are not limited to, words to the effect that the 3274  
vehicle was considered or was categorized by the state in which it 3275  
was last previously registered to be a law enforcement vehicle or 3276  
a taxicab or was once in a flood. 3277

(2) If the clerk, while issuing a certificate of title for a 3278  
motor vehicle that was last previously registered in another 3279  
state, receives information from the automated title processing 3280  
system indicating that a title to the vehicle previously was 3281  
issued by this state and that the previous title contained 3282  
notations that appeared in the space described in division (B)(19) 3283  
or (20) of section 4505.07 of the Revised Code, the clerk shall 3284  
enter the notations that appeared on the previous certificate of 3285  
title issued by this state on the new certificate of title in the 3286  
space described in division (B)(19) or (20) of section 4505.07 of 3287  
the Revised Code, irrespective of whether the notations appear on 3288  
the certificate of title issued by the state in which the vehicle 3289  
was last previously registered. 3290

(3) If the clerk, while issuing a certificate of title for a 3291

motor vehicle that was last previously registered in another 3292  
state, receives information from the automated title processing 3293  
system indicating that the vehicle was previously issued a title 3294  
by this state and that the previous title bore the notation 3295  
"REBUILT SALVAGE" as required by division (E) of section 4505.11 3296  
of the Revised Code, or the previous title to the vehicle issued 3297  
by this state was a salvage certificate of title, the clerk shall 3298  
cause the certificate of title the clerk issues to bear the 3299  
notation "REBUILT SALVAGE" in the location prescribed by the 3300  
registrar pursuant to that division. 3301

(C) When the clerk issues a certificate of title for a motor 3302  
vehicle that was last previously registered in this state and was 3303  
a law enforcement vehicle or a taxicab or was once in a flood, the 3304  
clerk shall record that information in the space on the title 3305  
described in division (B)(20) of section 4505.07 of the Revised 3306  
Code. The registrar, by rule, may prescribe any additional uses of 3307  
or happenings to a motor vehicle that the registrar has reason to 3308  
believe should be noted on the certificate of title as provided in 3309  
this division. 3310

(D) The clerk shall use reasonable care in recording or 3311  
entering onto titles the clerk issues any notation and information 3312  
the clerk is required by divisions (B) and (C) of this section to 3313  
record or enter and in causing the titles the clerk issues to bear 3314  
any notation required by those divisions, but the clerk is not 3315  
liable for any of the clerk's errors or omissions or those of the 3316  
clerk's deputies, or the automated title processing system, in the 3317  
performance of the duties imposed on the clerk by this section. 3318

(E) The clerk may issue a duplicate title, when duly applied 3319  
for, of any title that has been destroyed as herein provided. 3320

(F) Except as provided in section 4505.021 of the Revised 3321  
Code, the clerk shall issue a physical certificate of title to an 3322  
applicant unless the applicant specifically requests the clerk not 3323

to issue a physical certificate of title and instead to issue an 3324  
electronic certificate of title. The fact that a physical 3325  
certificate of title is not issued for a motor vehicle does not 3326  
affect ownership of the vehicle. In that case, when the clerk 3327  
completes the process of entering certificate of title application 3328  
information into the automated title processing system, the effect 3329  
of the completion of the process is the same as if the clerk 3330  
actually issued a physical certificate of title for the motor 3331  
vehicle. 3332

(G) An electronic motor vehicle dealer who applies for a 3333  
certificate of title on behalf of a customer who purchases a motor 3334  
vehicle from the dealer may print a non-negotiable evidence of 3335  
ownership for the customer if the customer so requests. The 3336  
authorization to print the non-negotiable evidence of ownership 3337  
shall come from the clerk with whom the dealer makes application 3338  
for the certificate of title for the customer, but the printing by 3339  
the dealer does not create an agency relationship of any kind 3340  
between the dealer and the clerk. 3341

(H) The owner of a motor vehicle may apply at any time to a 3342  
clerk of a court of common pleas for a non-negotiable evidence of 3343  
ownership for the motor vehicle. 3344

(I) In accordance with rules adopted by the registrar, a 3345  
clerk may issue a certificate of title applied for by an agent of 3346  
a licensed motor vehicle dealer when that agent has a properly 3347  
executed power of attorney from the dealer. 3348

**Sec. 4505.09.** (A)(1) The clerk of a court of common pleas 3349  
shall charge and retain fees as follows: 3350

(a) Five dollars for each certificate of title that is not 3351  
applied for within thirty days after the later of the assignment 3352  
or delivery of the motor vehicle described in it. The entire fee 3353  
shall be retained by the clerk. 3354

(b) Fifteen dollars for each certificate of title or 3355  
duplicate certificate of title including the issuance of a 3356  
memorandum certificate of title, or authorization to print a 3357  
non-negotiable evidence of ownership described in division (G) of 3358  
section 4505.08 of the Revised Code, non-negotiable evidence of 3359  
ownership printed by the clerk under division (H) of that section, 3360  
and notation of any lien on a certificate of title that is applied 3361  
for at the same time as the certificate of title. The clerk shall 3362  
retain eleven dollars and fifty cents of that fee for each 3363  
certificate of title when there is a notation of a lien or 3364  
security interest on the certificate of title, twelve dollars and 3365  
twenty-five cents when there is no lien or security interest noted 3366  
on the certificate of title, and eleven dollars and fifty cents 3367  
for each duplicate certificate of title. 3368

(c) ~~Five~~ Four dollars and fifty cents for each certificate of 3369  
title with no security interest noted that is issued to a licensed 3370  
motor vehicle dealer for resale purposes and, in addition, a 3371  
separate fee of fifty cents. The clerk shall retain two dollars 3372  
and twenty-five cents of that fee. 3373

(d) Five dollars for each memorandum certificate of title or 3374  
non-negotiable evidence of ownership that is applied for 3375  
separately. The clerk shall retain that entire fee. 3376

(2) The fees that are not retained by the clerk shall be paid 3377  
to the registrar of motor vehicles by monthly returns, which shall 3378  
be forwarded to the registrar not later than the fifth day of the 3379  
month next succeeding that in which the certificate is issued or 3380  
that in which the registrar is notified of a lien or cancellation 3381  
of a lien. 3382

(B)(1) The registrar shall pay twenty-five cents of the 3383  
amount received for each certificate of title issued to a motor 3384  
vehicle dealer for resale, one dollar for certificates of title 3385  
issued with a lien or security interest noted on the certificate 3386

of title, and twenty-five cents for each certificate of title with 3387  
no lien or security interest noted on the certificate of title 3388  
into the state bureau of motor vehicles fund established in 3389  
section 4501.25 of the Revised Code. 3390

(2) Fifty cents of the amount received for each certificate 3391  
of title shall be paid by the registrar as follows: 3392

(a) Four cents shall be paid into the state treasury to the 3393  
credit of the motor vehicle dealers board fund, which is hereby 3394  
created. All investment earnings of the fund shall be credited to 3395  
the fund. The moneys in the motor vehicle dealers board fund shall 3396  
be used by the motor vehicle dealers board created under section 3397  
4517.30 of the Revised Code, together with other moneys 3398  
appropriated to it, in the exercise of its powers and the 3399  
performance of its duties under Chapter 4517. of the Revised Code, 3400  
except that the director of budget and management may transfer 3401  
excess money from the motor vehicle dealers board fund to the 3402  
bureau of motor vehicles fund if the registrar determines that the 3403  
amount of money in the motor vehicle dealers board fund, together 3404  
with other moneys appropriated to the board, exceeds the amount 3405  
required for the exercise of its powers and the performance of its 3406  
duties under Chapter 4517. of the Revised Code and requests the 3407  
director to make the transfer. 3408

(b) Twenty-one cents shall be paid into the highway operating 3409  
fund. 3410

(c) Twenty-five cents shall be paid into the state treasury 3411  
to the credit of the motor vehicle sales audit fund, which is 3412  
hereby created. The moneys in the fund shall be used by the tax 3413  
commissioner together with other funds available to the 3414  
commissioner to conduct a continuing investigation of sales and 3415  
use tax returns filed for motor vehicles in order to determine if 3416  
sales and use tax liability has been satisfied. The commissioner 3417  
shall refer cases of apparent violations of section 2921.13 of the 3418

Revised Code made in connection with the titling or sale of a 3419  
motor vehicle and cases of any other apparent violations of the 3420  
sales or use tax law to the appropriate county prosecutor whenever 3421  
the commissioner considers it advisable. 3422

(3) Two dollars of the amount received by the registrar under 3423  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 3424  
and fifty cents of the amount received by the registrar under 3425  
division (A)(1)(c) of this section for each certificate of title 3426  
shall be paid into the state treasury to the credit of the 3427  
automated title processing fund, which is hereby created and which 3428  
shall consist of moneys collected under division (B)(3) of this 3429  
section and under sections 1548.10 and 4519.59 of the Revised 3430  
Code. All investment earnings of the fund shall be credited to the 3431  
fund. The moneys in the fund shall be used as follows: 3432

(a) Except for moneys collected under section 1548.10 of the 3433  
Revised Code and as provided in division (B)(3)(c) of this 3434  
section, moneys collected under division (B)(3) of this section 3435  
shall be used to implement and maintain an automated title 3436  
processing system for the issuance of motor vehicle, off-highway 3437  
motorcycle, and all-purpose vehicle certificates of title in the 3438  
offices of the clerks of the courts of common pleas. 3439

(b) Moneys collected under section 1548.10 of the Revised 3440  
Code shall be used to issue marine certificates of title in the 3441  
offices of the clerks of the courts of common pleas as provided in 3442  
Chapter 1548. of the Revised Code. 3443

(c) Moneys collected under division (B)(3) of this section 3444  
shall be used in accordance with section 4505.25 of the Revised 3445  
Code to implement Sub. S.B. 59 of the 124th general assembly. 3446

(4) The registrar shall pay the fifty-cent separate fee 3447  
collected from a licensed motor vehicle dealer under division 3448  
(A)(1)(c) of this section into the title defect recision fund 3449

created by section 1345.52 of the Revised Code. 3450

(C)(1) The automated title processing board is hereby created 3451  
consisting of the registrar or the registrar's representative, a 3452  
person selected by the registrar, the president of the Ohio clerks 3453  
of court association or the president's representative, and two 3454  
clerks of courts of common pleas appointed by the governor. The 3455  
director of budget and management or the director's designee, the 3456  
chief of the division of watercraft in the department of natural 3457  
resources or the chief's designee, and the tax commissioner or the 3458  
commissioner's designee shall be nonvoting members of the board. 3459  
The purpose of the board is to facilitate the operation and 3460  
maintenance of an automated title processing system and approve 3461  
the procurement of automated title processing system equipment. 3462  
Voting members of the board, excluding the registrar or the 3463  
registrar's representative, shall serve without compensation, but 3464  
shall be reimbursed for travel and other necessary expenses 3465  
incurred in the conduct of their official duties. The registrar or 3466  
the registrar's representative shall receive neither compensation 3467  
nor reimbursement as a board member. 3468

(2) The automated title processing board shall determine each 3469  
of the following: 3470

(a) The automated title processing equipment and certificates 3471  
of title requirements for each county; 3472

(b) The payment of expenses that may be incurred by the 3473  
counties in implementing an automated title processing system; 3474

(c) The repayment to the counties for existing title 3475  
processing equipment. 3476

(3) The registrar shall purchase, lease, or otherwise acquire 3477  
any automated title processing equipment and certificates of title 3478  
that the board determines are necessary from moneys in the 3479  
automated title processing fund established by division (B)(3) of 3480



this section. 3481

(D) All counties shall conform to the requirements of the 3482  
registrar regarding the operation of their automated title 3483  
processing system for motor vehicle titles, certificates of title 3484  
for off-highway motorcycles and all-purpose vehicles, and 3485  
certificates of title for watercraft and outboard motors. 3486

**Sec. 4506.08.** (A)(1) Each application for a commercial 3487  
driver's license temporary instruction permit shall be accompanied 3488  
by a fee of ten dollars. Each application for a commercial 3489  
driver's license, restricted commercial driver's license, renewal 3490  
of such a license, or waiver for farm-related service industries 3491  
shall be accompanied by a fee of twenty-five dollars, except that 3492  
an application for a commercial driver's license or restricted 3493  
commercial driver's license received pursuant to division (A)(3) 3494  
of section 4506.14 of the Revised Code shall be accompanied by a 3495  
fee of eighteen dollars and seventy-five cents if the license will 3496  
expire on the licensee's birthday three years after the date of 3497  
issuance, a fee of twelve dollars and fifty cents if the license 3498  
will expire on the licensee's birthday two years after the date of 3499  
issuance, and a fee of six dollars and twenty-five cents if the 3500  
license will expire on the licensee's birthday one year after the 3501  
date of issuance. Each application for a duplicate commercial 3502  
driver's license shall be accompanied by a fee of ten dollars. 3503

(2) In addition, the registrar of motor vehicles or deputy 3504  
registrar may collect and retain an additional fee of no more than 3505  
three dollars and fifty cents for each application for a 3506  
commercial driver's license temporary instruction permit, 3507  
commercial driver's license, renewal of a commercial driver's 3508  
license, or duplicate commercial driver's license received by the 3509  
registrar or deputy. 3510

(B) In addition to the fees imposed under division (A) of 3511

this section, the registrar of motor vehicles or deputy registrar 3512  
shall collect a fee of twelve dollars for each application for a 3513  
commercial driver's license temporary instruction permit, 3514  
commercial driver's license, or duplicate commercial driver's 3515  
license and for each application for renewal of a commercial 3516  
driver's license. The additional fee is for the purpose of 3517  
defraying the department of public safety's costs associated with 3518  
the administration and enforcement of the motor vehicle and 3519  
traffic laws of Ohio. 3520

~~(C) Commencing on October 1, 2009, if an application for a 3521  
commercial driver's license made by a person who previously held 3522  
such a license is not applied for within the period specified in 3523  
section 4506.14 of the Revised Code or within seven days after the 3524  
period so specified, the registrar or deputy registrar shall 3525  
collect a fee of twenty dollars for the issuance of the commercial 3526  
driver's license, but may waive the fee for good cause shown if 3527  
the application is accompanied by supporting evidence as the 3528  
registrar may require. The fee is in addition to all other fees 3529  
established by this section. A deputy registrar shall retain fifty 3530  
cents of the fee and shall transmit the remaining amount in 3531  
accordance with division (D) of this section. 3532~~

~~(D)~~ Each deputy registrar shall transmit the fees collected 3533  
under divisions (A)(1), and (B), ~~and (C)~~ of this section in the 3534  
time and manner prescribed by the registrar. The registrar shall 3535  
deposit all moneys received under division ~~(D)~~(C) of this section 3536  
into the state highway safety fund established in section 4501.06 3537  
of the Revised Code. 3538

~~(E)~~(D) Information regarding the driving record of any person 3539  
holding a commercial driver's license issued by this state shall 3540  
be furnished by the registrar, upon request and payment of a fee 3541  
of five dollars, to the employer or prospective employer of such a 3542  
person and to any insurer. 3543

Of each five-dollar fee the registrar collects under this 3544  
division, the registrar shall pay two dollars into the state 3545  
treasury to the credit of the state bureau of motor vehicles fund 3546  
established in section 4501.25 of the Revised Code, sixty cents 3547  
into the state treasury to the credit of the trauma and emergency 3548  
medical services fund established in section 4513.263 of the 3549  
Revised Code, sixty cents into the state treasury to the credit of 3550  
the homeland security fund established in section 5502.03 of the 3551  
Revised Code, thirty cents into the state treasury to the credit 3552  
of the investigations fund established in section 5502.131 of the 3553  
Revised Code, one dollar and twenty-five cents into the state 3554  
treasury to the credit of the emergency management agency service 3555  
and reimbursement fund established in section 5502.39 of the 3556  
Revised Code, and twenty-five cents into the state treasury to the 3557  
credit of the justice program services fund established in section 3558  
5502.67 of the Revised Code. 3559

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 3560  
deputy registrar, upon receiving an application for a temporary 3561  
instruction permit and a temporary instruction permit 3562  
identification card for a driver's license from any person who is 3563  
at least fifteen years six months of age, may issue such a permit 3564  
and identification card entitling the applicant to drive a motor 3565  
vehicle, other than a commercial motor vehicle, upon the highways 3566  
under the following conditions: 3567

(1) If the permit is issued to a person who is at least 3568  
fifteen years six months of age, but less than sixteen years of 3569  
age: 3570

(a) The permit and identification card are in the holder's 3571  
immediate possession; 3572

(b) The holder is accompanied by an eligible adult who 3573  
actually occupies the seat beside the permit holder and does not 3574

have a prohibited concentration of alcohol in the whole blood, 3575  
blood serum or plasma, breath, or urine as provided in division 3576  
(A) of section 4511.19 of the Revised Code; 3577

(c) The total number of occupants of the vehicle does not 3578  
exceed the total number of occupant restraining devices originally 3579  
installed in the motor vehicle by its manufacturer, and each 3580  
occupant of the vehicle is wearing all of the available elements 3581  
of a properly adjusted occupant restraining device. 3582

(2) If the permit is issued to a person who is at least 3583  
sixteen years of age: 3584

(a) The permit and identification card are in the holder's 3585  
immediate possession; 3586

(b) The holder is accompanied by a licensed operator who is 3587  
at least twenty-one years of age, is actually occupying a seat 3588  
beside the driver, and does not have a prohibited concentration of 3589  
alcohol in the whole blood, blood serum or plasma, breath, or 3590  
urine as provided in division (A) of section 4511.19 of the 3591  
Revised Code; 3592

(c) The total number of occupants of the vehicle does not 3593  
exceed the total number of occupant restraining devices originally 3594  
installed in the motor vehicle by its manufacturer, and each 3595  
occupant of the vehicle is wearing all of the available elements 3596  
of a properly adjusted occupant restraining device. 3597

(B) The registrar or a deputy registrar, upon receiving from 3598  
any person an application for a temporary instruction permit and 3599  
temporary instruction permit identification card to operate a 3600  
motorcycle or motorized bicycle, may issue such a permit and 3601  
identification card entitling the applicant, while having the 3602  
permit and identification card in the applicant's immediate 3603  
possession, to drive a motorcycle under the restrictions 3604  
prescribed in section 4511.53 of the Revised Code, or to drive a 3605

motorized bicycle under restrictions determined by the registrar. 3606  
A temporary instruction permit and temporary instruction permit 3607  
identification card to operate a motorized bicycle may be issued 3608  
to a person fourteen or fifteen years old. 3609

(C) Any permit and identification card issued under this 3610  
section shall be issued in the same manner as a driver's license, 3611  
upon a form to be furnished by the registrar. A temporary 3612  
instruction permit to drive a motor vehicle other than a 3613  
commercial motor vehicle shall be valid for a period of one year. 3614

(D) Any person having in the person's possession a valid and 3615  
current driver's license or motorcycle operator's license or 3616  
endorsement issued to the person by another jurisdiction 3617  
recognized by this state is exempt from obtaining a temporary 3618  
instruction permit for a driver's license, but shall submit to the 3619  
regular examination in obtaining a driver's license or motorcycle 3620  
operator's endorsement in this state. 3621

(E) The registrar may adopt rules governing the use of 3622  
temporary instruction permits and temporary instruction permit 3623  
identification cards. 3624

(F)(1) No holder of a permit issued under division (A) of 3625  
this section shall operate a motor vehicle upon a highway or any 3626  
public or private property used by the public for purposes of 3627  
vehicular travel or parking in violation of the conditions 3628  
established under division (A) of this section. 3629

(2) Except as provided in division (F)(2) of this section, no 3630  
holder of a permit that is issued under division (A) of this 3631  
section and that is issued on or after July 1, 1998, and who has 3632  
not attained the age of eighteen years, shall operate a motor 3633  
vehicle upon a highway or any public or private property used by 3634  
the public for purposes of vehicular travel or parking between the 3635  
hours of midnight and six a.m. 3636

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

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

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

(H) As used in this section: 3669

(1) "Eligible adult" means any of the following: 3670

(a) An instructor of a driver training course approved by the 3671  
department of public safety; 3672

(b) Any of the following persons who holds a current valid 3673  
driver's or commercial driver's license issued by this state: 3674

(i) A parent, guardian, or custodian of the permit holder; 3675

(ii) A person twenty-one years of age or older who acts in 3676  
loco parentis of the permit holder. 3677

(2) "Occupant restraining device" has the same meaning as in 3678  
section 4513.263 of the Revised Code. 3679

(I) Whoever violates division (F)(1) or (2) of this section 3680  
is guilty of a minor misdemeanor. 3681

**Sec. 4507.1612.** The registrar of motor vehicles shall not 3682  
restore any operating privileges or reissue a probationary 3683  
driver's license, restricted license, driver's license, or 3684  
probationary commercial driver's license suspended under section 3685  
2923.122 of the Revised Code until the person whose license was 3686  
suspended pays a reinstatement fee of thirty dollars to the ~~bureau~~ 3687  
of motor vehicles registrar or an eligible deputy registrar. In 3688  
addition, each deputy registrar shall collect a service fee of ten 3689  
dollars to compensate the deputy registrar for services performed 3690  
under this section. The deputy registrar shall retain eight 3691  
dollars of the service fee and shall transmit the reinstatement 3692  
fee, plus two dollars of the service fee, to the registrar in the 3693  
manner the registrar shall determine. 3694

The bureau of motor vehicles shall pay all fees collected 3695  
under this section into the state treasury to the credit of the 3696  
state bureau of motor vehicles fund created by section 4501.25 of 3697  
the Revised Code. 3698

Sec. 4507.23. (A) Except as provided in division ~~(J)~~(I) of 3699  
this section, each application for a temporary instruction permit 3700  
and examination shall be accompanied by a fee of five dollars. 3701

(B) Except as provided in division ~~(J)~~(I) of this section, 3702  
each application for a driver's license made by a person who 3703  
previously held such a license and whose license has expired not 3704  
more than two years prior to the date of application, and who is 3705  
required under this chapter to give an actual demonstration of the 3706  
person's ability to drive, shall be accompanied by a fee of three 3707  
dollars in addition to any other fees. 3708

(C)(1) Except as provided in divisions (E) and ~~(J)~~(I) of this 3709  
section, each application for a driver's license, or motorcycle 3710  
operator's endorsement, or renewal of a driver's license shall be 3711  
accompanied by a fee of six dollars. 3712

(2) Except as provided in division ~~(J)~~(I) of this section, 3713  
each application for a duplicate driver's license shall be 3714  
accompanied by a fee of seven dollars and fifty cents. The 3715  
duplicate driver's licenses issued under this section shall be 3716  
distributed by the deputy registrar in accordance with rules 3717  
adopted by the registrar of motor vehicles. 3718

(D) Except as provided in division ~~(J)~~(I) of this section, 3719  
each application for a motorized bicycle license or duplicate 3720  
thereof shall be accompanied by a fee of two dollars and fifty 3721  
cents. 3722

(E) Except as provided in division ~~(J)~~(I) of this section, 3723  
each application for a driver's license or renewal of a driver's 3724  
license that will be issued to a person who is less than 3725  
twenty-one years of age shall be accompanied by whichever of the 3726  
following fees is applicable: 3727

(1) If the person is sixteen years of age or older, but less 3728



than seventeen years of age, a fee of seven dollars and 3729  
twenty-five cents; 3730

(2) If the person is seventeen years of age or older, but 3731  
less than eighteen years of age, a fee of six dollars; 3732

(3) If the person is eighteen years of age or older, but less 3733  
than nineteen years of age, a fee of four dollars and seventy-five 3734  
cents; 3735

(4) If the person is nineteen years of age or older, but less 3736  
than twenty years of age, a fee of three dollars and fifty cents; 3737

(5) If the person is twenty years of age or older, but less 3738  
than twenty-one years of age, a fee of two dollars and twenty-five 3739  
cents. 3740

(F) Neither the registrar nor any deputy registrar shall 3741  
charge a fee in excess of one dollar and fifty cents for 3742  
laminating a driver's license, motorized bicycle license, or 3743  
temporary instruction permit identification cards as required by 3744  
sections 4507.13 and 4511.521 of the Revised Code. A deputy 3745  
registrar laminating a driver's license, motorized bicycle 3746  
license, or temporary instruction permit identification cards 3747  
shall retain the entire amount of the fee charged for lamination, 3748  
less the actual cost to the registrar of the laminating materials 3749  
used for that lamination, as specified in the contract executed by 3750  
the bureau for the laminating materials and laminating equipment. 3751  
The deputy registrar shall forward the amount of the cost of the 3752  
laminating materials to the registrar for deposit as provided in 3753  
this section. 3754

(G) Except as provided in division ~~(J)~~(I) of this section ~~and~~ 3755  
~~except for the renewal of a driver's license, commencing on~~ 3756  
~~October 1, 2003,~~ each transaction described in divisions (A), (B), 3757  
(C), (D), and (E) of this section shall be accompanied by an 3758  
additional fee of twelve dollars. ~~A transaction involving the~~ 3759

~~renewal of a driver's license with an expiration date on or after~~ 3760  
~~that date shall be accompanied by an additional fee of twelve~~ 3761  
~~dollars.~~ The additional fee is for the purpose of defraying the 3762  
department of public safety's costs associated with the 3763  
administration and enforcement of the motor vehicle and traffic 3764  
laws of Ohio. 3765

(H) ~~Except as provided in division (J) of this section,~~ 3766  
~~commencing on October 1, 2009, if an application for a driver's~~ 3767  
~~license or motorcycle operator's endorsement made by a person who~~ 3768  
~~previously held such a license is not applied for within the~~ 3769  
~~period specified in section 4507.09 of the Revised Code or within~~ 3770  
~~seven days after the period so specified, the registrar or deputy~~ 3771  
~~registrar shall collect a fee of twenty dollars for the issuance~~ 3772  
~~of the driver's license or motorcycle endorsement, but may waive~~ 3773  
~~the fee for good cause shown if the application is accompanied by~~ 3774  
~~supporting evidence as the registrar may require. The fee shall be~~ 3775  
~~in addition to all other fees established by this section. A~~ 3776  
~~deputy registrar collecting this twenty dollar fee shall retain~~ 3777  
~~fifty cents and send the remaining fee to the registrar as~~ 3778  
~~specified in division (I) of this section.~~ 3779

~~(I)~~ At the time and in the manner provided by section 4503.10 3780  
of the Revised Code, the deputy registrar shall transmit the fees 3781  
collected under divisions (A), (B), (C), (D), and (E), those 3782  
portions of the fees specified in and collected under division 3783  
(F), and the additional fee under ~~divisions~~ division (G) ~~and (H)~~ 3784  
of this section to the registrar. The registrar shall pay two 3785  
dollars and fifty cents of each fee collected under divisions (A), 3786  
(B), (C)(1) and (2), (D), and (E)(1) to (4) of this section, and 3787  
the entire fee collected under division (E)(5) of this section, 3788  
into the state highway safety fund established in section 4501.06 3789  
of the Revised Code, and such fees shall be used for the sole 3790  
purpose of supporting driver licensing activities. The registrar 3791

also shall pay five dollars of each fee collected under division 3792  
(C)(2) of this section and the entire fee collected under 3793  
~~divisions~~ division (G) and ~~(H)~~ of this section into the state 3794  
highway safety fund created in section 4501.06 of the Revised 3795  
Code. The remaining fees collected by the registrar under this 3796  
section shall be paid into the state bureau of motor vehicles fund 3797  
established in section 4501.25 of the Revised Code. 3798

~~(J)~~(I) A disabled veteran who has a service-connected 3799  
disability rated at one hundred per cent by the veterans' 3800  
administration may apply to the registrar or a deputy registrar 3801  
for the issuance to that veteran, without the payment of any fee 3802  
prescribed in this section, of any of the following items: 3803

(1) A temporary instruction permit and examination; 3804

(2) A new, renewal, or duplicate driver's or commercial 3805  
driver's license; 3806

(3) A motorcycle operator's endorsement; 3807

(4) A motorized bicycle license or duplicate thereof; 3808

~~(5) The fee established in division (H) of this section;~~ 3809

~~(6)~~ Lamination of a driver's license, motorized bicycle 3810  
license, or temporary instruction permit identification card as 3811  
provided in division (F) of this section, ~~if the circumstances~~ 3812  
~~specified in division (J)(6) of this section are met.~~ 3813

~~A disabled veteran whose driver's license, motorized bicycle 3814  
license, or temporary instruction permit identification card is 3815  
laminated by the registrar or deputy registrar is not required to 3816  
pay the registrar any lamination fee.~~ 3817

An application made under division ~~(J)~~(I) of this section 3818  
shall be accompanied by such documentary evidence of disability as 3819  
the registrar may require by rule. 3820

**Sec. 4507.45.** If a person's driver's license, commercial 3821  
driver's license, or nonresident operating privilege is suspended, 3822  
disqualified, or canceled for an indefinite period of time or for 3823  
a period of at least ninety days, and if at the end of the period 3824  
of suspension, disqualification, or cancellation the person is 3825  
eligible to have the license or privilege reinstated, the 3826  
registrar of motor vehicles or an eligible deputy registrar shall 3827  
collect a reinstatement fee of forty dollars when the person 3828  
requests reinstatement. In addition, each deputy registrar shall 3829  
collect a service fee of ten dollars to compensate the deputy 3830  
registrar for services performed under this section. The deputy 3831  
registrar shall retain eight dollars of the service fee and shall 3832  
transmit the reinstatement fee, plus two dollars of the service 3833  
fee, to the registrar in the manner the registrar shall determine. 3834  
However, the registrar or an eligible deputy registrar shall not 3835  
collect the fee prescribed by this section if a different driver's 3836  
license, commercial driver's license, or nonresident operating 3837  
privilege reinstatement fee is prescribed by law. 3838

The registrar shall deposit ten dollars of each forty-dollar 3839  
fee into the state treasury to the credit of the indigent defense 3840  
support fund created by section 120.08 of the Revised Code and 3841  
thirty dollars of each fee into the state treasury to the credit 3842  
of the state bureau of motor vehicles fund created by section 3843  
4501.25 of the Revised Code. 3844

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 3845  
operation of, a motor vehicle in this state, unless proof of 3846  
financial responsibility is maintained continuously throughout the 3847  
registration period with respect to that vehicle, or, in the case 3848  
of a driver who is not the owner, with respect to that driver's 3849  
operation of that vehicle. 3850

(2) Whoever violates division (A)(1) of this section shall be 3851

subject to the following civil penalties: 3852

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 3853  
class E suspension of the person's driver's license, commercial 3854  
driver's license, temporary instruction permit, probationary 3855  
license, or nonresident operating privilege for the period of time 3856  
specified in division (B)(5) of section 4510.02 of the Revised 3857  
Code and impoundment of the person's license. The court may grant 3858  
limited driving privileges to the person only if the person 3859  
presents proof of financial responsibility and has complied with 3860  
division (A)(5) of this section. 3861

(b) If, within five years of the violation, the person's 3862  
operating privileges are again suspended and the person's license 3863  
again is impounded for a violation of division (A)(1) of this 3864  
section, a class C suspension of the person's driver's license, 3865  
commercial driver's license, temporary instruction permit, 3866  
probationary license, or nonresident operating privilege for the 3867  
period of time specified in division (B)(3) of section 4510.02 of 3868  
the Revised Code. The court may grant limited driving privileges 3869  
to the person only if the person presents proof of financial 3870  
responsibility and has complied with division (A)(5) of this 3871  
section, and no court may grant limited driving privileges for the 3872  
first fifteen days of the suspension. 3873

(c) If, within five years of the violation, the person's 3874  
operating privileges are suspended and the person's license is 3875  
impounded two or more times for a violation of division (A)(1) of 3876  
this section, a class B suspension of the person's driver's 3877  
license, commercial driver's license, temporary instruction 3878  
permit, probationary license, or nonresident operating privilege 3879  
for the period of time specified in division (B)(2) of section 3880  
4510.02 of the Revised Code. No court may grant limited driving 3881  
privileges during the suspension. 3882

(d) In addition to the suspension of an owner's license under 3883

division (A)(2)(a), (b), or (c) of this section, the suspension of 3884  
the rights of the owner to register the motor vehicle and the 3885  
impoundment of the owner's certificate of registration and license 3886  
plates until the owner complies with division (A)(5) of this 3887  
section. 3888

(3) A person to whom this state has issued a certificate of 3889  
registration for a motor vehicle or a license to operate a motor 3890  
vehicle or who is determined to have operated any motor vehicle or 3891  
permitted the operation in this state of a motor vehicle owned by 3892  
the person shall be required to verify the existence of proof of 3893  
financial responsibility covering the operation of the motor 3894  
vehicle or the person's operation of the motor vehicle under any 3895  
of the following circumstances: 3896

(a) The person or a motor vehicle owned by the person is 3897  
involved in a traffic accident that requires the filing of an 3898  
accident report under section 4509.06 of the Revised Code. 3899

(b) The person receives a traffic ticket indicating that 3900  
proof of the maintenance of financial responsibility was not 3901  
produced upon the request of a peace officer or state highway 3902  
patrol trooper made in accordance with division (D)(2) of this 3903  
section. 3904

(c) Whenever, in accordance with rules adopted by the 3905  
registrar, the person is randomly selected by the registrar and 3906  
requested to provide such verification. 3907

(4) An order of the registrar that suspends and impounds a 3908  
license or registration, or both, shall state the date on or 3909  
before which the person is required to surrender the person's 3910  
license or certificate of registration and license plates. The 3911  
person is deemed to have surrendered the license or certificate of 3912  
registration and license plates, in compliance with the order, if 3913  
the person does either of the following: 3914

(a) On or before the date specified in the order, personally 3915  
delivers the license or certificate of registration and license 3916  
plates, or causes the delivery of the items, to the registrar; 3917

(b) Mails the license or certificate of registration and 3918  
license plates to the registrar in an envelope or container 3919  
bearing a postmark showing a date no later than the date specified 3920  
in the order. 3921

(5) Except as provided in division (A)(6) or (L) of this 3922  
section, the registrar shall not restore any operating privileges 3923  
or registration rights suspended under this section, return any 3924  
license, certificate of registration, or license plates impounded 3925  
under this section, or reissue license plates under section 3926  
4503.232 of the Revised Code, if the registrar destroyed the 3927  
impounded license plates under that section, or reissue a license 3928  
under section 4510.52 of the Revised Code, if the registrar 3929  
destroyed the suspended license under that section, unless the 3930  
rights are not subject to suspension or revocation under any other 3931  
law and unless the person, in addition to complying with all other 3932  
conditions required by law for reinstatement of the operating 3933  
privileges or registration rights, complies with all of the 3934  
following: 3935

(a) Pays to the registrar or an eligible deputy registrar a 3936  
financial responsibility reinstatement fee of one hundred dollars 3937  
for the first violation of division (A)(1) of this section, three 3938  
hundred dollars for a second violation of that division, and six 3939  
hundred dollars for a third or subsequent violation of that 3940  
division; 3941

(b) If the person has not voluntarily surrendered the 3942  
license, certificate, or license plates in compliance with the 3943  
order, pays to the registrar or an eligible deputy registrar a 3944  
financial responsibility nonvoluntary compliance fee in an amount, 3945  
not to exceed fifty dollars, determined by the registrar; 3946

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code; 3947  
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(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine. 3950  
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(6) If the registrar issues an order under division (A)(2) of this section resulting from the failure of a person to respond to a financial responsibility random verification request under division (A)(3)(c) of this section and the person successfully maintains an affirmative defense to a violation of section 4510.16 of the Revised Code or is determined by the registrar or a deputy registrar to have been in compliance with division (A)(1) of this section at the time of the initial financial responsibility random verification request, the registrar shall do both of the following: 3956  
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(a) Terminate the order of suspension or impoundment; 3966

(b) Restore the operating privileges and registration rights of the person without payment of the fees established in divisions (A)(5)(a) and (b) of this section and without a requirement to file proof of financial responsibility. 3967  
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(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1) of this section. 3971  
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If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following: 3974  
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(a) Order the impoundment, with respect to the motor vehicle 3978  
involved, required under division (A)(2)(d) of this section, of 3979  
the certificate of registration and license plates of any owner 3980  
who has violated division (A)(1) of this section; 3981

(b) Order the suspension required under division (A)(2)(a), 3982  
(b), or (c) of this section of the license of any operator or 3983  
owner who has violated division (A)(1) of this section; 3984

(c) Record the name and address of the person whose 3985  
certificate of registration and license plates have been impounded 3986  
or are under an order of impoundment, or whose license has been 3987  
suspended or is under an order of suspension; the serial number of 3988  
the person's license; the serial numbers of the person's 3989  
certificate of registration and license plates; and the person's 3990  
social security account number, if assigned, or, where the motor 3991  
vehicle is used for hire or principally in connection with any 3992  
established business, the person's federal taxpayer identification 3993  
number. The information shall be recorded in such a manner that it 3994  
becomes a part of the person's permanent record, and assists the 3995  
registrar in monitoring compliance with the orders of suspension 3996  
or impoundment. 3997

(d) Send written notification to every person to whom the 3998  
order pertains, at the person's last known address as shown on the 3999  
records of the bureau. The person, within ten days after the date 4000  
of the mailing of the notification, shall surrender to the 4001  
registrar, in a manner set forth in division (A)(4) of this 4002  
section, any certificate of registration and registration plates 4003  
under an order of impoundment, or any license under an order of 4004  
suspension. 4005

(2) The registrar shall issue any order under division (B)(1) 4006  
of this section without a hearing. Any person adversely affected 4007  
by the order, within ten days after the issuance of the order, may 4008  
request an administrative hearing before the registrar, who shall 4009

provide the person with an opportunity for a hearing in accordance 4010  
with this paragraph. A request for a hearing does not operate as a 4011  
suspension of the order. The scope of the hearing shall be limited 4012  
to whether the person in fact demonstrated to the registrar proof 4013  
of financial responsibility in accordance with this section. The 4014  
registrar shall determine the date, time, and place of any 4015  
hearing, provided that the hearing shall be held, and an order 4016  
issued or findings made, within thirty days after the registrar 4017  
receives a request for a hearing. If requested by the person in 4018  
writing, the registrar may designate as the place of hearing the 4019  
county seat of the county in which the person resides or a place 4020  
within fifty miles of the person's residence. The person shall pay 4021  
the cost of the hearing before the registrar, if the registrar's 4022  
order of suspension or impoundment is upheld. 4023

(C) Any order of suspension or impoundment issued under this 4024  
section or division (B) of section 4509.37 of the Revised Code may 4025  
be terminated at any time if the registrar determines upon a 4026  
showing of proof of financial responsibility that the operator or 4027  
owner of the motor vehicle was in compliance with division (A)(1) 4028  
of this section at the time of the traffic offense, motor vehicle 4029  
inspection, or accident that resulted in the order against the 4030  
person. A determination may be made without a hearing. This 4031  
division does not apply unless the person shows good cause for the 4032  
person's failure to present satisfactory proof of financial 4033  
responsibility to the registrar prior to the issuance of the 4034  
order. 4035

(D)(1) For the purpose of enforcing this section, every peace 4036  
officer is deemed an agent of the registrar. 4037

(a) Except as provided in division (D)(1)(b) of this section, 4038  
any peace officer who, in the performance of the peace officer's 4039  
duties as authorized by law, becomes aware of a person whose 4040  
license is under an order of suspension, or whose certificate of 4041

registration and license plates are under an order of impoundment, 4042  
pursuant to this section, may confiscate the license, certificate 4043  
of registration, and license plates, and return them to the 4044  
registrar. 4045

(b) Any peace officer who, in the performance of the peace 4046  
officer's duties as authorized by law, becomes aware of a person 4047  
whose license is under an order of suspension, or whose 4048  
certificate of registration and license plates are under an order 4049  
of impoundment resulting from failure to respond to a financial 4050  
responsibility random verification, shall not, for that reason, 4051  
arrest the owner or operator or seize the vehicle or license 4052  
plates. Instead, the peace officer shall issue a citation for a 4053  
violation of section 4510.16 of the Revised Code specifying the 4054  
circumstances as failure to respond to a financial responsibility 4055  
random verification. 4056

(2) A peace officer shall request the owner or operator of a 4057  
motor vehicle to produce proof of financial responsibility in a 4058  
manner described in division (G) of this section at the time the 4059  
peace officer acts to enforce the traffic laws of this state and 4060  
during motor vehicle inspections conducted pursuant to section 4061  
4513.02 of the Revised Code. 4062

(3) A peace officer shall indicate on every traffic ticket 4063  
whether the person receiving the traffic ticket produced proof of 4064  
the maintenance of financial responsibility in response to the 4065  
officer's request under division (D)(2) of this section. The peace 4066  
officer shall inform every person who receives a traffic ticket 4067  
and who has failed to produce proof of the maintenance of 4068  
financial responsibility that the person must submit proof to the 4069  
traffic violations bureau with any payment of a fine and costs for 4070  
the ticketed violation or, if the person is to appear in court for 4071  
the violation, the person must submit proof to the court. 4072

(4)(a) If a person who has failed to produce proof of the 4073

maintenance of financial responsibility appears in court for a 4074  
ticketed violation, the court may permit the defendant to present 4075  
evidence of proof of financial responsibility to the court at such 4076  
time and in such manner as the court determines to be necessary or 4077  
appropriate. In a manner prescribed by the registrar, the clerk of 4078  
courts shall provide the registrar with the identity of any person 4079  
who fails to submit proof of the maintenance of financial 4080  
responsibility pursuant to division (D)(3) of this section. 4081

(b) If a person who has failed to produce proof of the 4082  
maintenance of financial responsibility also fails to submit that 4083  
proof to the traffic violations bureau with payment of a fine and 4084  
costs for the ticketed violation, the traffic violations bureau, 4085  
in a manner prescribed by the registrar, shall notify the 4086  
registrar of the identity of that person. 4087

(5)(a) Upon receiving notice from a clerk of courts or 4088  
traffic violations bureau pursuant to division (D)(4) of this 4089  
section, the registrar shall order the suspension of the license 4090  
of the person required under division (A)(2)(a), (b), or (c) of 4091  
this section and the impoundment of the person's certificate of 4092  
registration and license plates required under division (A)(2)(d) 4093  
of this section, effective thirty days after the date of the 4094  
mailing of notification. The registrar also shall notify the 4095  
person that the person must present the registrar with proof of 4096  
financial responsibility in accordance with this section, 4097  
surrender to the registrar the person's certificate of 4098  
registration, license plates, and license, or submit a statement 4099  
subject to section 2921.13 of the Revised Code that the person did 4100  
not operate or permit the operation of the motor vehicle at the 4101  
time of the offense. Notification shall be in writing and shall be 4102  
sent to the person at the person's last known address as shown on 4103  
the records of the bureau of motor vehicles. The person, within 4104  
fifteen days after the date of the mailing of notification, shall 4105

present proof of financial responsibility, surrender the 4106  
certificate of registration, license plates, and license to the 4107  
registrar in a manner set forth in division (A)(4) of this 4108  
section, or submit the statement required under this section 4109  
together with other information the person considers appropriate. 4110

If the registrar does not receive proof or the person does 4111  
not surrender the certificate of registration, license plates, and 4112  
license, in accordance with this division, the registrar shall 4113  
permit the order for the suspension of the license of the person 4114  
and the impoundment of the person's certificate of registration 4115  
and license plates to take effect. 4116

(b) In the case of a person who presents, within the 4117  
fifteen-day period, documents to show proof of financial 4118  
responsibility, the registrar shall terminate the order of 4119  
suspension and the impoundment of the registration and license 4120  
plates required under division (A)(2)(d) of this section and shall 4121  
send written notification to the person, at the person's last 4122  
known address as shown on the records of the bureau. 4123

(c) Any person adversely affected by the order of the 4124  
registrar under division (D)(5)(a) or (b) of this section, within 4125  
ten days after the issuance of the order, may request an 4126  
administrative hearing before the registrar, who shall provide the 4127  
person with an opportunity for a hearing in accordance with this 4128  
paragraph. A request for a hearing does not operate as a 4129  
suspension of the order. The scope of the hearing shall be limited 4130  
to whether, at the time of the hearing, the person presents proof 4131  
of financial responsibility covering the vehicle and whether the 4132  
person is eligible for an exemption in accordance with this 4133  
section or any rule adopted under it. The registrar shall 4134  
determine the date, time, and place of any hearing; provided, that 4135  
the hearing shall be held, and an order issued or findings made, 4136  
within thirty days after the registrar receives a request for a 4137

hearing. If requested by the person in writing, the registrar may 4138  
designate as the place of hearing the county seat of the county in 4139  
which the person resides or a place within fifty miles of the 4140  
person's residence. Such person shall pay the cost of the hearing 4141  
before the registrar, if the registrar's order of suspension or 4142  
impoundment under division (D)(5)(a) or (b) of this section is 4143  
upheld. 4144

(6) A peace officer may charge an owner or operator of a 4145  
motor vehicle with a violation of section 4510.16 of the Revised 4146  
Code when the owner or operator fails to show proof of the 4147  
maintenance of financial responsibility pursuant to a peace 4148  
officer's request under division (D)(2) of this section, if a 4149  
check of the owner or operator's driving record indicates that the 4150  
owner or operator, at the time of the operation of the motor 4151  
vehicle, is required to file and maintain proof of financial 4152  
responsibility under section 4509.45 of the Revised Code for a 4153  
previous violation of this chapter. 4154

(7) Any forms used by law enforcement agencies in 4155  
administering this section shall be prescribed, supplied, and paid 4156  
for by the registrar. 4157

(8) No peace officer, law enforcement agency employing a 4158  
peace officer, or political subdivision or governmental agency 4159  
that employs a peace officer shall be liable in a civil action for 4160  
damages or loss to persons arising out of the performance of any 4161  
duty required or authorized by this section. 4162

(9) As used in this division and divisions (E) and (G) of 4163  
this section, "peace officer" has the meaning set forth in section 4164  
2935.01 of the Revised Code. 4165

(E) All fees, except court costs, fees paid to a deputy 4166  
registrar, and those portions of the financial responsibility 4167  
reinstatement fees as otherwise specified in this division, 4168

collected under this section shall be paid into the state treasury 4169  
to the credit of the financial responsibility compliance fund. The 4170  
financial responsibility compliance fund shall be used exclusively 4171  
to cover costs incurred by the bureau in the administration of 4172  
this section and sections 4503.20, 4507.212, and 4509.81 of the 4173  
Revised Code, and by any law enforcement agency employing any 4174  
peace officer who returns any license, certificate of 4175  
registration, and license plates to the registrar pursuant to 4176  
division (C) of this section, except that the director of budget 4177  
and management may transfer excess money from the financial 4178  
responsibility compliance fund to the state bureau of motor 4179  
vehicles fund if the registrar determines that the amount of money 4180  
in the financial responsibility compliance fund exceeds the amount 4181  
required to cover such costs incurred by the bureau or a law 4182  
enforcement agency and requests the director to make the transfer. 4183

Of each financial responsibility reinstatement fee the 4184  
registrar collects pursuant to division (A)(5)(a) of this section 4185  
or receives from a deputy registrar under division (A)(5)(d) of 4186  
this section, the registrar shall deposit twenty-five dollars of 4187  
each one-hundred-dollar reinstatement fee, fifty dollars of each 4188  
three-hundred-dollar reinstatement fee, and one hundred dollars of 4189  
each six-hundred-dollar reinstatement fee into the state treasury 4190  
to the credit of the indigent defense support fund created by 4191  
section 120.08 of the Revised Code. 4192

All investment earnings of the financial responsibility 4193  
compliance fund shall be credited to the fund. 4194

(F) Chapter 119. of the Revised Code applies to this section 4195  
only to the extent that any provision in that chapter is not 4196  
clearly inconsistent with this section. 4197

(G)(1) The registrar, court, traffic violations bureau, or 4198  
peace officer may require proof of financial responsibility to be 4199  
demonstrated by use of a standard form prescribed by the 4200

registrar. If the use of a standard form is not required, a person 4201  
may demonstrate proof of financial responsibility under this 4202  
section by presenting to the traffic violations bureau, court, 4203  
registrar, or peace officer any of the following documents or a 4204  
copy of the documents: 4205

(a) A financial responsibility identification card as 4206  
provided in section 4509.103 of the Revised Code; 4207

(b) A certificate of proof of financial responsibility on a 4208  
form provided and approved by the registrar for the filing of an 4209  
accident report required to be filed under section 4509.06 of the 4210  
Revised Code; 4211

(c) A policy of liability insurance, a declaration page of a 4212  
policy of liability insurance, or liability bond, if the policy or 4213  
bond complies with section 4509.20 or sections 4509.49 to 4509.61 4214  
of the Revised Code; 4215

(d) A bond or certification of the issuance of a bond as 4216  
provided in section 4509.59 of the Revised Code; 4217

(e) A certificate of deposit of money or securities as 4218  
provided in section 4509.62 of the Revised Code; 4219

(f) A certificate of self-insurance as provided in section 4220  
4509.72 of the Revised Code. 4221

(2) If a person fails to demonstrate proof of financial 4222  
responsibility in a manner described in division (G)(1) of this 4223  
section, the person may demonstrate proof of financial 4224  
responsibility under this section by any other method that the 4225  
court or the bureau, by reason of circumstances in a particular 4226  
case, may consider appropriate. 4227

(3) A motor carrier certificated by the interstate commerce 4228  
commission or by the public utilities commission may demonstrate 4229  
proof of financial responsibility by providing a statement 4230



designating the motor carrier's operating authority and averring 4231  
that the insurance coverage required by the certificating 4232  
authority is in full force and effect. 4233

(4)(a) A finding by the registrar or court that a person is 4234  
covered by proof of financial responsibility in the form of an 4235  
insurance policy or surety bond is not binding upon the named 4236  
insurer or surety or any of its officers, employees, agents, or 4237  
representatives and has no legal effect except for the purpose of 4238  
administering this section. 4239

(b) The preparation and delivery of a financial 4240  
responsibility identification card or any other document 4241  
authorized to be used as proof of financial responsibility under 4242  
this division does not do any of the following: 4243

(i) Create any liability or estoppel against an insurer or 4244  
surety, or any of its officers, employees, agents, or 4245  
representatives; 4246

(ii) Constitute an admission of the existence of, or of any 4247  
liability or coverage under, any policy or bond; 4248

(iii) Waive any defenses or counterclaims available to an 4249  
insurer, surety, agent, employee, or representative in an action 4250  
commenced by an insured or third-party claimant upon a cause of 4251  
action alleged to have arisen under an insurance policy or surety 4252  
bond or by reason of the preparation and delivery of a document 4253  
for use as proof of financial responsibility. 4254

(c) Whenever it is determined by a final judgment in a 4255  
judicial proceeding that an insurer or surety, which has been 4256  
named on a document accepted by a court or the registrar as proof 4257  
of financial responsibility covering the operation of a motor 4258  
vehicle at the time of an accident or offense, is not liable to 4259  
pay a judgment for injuries or damages resulting from such 4260  
operation, the registrar, notwithstanding any previous contrary 4261

finding, shall forthwith suspend the operating privileges and 4262  
registration rights of the person against whom the judgment was 4263  
rendered as provided in division (A)(2) of this section. 4264

(H) In order for any document described in division (G)(1)(b) 4265  
of this section to be used for the demonstration of proof of 4266  
financial responsibility under this section, the document shall 4267  
state the name of the insured or obligor, the name of the insurer 4268  
or surety company, and the effective and expiration dates of the 4269  
financial responsibility, and designate by explicit description or 4270  
by appropriate reference all motor vehicles covered which may 4271  
include a reference to fleet insurance coverage. 4272

(I) For purposes of this section, "owner" does not include a 4273  
licensed motor vehicle leasing dealer as defined in section 4274  
4517.01 of the Revised Code, but does include a motor vehicle 4275  
renting dealer as defined in section 4549.65 of the Revised Code. 4276  
Nothing in this section or in section 4509.51 of the Revised Code 4277  
shall be construed to prohibit a motor vehicle renting dealer from 4278  
entering into a contractual agreement with a person whereby the 4279  
person renting the motor vehicle agrees to be solely responsible 4280  
for maintaining proof of financial responsibility, in accordance 4281  
with this section, with respect to the operation, maintenance, or 4282  
use of the motor vehicle during the period of the motor vehicle's 4283  
rental. 4284

(J) The purpose of this section is to require the maintenance 4285  
of proof of financial responsibility with respect to the operation 4286  
of motor vehicles on the highways of this state, so as to minimize 4287  
those situations in which persons are not compensated for injuries 4288  
and damages sustained in motor vehicle accidents. The general 4289  
assembly finds that this section contains reasonable civil 4290  
penalties and procedures for achieving this purpose. 4291

(K) Nothing in this section shall be construed to be subject 4292  
to section 4509.78 of the Revised Code. 4293

(L)(1) The registrar may terminate any suspension imposed 4294  
under this section and not require the owner to comply with 4295  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 4296  
with or without a hearing determines that the owner of the vehicle 4297  
has established by clear and convincing evidence that all of the 4298  
following apply: 4299

(a) The owner customarily maintains proof of financial 4300  
responsibility. 4301

(b) Proof of financial responsibility was not in effect for 4302  
the vehicle on the date in question for one of the following 4303  
reasons: 4304

(i) The vehicle was inoperable. 4305

(ii) The vehicle is operated only seasonally, and the date in 4306  
question was outside the season of operation. 4307

(iii) A person other than the vehicle owner or driver was at 4308  
fault for the lapse of proof of financial responsibility through 4309  
no fault of the owner or driver. 4310

(iv) The lapse of proof of financial responsibility was 4311  
caused by excusable neglect under circumstances that are not 4312  
likely to recur and do not suggest a purpose to evade the 4313  
requirements of this chapter. 4314

(2) The registrar may grant an owner or driver relief for a 4315  
reason specified in division (L)(1)(b)(i) or (ii) of this section 4316  
whenever the owner or driver is randomly selected to verify the 4317  
existence of proof of financial responsibility for such a vehicle. 4318  
However, the registrar may grant an owner or driver relief for a 4319  
reason specified in division (L)(1)(b)(iii) or (iv) of this 4320  
section only if the owner or driver has not previously been 4321  
granted relief under division (L)(1)(b)(iii) or (iv) of this 4322  
section. 4323

(M) The registrar shall adopt rules in accordance with 4324  
Chapter 119. of the Revised Code that are necessary to administer 4325  
and enforce this section. The rules shall include procedures for 4326  
the surrender of license plates upon failure to maintain proof of 4327  
financial responsibility and provisions relating to reinstatement 4328  
of registration rights, acceptable forms of proof of financial 4329  
responsibility, and verification of the existence of financial 4330  
responsibility during the period of registration. 4331

**Sec. 4509.81.** (A) Upon receipt of a notification of violation 4332  
as provided in division (C) of section 4509.80 of the Revised 4333  
Code; upon failure of a timely surrender of the livery license 4334  
plate sticker as required by division (D) of section 4509.80 of 4335  
the Revised Code; or if the registrar of motor vehicles, upon 4336  
receipt of notification from an insurer of the imminent 4337  
cancellation or termination of coverage required by section 4338  
4509.80 of the Revised Code, fails to receive evidence of a 4339  
continuation or substitution of coverage prior to the cancellation 4340  
or termination date, the registrar shall order the immediate 4341  
suspension of the rights of the owner of the chauffeured limousine 4342  
described in the notice to register the limousine and the 4343  
impoundment of the certificate of registration and registration 4344  
plates for the limousine. The registrar shall notify the owner 4345  
that the owner must surrender the certificate of registration and 4346  
registration plates to the registrar. The notification shall be in 4347  
writing and sent to the owner at the owner's last known address as 4348  
shown in the records of the bureau of motor vehicles. Proceedings 4349  
under this section are deemed special, summary statutory 4350  
proceedings. 4351

(B) The order of suspension and impoundment of a registration 4352  
shall state the date on or before which the owner of the 4353  
chauffeured limousine involved is required to surrender the 4354  
certificate of registration and registration plates to the 4355

registrar. The owner shall be deemed to have surrendered the 4356  
certificate of registration and registration plates if the owner 4357  
causes the items to be delivered to the registrar on or before the 4358  
date specified in the order or mails the items to the registrar in 4359  
an envelope or container bearing a postmark showing a date no 4360  
later than the date specified in the order. 4361

(C) The registrar shall not restore any registration rights 4362  
suspended under this section, return any certificate of 4363  
registration or registration plates impounded under this section, 4364  
or reissue registration plates under section 4503.232 of the 4365  
Revised Code, if the registrar destroyed the impounded 4366  
registration plates under that section, unless those rights are 4367  
not subject to suspension under any other law and unless the owner 4368  
complies with both of the following: 4369

(1) Pays to the registrar or an eligible deputy registrar a 4370  
financial responsibility reinstatement fee of thirty dollars. The 4371  
reinstatement fee may be increased, upon approval of the 4372  
controlling board, up to an amount not exceeding fifty dollars. In 4373  
addition, pays a service fee of ten dollars to each deputy 4374  
registrar to compensate the deputy registrar for services 4375  
performed under this section. The deputy registrar shall retain 4376  
eight dollars of the service fee and shall transmit the 4377  
reinstatement fee and two dollars of the service fee to the 4378  
registrar in the manner the registrar shall determine. 4379

(2) Files and maintains proof of financial responsibility 4380  
under section 4509.80 of the Revised Code. 4381

(D) Any owner adversely affected by the order of the 4382  
registrar under this section may, within ten days after the 4383  
issuance of the order, request an administrative hearing before 4384  
the registrar, who shall provide the owner with an opportunity for 4385  
a hearing in accordance with this division. A request for a 4386  
hearing does not operate as a suspension of the order unless the 4387

owner establishes to the satisfaction of the registrar that the 4388  
operation of the owner's chauffeured limousine will be covered by 4389  
proof of financial responsibility during the pendency of the 4390  
appeal. The scope of the hearing shall be limited to whether the 4391  
owner in fact demonstrated to the registrar proof of financial 4392  
responsibility in accordance with section 4509.80 of the Revised 4393  
Code. The registrar shall determine the date, time, and place of 4394  
any hearing, provided that the hearing shall be held and an order 4395  
issued or findings made within thirty days after the registrar 4396  
receives a request for a hearing. If requested by the owner in 4397  
writing, the registrar may designate as the place of hearing the 4398  
county seat of the county in which the owner resides or a place 4399  
within fifty miles of the owner's residence. The owner shall pay 4400  
the cost of the hearing before the registrar, if the registrar's 4401  
order of suspension or impoundment is upheld. 4402

(E) Any order of suspension or impoundment issued under this 4403  
section may be terminated at any time if the registrar determines 4404  
upon a showing of proof of financial responsibility that the owner 4405  
of the limousine was in compliance with section 4509.80 of the 4406  
Revised Code at the time of the incident that resulted in the 4407  
order against the owner. Such a determination may be made without 4408  
a hearing. 4409

(F) All fees except the two dollar service fee transmitted to 4410  
the registrar by a deputy registrar, that are collected by the 4411  
registrar or transmitted to the registrar under this section shall 4412  
be paid into the state treasury to the credit of the financial 4413  
responsibility compliance fund created by section 4509.101 of the 4414  
Revised Code. 4415

(G) Chapter 119. of the Revised Code applies to this section 4416  
only to the extent that any provision in that chapter is not 4417  
clearly inconsistent with this section. 4418

(H)(1) Proof of financial responsibility may be demonstrated 4419

by any of the methods authorized in section 4509.80 of the Revised Code. 4420  
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(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the Revised Code apply to any finding by the registrar under this section that an owner is covered by proof of financial responsibility. 4422  
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**Sec. 4510.10.** (A) As used in this section, "reinstatement fees" means the fees that are required under section 4507.1612, 4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other provision of the Revised Code, or under a schedule established by the bureau of motor vehicles, in order to reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of an offender under a suspension. 4426  
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(B) Reinstatement fees are those fees that compensate the bureau of motor vehicles for suspensions, cancellations, or disqualifications of a person's driving privileges and to compensate the bureau and other agencies in their administration of programs intended to reduce and eliminate threats to public safety through education, treatment, and other activities. The registrar of motor vehicles shall not reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of a person until the person has paid all reinstatement fees and has complied with all conditions for each suspension, cancellation, or disqualification incurred by that person. 4433  
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(C) When a municipal court or county court determines in a pending case involving an offender that the offender cannot reasonably pay reinstatement fees due and owing by the offender relative to one or more suspensions that have been or will be imposed by the bureau of motor vehicles or by a court of this state, the court, by order, may undertake an installment payment plan or a payment extension plan for the payment of reinstatement 4444  
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fees due and owing to the bureau in that pending case. The court 4451  
shall establish an installment payment plan or a payment extension 4452  
plan under this division in accordance with the requirements of 4453  
divisions (D)(1) and (2) of this section. 4454

(D) Independent of the provisions of division (C) of this 4455  
section, an offender who cannot reasonably pay reinstatement fees 4456  
due and owing by the offender relative to a suspension that has 4457  
been imposed on the offender may file a petition in the municipal 4458  
court, county court, or, if the person is under the age of 4459  
eighteen, the juvenile division of the court of common pleas in 4460  
whose jurisdiction the person resides or, if the person is not a 4461  
resident of this state, in the Franklin county municipal court or 4462  
juvenile division of the Franklin county court of common pleas for 4463  
an order that does either of the following, in order of 4464  
preference: 4465

(1) Establishes a reasonable payment plan of not less than 4466  
fifty dollars per month, to be paid by the offender to the ~~bureau~~ 4467  
registrar of motor vehicles or an eligible deputy registrar, in 4468  
all succeeding months until all reinstatement fees required of the 4469  
offender are paid in full+. If the person is making payments to a 4470  
deputy registrar, the deputy registrar shall collect a service fee 4471  
of ten dollars each time the deputy registrar collects a payment 4472  
to compensate the deputy registrar for services performed under 4473  
this section. The deputy registrar shall retain eight dollars of 4474  
the service fee and shall transmit the reinstatement payments, 4475  
plus two dollars of each service fee, to the registrar in the 4476  
manner the registrar shall determine. 4477

(2) If the offender, but for the payment of the reinstatement 4478  
fees, otherwise would be entitled to operate a vehicle in this 4479  
state or to obtain reinstatement of the offender's operating 4480  
privileges, permits the offender to operate a motor vehicle, as 4481  
authorized by the court, until a future date upon which date all 4482



reinstatement fees must be paid in full. A payment extension 4483  
granted under this division shall not exceed one hundred eighty 4484  
days, and any operating privileges granted under this division 4485  
shall be solely for the purpose of permitting the offender 4486  
occupational or "family necessity" privileges in order to enable 4487  
the offender to reasonably acquire the delinquent reinstatement 4488  
fees due and owing. 4489

(E) If a municipal court, county court, or juvenile division 4490  
enters an order of the type described in division (C) or division 4491  
(D)(1) or (2) of this section, the court, at any time after the 4492  
issuance of the order, may determine that a change of 4493  
circumstances has occurred and may amend the order as justice 4494  
requires, provided that the amended order also shall be an order 4495  
that is permitted under division (C) or division (D)(1) or (2) of 4496  
this section. 4497

(F) If a court enters an order of the type described in 4498  
division (C), (D)(1), (D)(2), or (E) of this section, during the 4499  
pendency of the order, the offender in relation to whom it applies 4500  
is not subject to prosecution for failing to pay the reinstatement 4501  
fees covered by the order. 4502

(G) Reinstatement fees are debts that may be discharged in 4503  
bankruptcy. 4504

**Sec. 4510.22.** (A) If a person who has a current valid Ohio 4505  
driver's, commercial driver's license, or temporary instruction 4506  
permit is charged with a violation of any provision in sections 4507  
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 4508  
4549.65 of the Revised Code that is classified as a misdemeanor of 4509  
the first, second, third, or fourth degree or with a violation of 4510  
any substantially equivalent municipal ordinance and if the person 4511  
either fails to appear in court at the required time and place to 4512  
answer the charge or pleads guilty to or is found guilty of the 4513

violation and fails within the time allowed by the court to pay 4514  
the fine imposed by the court, the court shall declare the 4515  
forfeiture of the person's license. Thirty days after the 4516  
declaration of forfeiture, the court shall inform the registrar of 4517  
motor vehicles of the forfeiture by entering information relative 4518  
to the ~~of~~ forfeiture on a form approved and furnished by the 4519  
registrar and sending the form to the registrar. The court also 4520  
shall forward the person's license, if it is in the possession of 4521  
the court, to the registrar. 4522

The registrar shall impose a class F suspension of the 4523  
person's driver's or commercial driver's license, or temporary 4524  
instruction permit for the period of time specified in division 4525  
(B)(6) of section 4510.02 of the Revised Code on any person who is 4526  
named in a declaration received by the registrar under this 4527  
section. The registrar shall send written notification of the 4528  
suspension to the person at the person's last known address and, 4529  
if the person is in possession of the license, order the person to 4530  
surrender the person's license or permit to the registrar within 4531  
forty-eight hours. 4532

No valid driver's or commercial driver's license shall be 4533  
granted to the person after the suspension, unless the court 4534  
having jurisdiction of the offense that led to the suspension 4535  
orders that the forfeiture be terminated. The court shall order 4536  
the termination of the forfeiture if the person thereafter appears 4537  
to answer the charge and pays any fine imposed by the court or 4538  
pays the fine originally imposed by the court. The court shall 4539  
inform the registrar of the termination of the forfeiture by 4540  
entering information relative to the termination on a form 4541  
approved and furnished by the registrar and sending the form to 4542  
the registrar. The person shall pay to the ~~bureau~~ registrar of 4543  
motor vehicles or an eligible deputy registrar a 4544  
twenty-five-dollar reinstatement fee. In addition, each deputy 4545

registrar shall collect a service fee of ten dollars to compensate 4546  
the deputy registrar for services performed under this section. 4547  
The deputy registrar shall retain eight dollars of the service fee 4548  
and shall transmit the reinstatement fee, plus two dollars of the 4549  
service fee, to the registrar in the manner the registrar shall 4550  
determine. The registrar shall deposit fifteen dollars of the 4551  
reinstatement fee into the state treasury to the credit of the 4552  
state bureau of motor vehicles fund created by section 4501.25 of 4553  
the Revised Code to cover the costs of the bureau in administering 4554  
this section and shall deposit ten dollars of the fee into the 4555  
state treasury to the credit of the indigent defense support fund 4556  
created by section 120.08 of the Revised Code. 4557

(B) In addition to suspending the driver's or commercial 4558  
driver's license or permit of the person named in a declaration of 4559  
forfeiture, the registrar, upon receipt from the court of the copy 4560  
of the declaration of forfeiture, shall take any measures that may 4561  
be necessary to ensure that neither the registrar nor any deputy 4562  
registrar accepts any application for the registration or transfer 4563  
of registration of any motor vehicle owned or leased by the person 4564  
named in the declaration of forfeiture. However, for a motor 4565  
vehicle leased by a person named in a declaration of forfeiture, 4566  
the registrar shall not implement the preceding sentence until the 4567  
registrar adopts procedures for that implementation under section 4568  
4503.39 of the Revised Code. The period of denial of registration 4569  
or transfer shall continue until such time as the court having 4570  
jurisdiction of the offense that led to the suspension orders the 4571  
forfeiture be terminated. Upon receipt by the registrar of an 4572  
order terminating the forfeiture, the registrar also shall take 4573  
any measures that may be necessary to permit the person to 4574  
register a motor vehicle owned or leased by the person or to 4575  
transfer the registration of such a motor vehicle, if the person 4576  
later makes application to take such action and otherwise is 4577  
eligible to register the motor vehicle or to transfer its 4578

registration. 4579

The registrar shall not be required to give effect to any 4580  
declaration of forfeiture or order terminating a forfeiture 4581  
provided by a court under this section unless the information 4582  
contained in the declaration or order is transmitted to the 4583  
registrar by means of an electronic transfer system. The registrar 4584  
shall not restore the person's driving or vehicle registration 4585  
privileges until the person pays the reinstatement fee as provided 4586  
in this section. 4587

The period of denial relating to the issuance or transfer of 4588  
a certificate of registration for a motor vehicle imposed pursuant 4589  
to this division remains in effect until the person pays any fine 4590  
imposed by the court relative to the offense. 4591

**Sec. 4510.43.** (A)(1) The director of public safety, upon 4592  
consultation with the director of health and in accordance with 4593  
Chapter 119. of the Revised Code, shall certify immobilizing and 4594  
disabling devices and, subject to section 4510.45 of the Revised 4595  
Code, shall publish and make available to the courts, without 4596  
charge, a list of licensed manufacturers of ignition interlock 4597  
devices and approved devices together with information about the 4598  
manufacturers of the devices and where they may be obtained. The 4599  
manufacturer of an immobilizing or disabling device shall pay the 4600  
cost of obtaining the certification of the device to the director 4601  
of public safety, and the director shall deposit the payment in 4602  
the ~~drivers' treatment and intervention~~ indigent drivers alcohol 4603  
treatment fund established by ~~sections 4511.19 and section~~ 4604  
4511.191 of the Revised Code. 4605

(2) The director of public safety, in accordance with Chapter 4606  
119. of the Revised Code, shall adopt and publish rules setting 4607  
forth the requirements for obtaining the certification of an 4608  
immobilizing or disabling device. The director of public safety 4609

shall not certify an immobilizing or disabling device under this 4610  
section unless it meets the requirements specified and published 4611  
by the director in the rules adopted pursuant to this division. A 4612  
certified device may consist of an ignition interlock device, an 4613  
ignition blocking device initiated by time or magnetic or 4614  
electronic encoding, an activity monitor, or any other device that 4615  
reasonably assures compliance with an order granting limited 4616  
driving privileges. Ignition interlock devices shall be certified 4617  
annually. 4618

The requirements for an immobilizing or disabling device that 4619  
is an ignition interlock device shall require that the 4620  
manufacturer of the device submit to the department of public 4621  
safety a certificate from an independent testing laboratory 4622  
indicating that the device meets or exceeds the standards of the 4623  
national highway traffic safety administration, as defined in 4624  
section 4511.19 of the Revised Code, that are in effect at the 4625  
time of the director's decision regarding certification of the 4626  
device, shall include provisions for setting a minimum and maximum 4627  
calibration range, and shall include, but shall not be limited to, 4628  
specifications that the device complies with all of the following: 4629

(a) It does not impede the safe operation of the vehicle. 4630

(b) It has features that make circumvention difficult and 4631  
that do not interfere with the normal use of the vehicle, and the 4632  
features are operating and functioning. 4633

(c) It correlates well with established measures of alcohol 4634  
impairment. 4635

(d) It works accurately and reliably in an unsupervised 4636  
environment. 4637

(e) It is resistant to tampering and shows evidence of 4638  
tampering if tampering is attempted. 4639

(f) It is difficult to circumvent and requires premeditation 4640

to do so. 4641

(g) It minimizes inconvenience to a sober user. 4642

(h) It requires a proper, deep-lung breath sample or other 4643  
accurate measure of the concentration by weight of alcohol in the 4644  
breath. 4645

(i) It operates reliably over the range of automobile 4646  
environments. 4647

(j) It is made by a manufacturer who is covered by product 4648  
liability insurance. 4649

(3) The director of public safety may adopt, in whole or in 4650  
part, the guidelines, rules, regulations, studies, or independent 4651  
laboratory tests performed and relied upon by other states, or 4652  
their agencies or commissions, in the certification or approval of 4653  
immobilizing or disabling devices. 4654

(4) The director of public safety shall adopt rules in 4655  
accordance with Chapter 119. of the Revised Code for the design of 4656  
a warning label that shall be affixed to each immobilizing or 4657  
disabling device upon installation. The label shall contain a 4658  
warning that any person tampering, circumventing, or otherwise 4659  
misusing the device is subject to a fine, imprisonment, or both 4660  
and may be subject to civil liability. 4661

(B) A court considering the use of a prototype device in a 4662  
pilot program shall advise the director of public safety, thirty 4663  
days before the use, of the prototype device and its protocol, 4664  
methodology, manufacturer, and licensor, lessor, other agent, or 4665  
owner, and the length of the court's pilot program. A prototype 4666  
device shall not be used for a violation of section 4510.14 or 4667  
4511.19 of the Revised Code, a violation of a municipal OVI 4668  
ordinance, or in relation to a suspension imposed under section 4669  
4511.191 of the Revised Code. A court that uses a prototype device 4670  
in a pilot program, periodically during the existence of the 4671

program and within fourteen days after termination of the program, 4672  
shall report in writing to the director of public safety regarding 4673  
the effectiveness of the prototype device and the program. 4674

(C) If a person has been granted limited driving privileges 4675  
with a condition of the privileges being that the motor vehicle 4676  
that is operated under the privileges must be equipped with an 4677  
immobilizing or disabling device, the person may operate a motor 4678  
vehicle that is owned by the person's employer only if the person 4679  
is required to operate that motor vehicle in the course and scope 4680  
of the offender's employment. Such a person may operate that 4681  
vehicle without the installation of an immobilizing or disabling 4682  
device, provided that the employer has been notified that the 4683  
person has limited driving privileges and of the nature of the 4684  
restriction and further provided that the person has proof of the 4685  
employer's notification in the person's possession while operating 4686  
the employer's vehicle for normal business duties. A motor vehicle 4687  
owned by a business that is partly or entirely owned or controlled 4688  
by a person with limited driving privileges is not a motor vehicle 4689  
owned by an employer, for purposes of this division. 4690

**Sec. 4510.72.** (A) A fee of thirty dollars shall be charged by 4691  
the registrar of motor vehicles or an eligible deputy registrar 4692  
for the reinstatement of any driver's license suspended pursuant 4693  
to division (A) of Article IV of the compact enacted in section 4694  
4510.71 of the Revised Code. In addition, each deputy registrar 4695  
shall collect a service fee of ten dollars to compensate the 4696  
deputy registrar for services performed under this section. The 4697  
deputy registrar shall retain eight dollars of the service fee and 4698  
shall transmit the reinstatement fee, plus two dollars of the 4699  
service fee, to the registrar in the manner the registrar shall 4700  
determine. 4701

(B) Pursuant to division (A) of Article VI of the nonresident 4702

violator compact of 1977 enacted in section 4510.71 of the Revised Code, the director of public safety shall serve as the compact administrator for Ohio.

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

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

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

**Sec. 4511.191.** (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock



device, any immobilizing or disabling device other than an 4733  
ignition interlock device that is constantly available to monitor 4734  
the concentration of alcohol in a person's system, or any other 4735  
device that provides for the automatic testing and periodic 4736  
reporting of alcohol consumption by a person and that a court 4737  
orders a person to use as a sanction imposed as a result of the 4738  
person's conviction of or plea of guilty to an offense. 4739

(2) Any person who operates a vehicle, streetcar, or 4740  
trackless trolley upon a highway or any public or private property 4741  
used by the public for vehicular travel or parking within this 4742  
state or who is in physical control of a vehicle, streetcar, or 4743  
trackless trolley shall be deemed to have given consent to a 4744  
chemical test or tests of the person's whole blood, blood serum or 4745  
plasma, breath, or urine to determine the alcohol, drug of abuse, 4746  
controlled substance, metabolite of a controlled substance, or 4747  
combination content of the person's whole blood, blood serum or 4748  
plasma, breath, or urine if arrested for a violation of division 4749  
(A) or (B) of section 4511.19 of the Revised Code, section 4750  
4511.194 of the Revised Code or a substantially equivalent 4751  
municipal ordinance, or a municipal OVI ordinance. 4752

(3) The chemical test or tests under division (A)(2) of this 4753  
section shall be administered at the request of a law enforcement 4754  
officer having reasonable grounds to believe the person was 4755  
operating or in physical control of a vehicle, streetcar, or 4756  
trackless trolley in violation of a division, section, or 4757  
ordinance identified in division (A)(2) of this section. The law 4758  
enforcement agency by which the officer is employed shall 4759  
designate which of the tests shall be administered. 4760

(4) Any person who is dead or unconscious, or who otherwise 4761  
is in a condition rendering the person incapable of refusal, shall 4762  
be deemed to have consented as provided in division (A)(2) of this 4763  
section, and the test or tests may be administered, subject to 4764

sections 313.12 to 313.16 of the Revised Code. 4765

(5)(a) If a law enforcement officer arrests a person for a 4766  
violation of division (A) or (B) of section 4511.19 of the Revised 4767  
Code, section 4511.194 of the Revised Code or a substantially 4768  
equivalent municipal ordinance, or a municipal OVI ordinance and 4769  
if the person if convicted would be required to be sentenced under 4770  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 4771  
Code, the law enforcement officer shall request the person to 4772  
submit, and the person shall submit, to a chemical test or tests 4773  
of the person's whole blood, blood serum or plasma, breath, or 4774  
urine for the purpose of determining the alcohol, drug of abuse, 4775  
controlled substance, metabolite of a controlled substance, or 4776  
combination content of the person's whole blood, blood serum or 4777  
plasma, breath, or urine. A law enforcement officer who makes a 4778  
request pursuant to this division that a person submit to a 4779  
chemical test or tests is not required to advise the person of the 4780  
consequences of submitting to, or refusing to submit to, the test 4781  
or tests and is not required to give the person the form described 4782  
in division (B) of section 4511.192 of the Revised Code, but the 4783  
officer shall advise the person at the time of the arrest that if 4784  
the person refuses to take a chemical test the officer may employ 4785  
whatever reasonable means are necessary to ensure that the person 4786  
submits to a chemical test of the person's whole blood or blood 4787  
serum or plasma. The officer shall also advise the person at the 4788  
time of the arrest that the person may have an independent 4789  
chemical test taken at the person's own expense. Divisions (A)(3) 4790  
and (4) of this section apply to the administration of a chemical 4791  
test or tests pursuant to this division. 4792

(b) If a person refuses to submit to a chemical test upon a 4793  
request made pursuant to division (A)(5)(a) of this section, the 4794  
law enforcement officer who made the request may employ whatever 4795  
reasonable means are necessary to ensure that the person submits 4796

to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical

test or had been convicted of or pleaded guilty to one violation 4829  
of division (A) or (B) of section 4511.19 of the Revised Code or 4830  
one other equivalent offense, the suspension shall be a class B 4831  
suspension imposed for the period of time specified in division 4832  
(B)(2) of section 4510.02 of the Revised Code. 4833

(c) If the arrested person, within six years of the date on 4834  
which the person refused the request to consent to the chemical 4835  
test, had refused two previous requests to consent to a chemical 4836  
test, had been convicted of or pleaded guilty to two violations of 4837  
division (A) or (B) of section 4511.19 of the Revised Code or 4838  
other equivalent offenses, or had refused one previous request to 4839  
consent to a chemical test and also had been convicted of or 4840  
pleaded guilty to one violation of division (A) or (B) of section 4841  
4511.19 of the Revised Code or other equivalent offenses, which 4842  
violation or offense arose from an incident other than the 4843  
incident that led to the refusal, the suspension shall be a class 4844  
A suspension imposed for the period of time specified in division 4845  
(B)(1) of section 4510.02 of the Revised Code. 4846

(d) If the arrested person, within six years of the date on 4847  
which the person refused the request to consent to the chemical 4848  
test, had refused three or more previous requests to consent to a 4849  
chemical test, had been convicted of or pleaded guilty to three or 4850  
more violations of division (A) or (B) of section 4511.19 of the 4851  
Revised Code or other equivalent offenses, or had refused a number 4852  
of previous requests to consent to a chemical test and also had 4853  
been convicted of or pleaded guilty to a number of violations of 4854  
division (A) or (B) of section 4511.19 of the Revised Code or 4855  
other equivalent offenses that cumulatively total three or more 4856  
such refusals, convictions, and guilty pleas, the suspension shall 4857  
be for five years. 4858

(2) The registrar shall terminate a suspension of the 4859  
driver's or commercial driver's license or permit of a resident or 4860

of the operating privilege of a nonresident, or a denial of a 4861  
driver's or commercial driver's license or permit, imposed 4862  
pursuant to division (B)(1) of this section upon receipt of notice 4863  
that the person has entered a plea of guilty to, or that the 4864  
person has been convicted after entering a plea of no contest to, 4865  
operating a vehicle in violation of section 4511.19 of the Revised 4866  
Code or in violation of a municipal OVI ordinance, if the offense 4867  
for which the conviction is had or the plea is entered arose from 4868  
the same incident that led to the suspension or denial. 4869

The registrar shall credit against any judicial suspension of 4870  
a person's driver's or commercial driver's license or permit or 4871  
nonresident operating privilege imposed pursuant to section 4872  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4873  
Revised Code for a violation of a municipal OVI ordinance, any 4874  
time during which the person serves a related suspension imposed 4875  
pursuant to division (B)(1) of this section. 4876

(C)(1) Upon receipt of the sworn report of the law 4877  
enforcement officer who arrested a person for a violation of 4878  
division (A) or (B) of section 4511.19 of the Revised Code or a 4879  
municipal OVI ordinance that was completed and sent to the 4880  
registrar and a court pursuant to section 4511.192 of the Revised 4881  
Code in regard to a person whose test results indicate that the 4882  
person's whole blood, blood serum or plasma, breath, or urine 4883  
contained at least the concentration of alcohol specified in 4884  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 4885  
Revised Code or at least the concentration of a listed controlled 4886  
substance or a listed metabolite of a controlled substance 4887  
specified in division (A)(1)(j) of section 4511.19 of the Revised 4888  
Code, the registrar shall enter into the registrar's records the 4889  
fact that the person's driver's or commercial driver's license or 4890  
permit or nonresident operating privilege was suspended by the 4891  
arresting officer under this division and section 4511.192 of the 4892

Revised Code and the period of the suspension, as determined under 4893  
divisions (C)(1)(a) to (d) of this section. The suspension shall 4894  
be subject to appeal as provided in section 4511.197 of the 4895  
Revised Code. The suspension described in this division does not 4896  
apply to, and shall not be imposed upon, a person arrested for a 4897  
violation of section 4511.194 of the Revised Code or a 4898  
substantially equivalent municipal ordinance who submits to a 4899  
designated chemical test. The suspension shall be for whichever of 4900  
the following periods applies: 4901

(a) Except when division (C)(1)(b), (c), or (d) of this 4902  
section applies and specifies a different period, the suspension 4903  
shall be a class E suspension imposed for the period of time 4904  
specified in division (B)(5) of section 4510.02 of the Revised 4905  
Code. 4906

(b) The suspension shall be a class C suspension for the 4907  
period of time specified in division (B)(3) of section 4510.02 of 4908  
the Revised Code if the person has been convicted of or pleaded 4909  
guilty to, within six years of the date the test was conducted, 4910  
one violation of division (A) or (B) of section 4511.19 of the 4911  
Revised Code or one other equivalent offense. 4912

(c) If, within six years of the date the test was conducted, 4913  
the person has been convicted of or pleaded guilty to two 4914  
violations of a statute or ordinance described in division 4915  
(C)(1)(b) of this section, the suspension shall be a class B 4916  
suspension imposed for the period of time specified in division 4917  
(B)(2) of section 4510.02 of the Revised Code. 4918

(d) If, within six years of the date the test was conducted, 4919  
the person has been convicted of or pleaded guilty to more than 4920  
two violations of a statute or ordinance described in division 4921  
(C)(1)(b) of this section, the suspension shall be a class A 4922  
suspension imposed for the period of time specified in division 4923  
(B)(1) of section 4510.02 of the Revised Code. 4924

(2) The registrar shall terminate a suspension of the 4925  
driver's or commercial driver's license or permit of a resident or 4926  
of the operating privilege of a nonresident, or a denial of a 4927  
driver's or commercial driver's license or permit, imposed 4928  
pursuant to division (C)(1) of this section upon receipt of notice 4929  
that the person has entered a plea of guilty to, or that the 4930  
person has been convicted after entering a plea of no contest to, 4931  
operating a vehicle in violation of section 4511.19 of the Revised 4932  
Code or in violation of a municipal OVI ordinance, if the offense 4933  
for which the conviction is had or the plea is entered arose from 4934  
the same incident that led to the suspension or denial. 4935

The registrar shall credit against any judicial suspension of 4936  
a person's driver's or commercial driver's license or permit or 4937  
nonresident operating privilege imposed pursuant to section 4938  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4939  
Revised Code for a violation of a municipal OVI ordinance, any 4940  
time during which the person serves a related suspension imposed 4941  
pursuant to division (C)(1) of this section. 4942

(D)(1) A suspension of a person's driver's or commercial 4943  
driver's license or permit or nonresident operating privilege 4944  
under this section for the time described in division (B) or (C) 4945  
of this section is effective immediately from the time at which 4946  
the arresting officer serves the notice of suspension upon the 4947  
arrested person. Any subsequent finding that the person is not 4948  
guilty of the charge that resulted in the person being requested 4949  
to take the chemical test or tests under division (A) of this 4950  
section does not affect the suspension. 4951

(2) If a person is arrested for operating a vehicle, 4952  
streetcar, or trackless trolley in violation of division (A) or 4953  
(B) of section 4511.19 of the Revised Code or a municipal OVI 4954  
ordinance, or for being in physical control of a vehicle, 4955  
streetcar, or trackless trolley in violation of section 4511.194 4956

of the Revised Code or a substantially equivalent municipal 4957  
ordinance, regardless of whether the person's driver's or 4958  
commercial driver's license or permit or nonresident operating 4959  
privilege is or is not suspended under division (B) or (C) of this 4960  
section or Chapter 4510. of the Revised Code, the person's initial 4961  
appearance on the charge resulting from the arrest shall be held 4962  
within five days of the person's arrest or the issuance of the 4963  
citation to the person, subject to any continuance granted by the 4964  
court pursuant to section 4511.197 of the Revised Code regarding 4965  
the issues specified in that division. 4966

(E) When it finally has been determined under the procedures 4967  
of this section and sections 4511.192 to 4511.197 of the Revised 4968  
Code that a nonresident's privilege to operate a vehicle within 4969  
this state has been suspended, the registrar shall give 4970  
information in writing of the action taken to the motor vehicle 4971  
administrator of the state of the person's residence and of any 4972  
state in which the person has a license. 4973

(F) At the end of a suspension period under this section, 4974  
under section 4511.194, section 4511.196, or division (G) of 4975  
section 4511.19 of the Revised Code, or under section 4510.07 of 4976  
the Revised Code for a violation of a municipal OVI ordinance and 4977  
upon the request of the person whose driver's or commercial 4978  
driver's license or permit was suspended and who is not otherwise 4979  
subject to suspension, cancellation, or disqualification, the 4980  
registrar shall return the driver's or commercial driver's license 4981  
or permit to the person upon the occurrence of all of the 4982  
conditions specified in divisions (F)(1) and (2) of this section: 4983

(1) A showing that the person has proof of financial 4984  
responsibility, a policy of liability insurance in effect that 4985  
meets the minimum standards set forth in section 4509.51 of the 4986  
Revised Code, or proof, to the satisfaction of the registrar, that 4987  
the person is able to respond in damages in an amount at least 4988



equal to the minimum amounts specified in section 4509.51 of the Revised Code. 4989  
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(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the ~~bureau~~ registrar of motor vehicles or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows: 4991  
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(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code. 4996  
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(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code. 5007  
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(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is 5009  
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ordered to attend an alcohol and drug addiction treatment program 5021  
by a county, juvenile, or municipal court judge and who is 5022  
determined by the county, juvenile, or municipal court judge not 5023  
to have the means to pay for the person's attendance at the 5024  
program or to pay the costs specified in division (H)(4) of this 5025  
section in accordance with that division. In addition, a county, 5026  
juvenile, or municipal court judge may use moneys in the county 5027  
indigent drivers alcohol treatment fund, county juvenile indigent 5028  
drivers alcohol treatment fund, or municipal indigent drivers 5029  
alcohol treatment fund to pay for the cost of the continued use of 5030  
an alcohol monitoring device as described in divisions (H)(3) and 5031  
(4) of this section. Moneys in the fund that are not distributed 5032  
to a county indigent drivers alcohol treatment fund, a county 5033  
juvenile indigent drivers alcohol treatment fund, or a municipal 5034  
indigent drivers alcohol treatment fund under division (H) of this 5035  
section because the director of alcohol and drug addiction 5036  
services does not have the information necessary to identify the 5037  
county or municipal corporation where the offender or juvenile 5038  
offender was arrested may be transferred by the director of budget 5039  
and management to the statewide treatment and prevention fund 5040  
created by section 4301.30 of the Revised Code, upon certification 5041  
of the amount by the director of alcohol and drug addiction 5042  
services. 5043

(d) Seventy-five dollars shall be credited to the Ohio 5044  
rehabilitation services commission established by section 3304.12 5045  
of the Revised Code, to the services for rehabilitation fund, 5046  
which is hereby established. The fund shall be used to match 5047  
available federal matching funds where appropriate, and for any 5048  
other purpose or program of the commission to rehabilitate people 5049  
with disabilities to help them become employed and independent. 5050

(e) Seventy-five dollars shall be deposited into the state 5051  
treasury and credited to the drug abuse resistance education 5052

programs fund, which is hereby established, to be used by the 5053  
attorney general for the purposes specified in division (F)(4) of 5054  
this section. 5055

(f) Thirty dollars shall be credited to the state bureau of 5056  
motor vehicles fund created by section 4501.25 of the Revised 5057  
Code. 5058

(g) Twenty dollars shall be credited to the trauma and 5059  
emergency medical services grants fund created by section 4513.263 5060  
of the Revised Code. 5061

(h) Fifty dollars shall be credited to the indigent drivers 5062  
interlock and alcohol monitoring fund, which is hereby established 5063  
in the state treasury. Monies in the fund shall be distributed by 5064  
the department of public safety to the county indigent drivers 5065  
interlock and alcohol monitoring funds, the county juvenile 5066  
indigent drivers interlock and alcohol monitoring funds, and the 5067  
municipal indigent drivers interlock and alcohol monitoring funds 5068  
that are required to be established by counties and municipal 5069  
corporations pursuant to this section, and shall be used only to 5070  
pay the cost of an immobilizing or disabling device, including a 5071  
certified ignition interlock device, or an alcohol monitoring 5072  
device used by an offender or juvenile offender who is ordered to 5073  
use the device by a county, juvenile, or municipal court judge and 5074  
who is determined by the county, juvenile, or municipal court 5075  
judge not to have the means to pay for the person's use of the 5076  
device. 5077

(3) If a person's driver's or commercial driver's license or 5078  
permit is suspended under this section, under section 4511.196 or 5079  
division (G) of section 4511.19 of the Revised Code, under section 5080  
4510.07 of the Revised Code for a violation of a municipal OVI 5081  
ordinance or under any combination of the suspensions described in 5082  
division (F)(3) of this section, and if the suspensions arise from 5083  
a single incident or a single set of facts and circumstances, the 5084

person is liable for payment of, and shall be required to pay to 5085  
the ~~bureau registrar~~ or an eligible deputy registrar, only one 5086  
reinstatement fee of four hundred seventy-five dollars. The 5087  
reinstatement fee shall be distributed by the bureau in accordance 5088  
with division (F)(2) of this section. 5089

(4) The attorney general shall use amounts in the drug abuse 5090  
resistance education programs fund to award grants to law 5091  
enforcement agencies to establish and implement drug abuse 5092  
resistance education programs in public schools. Grants awarded to 5093  
a law enforcement agency under this section shall be used by the 5094  
agency to pay for not more than fifty per cent of the amount of 5095  
the salaries of law enforcement officers who conduct drug abuse 5096  
resistance education programs in public schools. The attorney 5097  
general shall not use more than six per cent of the amounts the 5098  
attorney general's office receives under division (F)(2)(e) of 5099  
this section to pay the costs it incurs in administering the grant 5100  
program established by division (F)(2)(e) of this section and in 5101  
providing training and materials relating to drug abuse resistance 5102  
education programs. 5103

The attorney general shall report to the governor and the 5104  
general assembly each fiscal year on the progress made in 5105  
establishing and implementing drug abuse resistance education 5106  
programs. These reports shall include an evaluation of the 5107  
effectiveness of these programs. 5108

(5) In addition to the reinstatement fee under this section, 5109  
if the person pays the reinstatement fee to a deputy registrar, 5110  
the deputy registrar shall collect a service fee of ten dollars to 5111  
compensate the deputy registrar for services performed under this 5112  
section. The deputy registrar shall retain eight dollars of the 5113  
service fee and shall transmit the reinstatement fee, plus two 5114  
dollars of the service fee, to the registrar in the manner the 5115  
registrar shall determine. 5116

(G) Suspension of a commercial driver's license under 5117  
division (B) or (C) of this section shall be concurrent with any 5118  
period of disqualification under section 3123.611 or 4506.16 of 5119  
the Revised Code or any period of suspension under section 3123.58 5120  
of the Revised Code. No person who is disqualified for life from 5121  
holding a commercial driver's license under section 4506.16 of the 5122  
Revised Code shall be issued a driver's license under Chapter 5123  
4507. of the Revised Code during the period for which the 5124  
commercial driver's license was suspended under division (B) or 5125  
(C) of this section. No person whose commercial driver's license 5126  
is suspended under division (B) or (C) of this section shall be 5127  
issued a driver's license under Chapter 4507. of the Revised Code 5128  
during the period of the suspension. 5129

(H)(1) Each county shall establish an indigent drivers 5130  
alcohol treatment fund, each county shall establish a juvenile 5131  
indigent drivers alcohol treatment fund, and each municipal 5132  
corporation in which there is a municipal court shall establish an 5133  
indigent drivers alcohol treatment fund. All revenue that the 5134  
general assembly appropriates to the indigent drivers alcohol 5135  
treatment fund for transfer to a county indigent drivers alcohol 5136  
treatment fund, a county juvenile indigent drivers alcohol 5137  
treatment fund, or a municipal indigent drivers alcohol treatment 5138  
fund, all portions of fees that are paid under division (F) of 5139  
this section and that are credited under that division to the 5140  
indigent drivers alcohol treatment fund in the state treasury for 5141  
a county indigent drivers alcohol treatment fund, a county 5142  
juvenile indigent drivers alcohol treatment fund, or a municipal 5143  
indigent drivers alcohol treatment fund, all portions of 5144  
additional costs imposed under section 2949.094 of the Revised 5145  
Code that are specified for deposit into a county, county 5146  
juvenile, or municipal indigent drivers alcohol treatment fund by 5147  
that section, and all portions of fines that are specified for 5148  
deposit into a county or municipal indigent drivers alcohol 5149

treatment fund by section 4511.193 of the Revised Code shall be 5150  
deposited into that county indigent drivers alcohol treatment 5151  
fund, county juvenile indigent drivers alcohol treatment fund, or 5152  
municipal indigent drivers alcohol treatment fund. The portions of 5153  
the fees paid under division (F) of this section that are to be so 5154  
deposited shall be determined in accordance with division (H)(2) 5155  
of this section. Additionally, all portions of fines that are paid 5156  
for a violation of section 4511.19 of the Revised Code or of any 5157  
prohibition contained in Chapter 4510. of the Revised Code, and 5158  
that are required under section 4511.19 or any provision of 5159  
Chapter 4510. of the Revised Code to be deposited into a county 5160  
indigent drivers alcohol treatment fund or municipal indigent 5161  
drivers alcohol treatment fund shall be deposited into the 5162  
appropriate fund in accordance with the applicable division of the 5163  
section or provision. 5164

(2) That portion of the license reinstatement fee that is 5165  
paid under division (F) of this section and that is credited under 5166  
that division to the indigent drivers alcohol treatment fund shall 5167  
be deposited into a county indigent drivers alcohol treatment 5168  
fund, a county juvenile indigent drivers alcohol treatment fund, 5169  
or a municipal indigent drivers alcohol treatment fund as follows: 5170

(a) Regarding a suspension imposed under this section, that 5171  
portion of the fee shall be deposited as follows: 5172

(i) If the fee is paid by a person who was charged in a 5173  
county court with the violation that resulted in the suspension or 5174  
in the imposition of the court costs, the portion shall be 5175  
deposited into the county indigent drivers alcohol treatment fund 5176  
under the control of that court; 5177

(ii) If the fee is paid by a person who was charged in a 5178  
juvenile court with the violation that resulted in the suspension 5179  
or in the imposition of the court costs, the portion shall be 5180  
deposited into the county juvenile indigent drivers alcohol 5181

treatment fund established in the county served by the court; 5182

(iii) If the fee is paid by a person who was charged in a 5183  
municipal court with the violation that resulted in the suspension 5184  
or in the imposition of the court costs, the portion shall be 5185  
deposited into the municipal indigent drivers alcohol treatment 5186  
fund under the control of that court. 5187

(b) Regarding a suspension imposed under section 4511.19 of 5188  
the Revised Code or under section 4510.07 of the Revised Code for 5189  
a violation of a municipal OVI ordinance, that portion of the fee 5190  
shall be deposited as follows: 5191

(i) If the fee is paid by a person whose license or permit 5192  
was suspended by a county court, the portion shall be deposited 5193  
into the county indigent drivers alcohol treatment fund under the 5194  
control of that court; 5195

(ii) If the fee is paid by a person whose license or permit 5196  
was suspended by a municipal court, the portion shall be deposited 5197  
into the municipal indigent drivers alcohol treatment fund under 5198  
the control of that court. 5199

(3) Expenditures from a county indigent drivers alcohol 5200  
treatment fund, a county juvenile indigent drivers alcohol 5201  
treatment fund, or a municipal indigent drivers alcohol treatment 5202  
fund shall be made only upon the order of a county, juvenile, or 5203  
municipal court judge and only for payment of the cost of an 5204  
assessment or the cost of the attendance at an alcohol and drug 5205  
addiction treatment program of a person who is convicted of, or 5206  
found to be a juvenile traffic offender by reason of, a violation 5207  
of division (A) of section 4511.19 of the Revised Code or a 5208  
substantially similar municipal ordinance, who is ordered by the 5209  
court to attend the alcohol and drug addiction treatment program, 5210  
and who is determined by the court to be unable to pay the cost of 5211  
the assessment or the cost of attendance at the treatment program 5212

or for payment of the costs specified in division (H)(4) of this 5213  
section in accordance with that division. The alcohol and drug 5214  
addiction services board or the board of alcohol, drug addiction, 5215  
and mental health services established pursuant to section 340.02 5216  
or 340.021 of the Revised Code and serving the alcohol, drug 5217  
addiction, and mental health service district in which the court 5218  
is located shall administer the indigent drivers alcohol treatment 5219  
program of the court. When a court orders an offender or juvenile 5220  
traffic offender to obtain an assessment or attend an alcohol and 5221  
drug addiction treatment program, the board shall determine which 5222  
program is suitable to meet the needs of the offender or juvenile 5223  
traffic offender, and when a suitable program is located and space 5224  
is available at the program, the offender or juvenile traffic 5225  
offender shall attend the program designated by the board. A 5226  
reasonable amount not to exceed five per cent of the amounts 5227  
credited to and deposited into the county indigent drivers alcohol 5228  
treatment fund, the county juvenile indigent drivers alcohol 5229  
treatment fund, or the municipal indigent drivers alcohol 5230  
treatment fund serving every court whose program is administered 5231  
by that board shall be paid to the board to cover the costs it 5232  
incurs in administering those indigent drivers alcohol treatment 5233  
programs. 5234

In addition, upon exhaustion of moneys in the indigent 5235  
drivers interlock and alcohol monitoring fund for the use of an 5236  
alcohol monitoring device, a county, juvenile, or municipal court 5237  
judge may use moneys in the county indigent drivers alcohol 5238  
treatment fund, county juvenile indigent drivers alcohol treatment 5239  
fund, or municipal indigent drivers alcohol treatment fund in the 5240  
following manners: 5241

(a) If the source of the moneys was an appropriation of the 5242  
general assembly, a portion of a fee that was paid under division 5243  
(F) of this section, a portion of a fine that was specified for 5244



deposit into the fund by section 4511.193 of the Revised Code, or 5245  
a portion of a fine that was paid for a violation of section 5246  
4511.19 of the Revised Code or of a provision contained in Chapter 5247  
4510. of the Revised Code that was required to be deposited into 5248  
the fund, to pay for the continued use of an alcohol monitoring 5249  
device by an offender or juvenile traffic offender, in conjunction 5250  
with a treatment program approved by the department of alcohol and 5251  
drug addiction services, when such use is determined clinically 5252  
necessary by the treatment program and when the court determines 5253  
that the offender or juvenile traffic offender is unable to pay 5254  
all or part of the daily monitoring or cost of the device; 5255

(b) If the source of the moneys was a portion of an 5256  
additional court cost imposed under section 2949.094 of the 5257  
Revised Code, to pay for the continued use of an alcohol 5258  
monitoring device by an offender or juvenile traffic offender when 5259  
the court determines that the offender or juvenile traffic 5260  
offender is unable to pay all or part of the daily monitoring or 5261  
cost of the device. The moneys may be used for a device as 5262  
described in this division if the use of the device is in 5263  
conjunction with a treatment program approved by the department of 5264  
alcohol and drug addiction services, when the use of the device is 5265  
determined clinically necessary by the treatment program, but the 5266  
use of a device is not required to be in conjunction with a 5267  
treatment program approved by the department in order for the 5268  
moneys to be used for the device as described in this division. 5269

(4) If a county, juvenile, or municipal court determines, in 5270  
consultation with the alcohol and drug addiction services board or 5271  
the board of alcohol, drug addiction, and mental health services 5272  
established pursuant to section 340.02 or 340.021 of the Revised 5273  
Code and serving the alcohol, drug addiction, and mental health 5274  
district in which the court is located, that the funds in the 5275  
county indigent drivers alcohol treatment fund, the county 5276

juvenile indigent drivers alcohol treatment fund, or the municipal 5277  
indigent drivers alcohol treatment fund under the control of the 5278  
court are more than sufficient to satisfy the purpose for which 5279  
the fund was established, as specified in divisions (H)(1) to (3) 5280  
of this section, the court may declare a surplus in the fund. If 5281  
the court declares a surplus in the fund, the court may expend the 5282  
amount of the surplus in the fund for: 5283

(a) Alcohol and drug abuse assessment and treatment of 5284  
persons who are charged in the court with committing a criminal 5285  
offense or with being a delinquent child or juvenile traffic 5286  
offender and in relation to whom both of the following apply: 5287

(i) The court determines that substance abuse was a 5288  
contributing factor leading to the criminal or delinquent activity 5289  
or the juvenile traffic offense with which the person is charged. 5290

(ii) The court determines that the person is unable to pay 5291  
the cost of the alcohol and drug abuse assessment and treatment 5292  
for which the surplus money will be used. 5293

(b) All or part of the cost of purchasing alcohol monitoring 5294  
devices to be used in conjunction with division (H)(3) of this 5295  
section, upon exhaustion of moneys in the indigent drivers 5296  
interlock and alcohol monitoring fund for the use of an alcohol 5297  
monitoring device. 5298

(5) For the purpose of determining as described in division 5299  
(F)(2)(c) of this section whether an offender does not have the 5300  
means to pay for the offender's attendance at an alcohol and drug 5301  
addiction treatment program or whether an alleged offender or 5302  
delinquent child is unable to pay the costs specified in division 5303  
(H)(4) of this section, the court shall use the indigent client 5304  
eligibility guidelines and the standards of indigency established 5305  
by the state public defender to make the determination. 5306

(6) The court shall identify and refer any alcohol and drug 5307

addiction program that is not certified under section 3793.06 of 5308  
the Revised Code and that is interested in receiving amounts from 5309  
the surplus in the fund declared under division (H)(4) of this 5310  
section to the department of alcohol and drug addiction services 5311  
in order for the program to become a certified alcohol and drug 5312  
addiction program. The department shall keep a record of applicant 5313  
referrals received pursuant to this division and shall submit a 5314  
report on the referrals each year to the general assembly. If a 5315  
program interested in becoming certified makes an application to 5316  
become certified pursuant to section 3793.06 of the Revised Code, 5317  
the program is eligible to receive surplus funds as long as the 5318  
application is pending with the department. The department of 5319  
alcohol and drug addiction services must offer technical 5320  
assistance to the applicant. If the interested program withdraws 5321  
the certification application, the department must notify the 5322  
court, and the court shall not provide the interested program with 5323  
any further surplus funds. 5324

(7)(a) Each alcohol and drug addiction services board and 5325  
board of alcohol, drug addiction, and mental health services 5326  
established pursuant to section 340.02 or 340.021 of the Revised 5327  
Code shall submit to the department of alcohol and drug addiction 5328  
services an annual report for each indigent drivers alcohol 5329  
treatment fund in that board's area. 5330

(b) The report, which shall be submitted not later than sixty 5331  
days after the end of the state fiscal year, shall provide the 5332  
total payment that was made from the fund, including the number of 5333  
indigent consumers that received treatment services and the number 5334  
of indigent consumers that received an alcohol monitoring device. 5335  
The report shall identify the treatment program and expenditure 5336  
for an alcohol monitoring device for which that payment was made. 5337  
The report shall include the fiscal year balance of each indigent 5338  
drivers alcohol treatment fund located in that board's area. In 5339

the event that a surplus is declared in the fund pursuant to 5340  
division (H)(4) of this section, the report also shall provide the 5341  
total payment that was made from the surplus moneys and identify 5342  
the treatment program and expenditure for an alcohol monitoring 5343  
device for which that payment was made. The department may require 5344  
additional information necessary to complete the comprehensive 5345  
statewide alcohol and drug addiction services plan as required by 5346  
section 3793.04 of the Revised Code. 5347

(c) If a board is unable to obtain adequate information to 5348  
develop the report to submit to the department for a particular 5349  
indigent drivers alcohol treatment fund, the board shall submit a 5350  
report detailing the effort made in obtaining the information. 5351

(I)(1) Each county shall establish an indigent drivers 5352  
interlock and alcohol monitoring fund and a juvenile indigent 5353  
drivers interlock and alcohol treatment fund, and each municipal 5354  
corporation in which there is a municipal court shall establish an 5355  
indigent drivers interlock and alcohol monitoring fund. All 5356  
revenue that the general assembly appropriates to the indigent 5357  
drivers interlock and alcohol monitoring fund for transfer to a 5358  
county indigent drivers interlock and alcohol monitoring fund, a 5359  
county juvenile indigent drivers interlock and alcohol monitoring 5360  
fund, or a municipal indigent drivers interlock and alcohol 5361  
monitoring fund, all portions of license reinstatement fees that 5362  
are paid under division (F)(2) of this section and that are 5363  
credited under that division to the indigent drivers interlock and 5364  
alcohol monitoring fund in the state treasury, and all portions of 5365  
fines that are paid under division (G) of section 4511.19 of the 5366  
Revised Code and that are credited by division (G)(5)(e) of that 5367  
section to the indigent drivers interlock and alcohol monitoring 5368  
fund in the state treasury shall be deposited in the appropriate 5369  
fund in accordance with division (I)(2) of this section. 5370

(2) That portion of the license reinstatement fee that is 5371

paid under division (F) of this section and that portion of the 5372  
fine paid under division (G) of section 4511.19 of the Revised 5373  
Code and that is credited under either division to the indigent 5374  
drivers interlock and alcohol monitoring fund shall be deposited 5375  
into a county indigent drivers interlock and alcohol monitoring 5376  
fund, a county juvenile indigent drivers interlock and alcohol 5377  
monitoring fund, or a municipal indigent drivers interlock and 5378  
alcohol monitoring fund as follows: 5379

(a) If the fee or fine is paid by a person who was charged in 5380  
a county court with the violation that resulted in the suspension 5381  
or fine, the portion shall be deposited into the county indigent 5382  
drivers interlock and alcohol monitoring fund under the control of 5383  
that court. 5384

(b) If the fee or fine is paid by a person who was charged in 5385  
a juvenile court with the violation that resulted in the 5386  
suspension or fine, the portion shall be deposited into the county 5387  
juvenile indigent drivers interlock and alcohol monitoring fund 5388  
established in the county served by the court. 5389

(c) If the fee or fine is paid by a person who was charged in 5390  
a municipal court with the violation that resulted in the 5391  
suspension, the portion shall be deposited into the municipal 5392  
indigent drivers interlock and alcohol monitoring fund under the 5393  
control of that court. 5394

**Sec. 4511.53.** (A) For purposes of this section, "snowmobile" 5395  
has the same meaning as given that term in section 4519.01 of the 5396  
Revised Code. 5397

(B) No person operating a bicycle shall ride other than upon 5398  
or astride the permanent and regular seat attached thereto or 5399  
carry any other person upon such bicycle other than upon a firmly 5400  
attached and regular seat thereon, and no person shall ride upon a 5401  
bicycle other than upon such a firmly attached and regular seat. 5402

No person operating a motorcycle shall ride other than upon 5403  
or astride the permanent and regular seat or saddle attached 5404  
thereto, or carry any other person upon such motorcycle other than 5405  
upon a firmly attached and regular seat or saddle thereon, and no 5406  
person shall ride upon a motorcycle other than upon such a firmly 5407  
attached and regular seat or saddle. 5408

No person shall ride upon a motorcycle that is equipped with 5409  
a saddle other than while sitting astride the saddle, facing 5410  
forward, with one leg on each side of the motorcycle. 5411

No person shall ride upon a motorcycle that is equipped with 5412  
a seat other than while sitting upon the seat. 5413

No person operating a bicycle shall carry any package, 5414  
bundle, or article that prevents the driver from keeping at least 5415  
one hand upon the handle bars. 5416

No bicycle or motorcycle shall be used to carry more persons 5417  
at one time than the number for which it is designed and equipped, 5418  
nor shall any motorcycle be operated on a highway when the handle 5419  
bars or grips are more than fifteen inches higher than the seat or 5420  
saddle for the operator. 5421

No person shall operate or be a passenger on a snowmobile or 5422  
motorcycle without using safety glasses or other protective eye 5423  
device. No person who is under the age of eighteen years, or who 5424  
holds a motorcycle operator's endorsement or license bearing a 5425  
"novice" designation that is currently in effect as provided in 5426  
section 4507.13 of the Revised Code, shall operate a motorcycle on 5427  
a highway, or be a passenger on a motorcycle, unless wearing a 5428  
protective helmet on the person's head, and no other person shall 5429  
be a passenger on a motorcycle operated by such a person unless 5430  
similarly wearing a protective helmet. The helmet, safety glasses, 5431  
or other protective eye device shall conform with ~~regulations~~ 5432  
~~prescribed and promulgated~~ rules adopted by the director of public 5433

safety. The provisions of this paragraph or a violation thereof 5434  
shall not be used in the trial of any civil action. 5435

(C)(1) No person shall operate a motorcycle with a valid 5436  
temporary instruction permit and temporary instruction permit 5437  
identification card issued by the registrar of motor vehicles 5438  
pursuant to section 4507.05 of the Revised Code unless the person, 5439  
at the time of such operation, is wearing on the person's head a 5440  
protective helmet that conforms with rules adopted by the 5441  
director. 5442

(2) No person shall operate a motorcycle with a valid 5443  
temporary instruction permit and temporary instruction permit 5444  
identification card issued by the registrar pursuant to section 5445  
4507.05 of the Revised Code in any of the following circumstances: 5446

(a) At any time when lighted lights are required by division 5447  
(A)(1) of section 4513.03 of the Revised Code; 5448

(b) While carrying a passenger; 5449

(c) On any limited access highway. 5450

(D) Nothing in this section shall be construed as prohibiting 5451  
the carrying of a child in a seat or trailer that is designed for 5452  
carrying children and is firmly attached to the bicycle. 5453

~~(D)~~(E) Except as otherwise provided in this division, whoever 5454  
violates this section is guilty of a minor misdemeanor. If, within 5455  
one year of the offense, the offender previously has been 5456  
convicted of or pleaded guilty to one predicate motor vehicle or 5457  
traffic offense, whoever violates this section is guilty of a 5458  
misdemeanor of the fourth degree. If, within one year of the 5459  
offense, the offender previously has been convicted of two or more 5460  
predicate motor vehicle or traffic offenses, whoever violates this 5461  
section is guilty of a misdemeanor of the third degree. 5462

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a 5463

roadway where there is an adjacent curb shall be stopped or parked 5464  
with the right-hand wheels of the vehicle parallel with and not 5465  
more than twelve inches from the right-hand curb, unless it is 5466  
impossible to approach so close to the curb; in such case the stop 5467  
shall be made as close to the curb as possible and only for the 5468  
time necessary to discharge and receive passengers or to load or 5469  
unload merchandise. Local authorities by ordinance may permit 5470  
angle parking on any roadway under their jurisdiction, except that 5471  
angle parking shall not be permitted on a state route within a 5472  
municipal corporation unless an unoccupied roadway width of not 5473  
less than twenty-five feet is available for free-moving traffic. 5474

(B) Local authorities by ordinance may permit parking of 5475  
vehicles with the left-hand wheels adjacent to and within twelve 5476  
inches of the left-hand curb of a one-way roadway. 5477

(C) ~~No~~ (1) Except as provided in division (C)(2) of this 5478  
section, no vehicle or trackless trolley shall be stopped or 5479  
parked on a road or highway with the vehicle or trackless trolley 5480  
facing in a direction other than the direction of travel on that 5481  
side of the road or highway. 5482

(2) The operator of a motorcycle may back the motorcycle into 5483  
an angled parking space so that when the motorcycle is parked it 5484  
is facing in a direction other than the direction of travel on the 5485  
side of the road or highway. 5486

(D) Notwithstanding any statute or any rule, resolution, or 5487  
ordinance adopted by any local authority, air compressors, 5488  
tractors, trucks, and other equipment, while being used in the 5489  
construction, reconstruction, installation, repair, or removal of 5490  
facilities near, on, over, or under a street or highway, may stop, 5491  
stand, or park where necessary in order to perform such work, 5492  
provided a flagperson is on duty or warning signs or lights are 5493  
displayed as may be prescribed by the director of transportation. 5494



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

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

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

(b) The motor vehicle is being operated by or for the

transport of a handicapped person and is displaying a parking card 5527  
or special handicapped license plates. 5528

(2) Any motor vehicle that is parked in a special marked 5529  
parking location in violation of division (F)(1)(a) or (b) of this 5530  
section may be towed or otherwise removed from the parking 5531  
location by the law enforcement agency of the political 5532  
subdivision in which the parking location is located. A motor 5533  
vehicle that is so towed or removed shall not be released to its 5534  
owner until the owner presents proof of ownership of the motor 5535  
vehicle and pays all towing and storage fees normally imposed by 5536  
that political subdivision for towing and storing motor vehicles. 5537  
If the motor vehicle is a leased vehicle, it shall not be released 5538  
to the lessee until the lessee presents proof that that person is 5539  
the lessee of the motor vehicle and pays all towing and storage 5540  
fees normally imposed by that political subdivision for towing and 5541  
storing motor vehicles. 5542

(3) If a person is charged with a violation of division 5543  
(F)(1)(a) or (b) of this section, it is an affirmative defense to 5544  
the charge that the person suffered an injury not more than 5545  
seventy-two hours prior to the time the person was issued the 5546  
ticket or citation and that, because of the injury, the person 5547  
meets at least one of the criteria contained in division (A)(1) of 5548  
section 4503.44 of the Revised Code. 5549

(G) When a motor vehicle is being operated by or for the 5550  
transport of a person with a disability that limits or impairs the 5551  
ability to walk and is displaying a removable windshield placard 5552  
or a temporary removable windshield placard or special license 5553  
plates, or when a motor vehicle is being operated by or for the 5554  
transport of a handicapped person and is displaying a parking card 5555  
or special handicapped license plates, the motor vehicle is 5556  
permitted to park for a period of two hours in excess of the legal 5557  
parking period permitted by local authorities, except where local 5558

ordinances or police rules provide otherwise or where the vehicle 5559  
is parked in such a manner as to be clearly a traffic hazard. 5560

(H) No owner of an office, facility, or parking garage where 5561  
special parking locations are required to be designated in 5562  
accordance with division (E) of this section shall fail to 5563  
properly mark the special parking locations in accordance with 5564  
that division or fail to maintain the markings of the special 5565  
locations, including the erection and maintenance of the fixed or 5566  
movable signs. 5567

(I) Nothing in this section shall be construed to require a 5568  
person or organization to apply for a removable windshield placard 5569  
or special license plates if the parking card or special license 5570  
plates issued to the person or organization under prior law have 5571  
not expired or been surrendered or revoked. 5572

(J)(1) Whoever violates division (A) or (C) of this section 5573  
is guilty of a minor misdemeanor. 5574

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 5575  
section is guilty of a misdemeanor and shall be punished as 5576  
provided in division (J)(2)(a) and (b) of this section. Except as 5577  
otherwise provided in division (J)(2)(a) of this section, an 5578  
offender who violates division (F)(1)(a) or (b) of this section 5579  
shall be fined not less than two hundred fifty nor more than five 5580  
hundred dollars. An offender who violates division (F)(1)(a) or 5581  
(b) of this section shall be fined not more than one hundred 5582  
dollars if the offender, prior to sentencing, proves either of the 5583  
following to the satisfaction of the court: 5584

(i) At the time of the violation of division (F)(1)(a) of 5585  
this section, the offender or the person for whose transport the 5586  
motor vehicle was being operated had been issued a removable 5587  
windshield placard that then was valid or special license plates 5588  
that then were valid but the offender or the person neglected to 5589

display the placard or license plates as described in division 5590  
(F)(1)(a) of this section. 5591

(ii) At the time of the violation of division (F)(1)(b) of 5592  
this section, the offender or the person for whose transport the 5593  
motor vehicle was being operated had been issued a parking card 5594  
that then was valid or special handicapped license plates that 5595  
then were valid but the offender or the person neglected to 5596  
display the card or license plates as described in division 5597  
(F)(1)(b) of this section. 5598

(b) In no case shall an offender who violates division 5599  
(F)(1)(a) or (b) of this section be sentenced to any term of 5600  
imprisonment. 5601

An arrest or conviction for a violation of division (F)(1)(a) 5602  
or (b) of this section does not constitute a criminal record and 5603  
need not be reported by the person so arrested or convicted in 5604  
response to any inquiries contained in any application for 5605  
employment, license, or other right or privilege, or made in 5606  
connection with the person's appearance as a witness. 5607

The clerk of the court shall pay every fine collected under 5608  
division (J)(2) of this section to the political subdivision in 5609  
which the violation occurred. Except as provided in division 5610  
(J)(2) of this section, the political subdivision shall use the 5611  
fine moneys it receives under division (J)(2) of this section to 5612  
pay the expenses it incurs in complying with the signage and 5613  
notice requirements contained in division (E) of this section. The 5614  
political subdivision may use up to fifty per cent of each fine it 5615  
receives under division (J)(2) of this section to pay the costs of 5616  
educational, advocacy, support, and assistive technology programs 5617  
for persons with disabilities, and for public improvements within 5618  
the political subdivision that benefit or assist persons with 5619  
disabilities, if governmental agencies or nonprofit organizations 5620  
offer the programs. 5621

(3) Whoever violates division (H) of this section shall be 5622  
punished as follows: 5623

(a) Except as otherwise provided in division (J)(3) of this 5624  
section, the offender shall be issued a warning. 5625

(b) If the offender previously has been convicted of or 5626  
pleaded guilty to a violation of division (H) of this section or 5627  
of a municipal ordinance that is substantially similar to that 5628  
division, the offender shall not be issued a warning but shall be 5629  
fined not more than twenty-five dollars for each parking location 5630  
that is not properly marked or whose markings are not properly 5631  
maintained. 5632

(K) As used in this section: 5633

(1) "Handicapped person" means any person who has lost the 5634  
use of one or both legs or one or both arms, who is blind, deaf, 5635  
or so severely handicapped as to be unable to move without the aid 5636  
of crutches or a wheelchair, or whose mobility is restricted by a 5637  
permanent cardiovascular, pulmonary, or other handicapping 5638  
condition. 5639

(2) "Person with a disability that limits or impairs the 5640  
ability to walk" has the same meaning as in section 4503.44 of the 5641  
Revised Code. 5642

(3) "Special license plates" and "removable windshield 5643  
placard" mean any license plates or removable windshield placard 5644  
or temporary removable windshield placard issued under section 5645  
4503.41 or 4503.44 of the Revised Code, and also mean any 5646  
substantially similar license plates or removable windshield 5647  
placard or temporary removable windshield placard issued by a 5648  
state, district, country, or sovereignty. 5649

**Sec. 4513.24.** (A) No person shall drive any motor vehicle on 5650  
a street or highway in this state, other than a motorcycle or 5651

motorized bicycle, that is not equipped with a windshield. 5652

(B)(1) No person shall drive any motor vehicle, other than a 5653  
bus, with any sign, poster, or other nontransparent material upon 5654  
the front windshield, sidewings, side, or rear windows of such 5655  
vehicle other than a certificate or other paper required to be 5656  
displayed by law, except that there may be in the lower left-hand 5657  
or right-hand corner of the windshield a sign, poster, or decal 5658  
not to exceed four inches in height by six inches in width. No 5659  
sign, poster, or decal shall be displayed in the front windshield 5660  
in such a manner as to conceal the vehicle identification number 5661  
for the motor vehicle when, in accordance with federal law, that 5662  
number is located inside the vehicle passenger compartment and so 5663  
placed as to be readable through the vehicle glazing without 5664  
moving any part of the vehicle. 5665

(2) Division (B)(1) of this section does not apply to a 5666  
person who is driving a passenger car with an electronic device, 5667  
including an antenna, electronic tolling or other transponder, 5668  
camera, directional navigation device, or other similar electronic 5669  
device located in the front windshield if the device meets both of 5670  
the following: 5671

(a) It does not restrict the vehicle operator's sight lines 5672  
to the road and highway signs and signals. 5673

(b) It does not conceal the vehicle identification number. 5674

(3) Division (B)(1) of this section does not apply to a 5675  
person who is driving a commercial car with an electronic device, 5676  
including an antenna, electronic tolling or other transponder, 5677  
camera, directional navigation device, or other similar electronic 5678  
device located in the front windshield if the device meets both of 5679  
the following: 5680

(a) It does not restrict the vehicle operator's sight lines 5681

to the road and highway signs and signals. 5682

(b) It is mounted not more than six inches below the upper 5683  
edge of the windshield and is outside the area swept by the 5684  
vehicle's windshield wipers. 5685

(C) The windshield on every motor vehicle, streetcar, and 5686  
trackless trolley shall be equipped with a device for cleaning 5687  
rain, snow, or other moisture from the windshield. The device 5688  
shall be maintained in good working order and so constructed as to 5689  
be controlled or operated by the operator of the vehicle, 5690  
streetcar, or trackless trolley. 5691

(D) Whoever violates this section is guilty of a minor 5692  
misdemeanor. 5693

**Sec. 4513.263.** (A) As used in this section and in section 5694  
4513.99 of the Revised Code: 5695

(1) "Automobile" means any commercial tractor, passenger car, 5696  
commercial car, or truck that is required to be factory-equipped 5697  
with an occupant restraining device for the operator or any 5698  
passenger by regulations adopted by the United States secretary of 5699  
transportation pursuant to the "National Traffic and Motor Vehicle 5700  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 5701

(2) "Occupant restraining device" means a seat safety belt, 5702  
shoulder belt, harness, or other safety device for restraining a 5703  
person who is an operator of or passenger in an automobile and 5704  
that satisfies the minimum federal vehicle safety standards 5705  
established by the United States department of transportation. 5706

(3) "Passenger" means any person in an automobile, other than 5707  
its operator, who is occupying a seating position for which an 5708  
occupant restraining device is provided. 5709

(4) "Commercial tractor," "passenger car," and "commercial 5710  
car" have the same meanings as in section 4501.01 of the Revised 5711

Code. 5712

(5) "Vehicle" and "motor vehicle," as used in the definitions 5713  
of the terms set forth in division (A)(4) of this section, have 5714  
the same meanings as in section 4511.01 of the Revised Code. 5715

(6) "Tort action" means a civil action for damages for 5716  
injury, death, or loss to person or property. "Tort action" 5717  
includes a product liability claim, as defined in section 2307.71 5718  
of the Revised Code, and an asbestos claim, as defined in section 5719  
2307.91 of the Revised Code, but does not include a civil action 5720  
for damages for breach of contract or another agreement between 5721  
persons. 5722

(B) No person shall do any of the following: 5723

(1) Operate an automobile on any street or highway unless 5724  
that person is wearing all of the available elements of a properly 5725  
adjusted occupant restraining device, or operate a school bus that 5726  
has an occupant restraining device installed for use in its 5727  
operator's seat unless that person is wearing all of the available 5728  
elements of the device, as properly adjusted; 5729

(2) Operate an automobile on any street or highway unless 5730  
each passenger in the automobile who is subject to the requirement 5731  
set forth in division (B)(3) of this section is wearing all of the 5732  
available elements of a properly adjusted occupant restraining 5733  
device; 5734

(3) Occupy, as a passenger, a seating position on the front 5735  
seat of an automobile being operated on any street or highway 5736  
unless that person is wearing all of the available elements of a 5737  
properly adjusted occupant restraining device; 5738

(4) Operate a taxicab on any street or highway unless all 5739  
factory-equipped occupant restraining devices in the taxicab are 5740  
maintained in usable form. 5741



(C) Division (B)(3) of this section does not apply to a 5742  
person who is required by section 4511.81 of the Revised Code to 5743  
be secured in a child restraint device or booster seat. Division 5744  
(B)(1) of this section does not apply to a person who is an 5745  
employee of the United States postal service or of a newspaper 5746  
home delivery service, during any period in which the person is 5747  
engaged in the operation of an automobile to deliver mail or 5748  
newspapers to addressees. Divisions (B)(1) and (3) of this section 5749  
do not apply to a person who has an affidavit signed by a 5750  
physician licensed to practice in this state under Chapter 4731. 5751  
of the Revised Code or a chiropractor licensed to practice in this 5752  
state under Chapter 4734. of the Revised Code that states that the 5753  
person has a physical impairment that makes use of an occupant 5754  
restraining device impossible or impractical. 5755

(D) Notwithstanding any provision of law to the contrary, no 5756  
law enforcement officer shall cause an operator of an automobile 5757  
being operated on any street or highway to stop the automobile for 5758  
the sole purpose of determining whether a violation of division 5759  
(B) of this section has been or is being committed or for the sole 5760  
purpose of issuing a ticket, citation, or summons for a violation 5761  
of that nature or causing the arrest of or commencing a 5762  
prosecution of a person for a violation of that nature, and no law 5763  
enforcement officer shall view the interior or visually inspect 5764  
any automobile being operated on any street or highway for the 5765  
sole purpose of determining whether a violation of that nature has 5766  
been or is being committed. 5767

(E) All fines collected for violations of division (B) of 5768  
this section, or for violations of any ordinance or resolution of 5769  
a political subdivision that is substantively comparable to that 5770  
division, shall be forwarded to the treasurer of state for deposit 5771  
as follows: 5772

(1) ~~Eight per cent shall be deposited into the seat belt~~ 5773

~~education fund, which is hereby created in the state treasury, and~~ 5774  
~~shall be used by the department of public safety to establish a~~ 5775  
~~seat belt education program.~~ 5776

~~(2)~~ Eight per cent shall be deposited into the elementary 5777  
school program fund, which is hereby created in the state 5778  
treasury, and shall be used by the department of public safety to 5779  
establish and administer elementary school programs that encourage 5780  
seat safety belt use. 5781

~~(3)~~(2) Two per cent shall be deposited into the occupational 5782  
licensing and regulatory fund created by section 4743.05 of the 5783  
Revised Code. 5784

~~(4) Twenty-eight~~ (3) Thirty-six per cent, plus sixty cents of 5785  
each fee collected under sections 4501.34, 4503.26, 4506.08, and 5786  
4509.05, plus on and after October 1, 2009, sixty cents of each 5787  
fee collected under sections 4505.14 and 4519.63 of the Revised 5788  
Code as specified in those sections, shall be deposited into the 5789  
trauma and emergency medical services fund, which is hereby 5790  
created in the state treasury, and shall be used by the department 5791  
of public safety for the administration of the division of 5792  
emergency medical services and the state board of emergency 5793  
medical services, except that the director of budget and 5794  
management may transfer excess money from the trauma and emergency 5795  
medical services fund to the state highway safety fund if the 5796  
director of public safety determines that the amount of money in 5797  
the trauma and emergency medical services fund exceeds the amount 5798  
required to cover such costs incurred by the emergency medical 5799  
services agency and requests the director of budget and management 5800  
to make the transfer. 5801

~~(5)~~(4) Fifty-four per cent shall be deposited into the trauma 5802  
and emergency medical services grants fund, which is hereby 5803  
created in the state treasury, and shall be used by the state 5804  
board of emergency medical services to make grants, in accordance 5805

with section 4765.07 of the Revised Code and rules the board 5806  
adopts under section 4765.11 of the Revised Code. 5807

(F)(1) Subject to division (F)(2) of this section, the 5808  
failure of a person to wear all of the available elements of a 5809  
properly adjusted occupant restraining device in violation of 5810  
division (B)(1) or (3) of this section or the failure of a person 5811  
to ensure that each minor who is a passenger of an automobile 5812  
being operated by that person is wearing all of the available 5813  
elements of a properly adjusted occupant restraining device in 5814  
violation of division (B)(2) of this section shall not be 5815  
considered or used by the trier of fact in a tort action as 5816  
evidence of negligence or contributory negligence. But, the trier 5817  
of fact may determine based on evidence admitted consistent with 5818  
the Ohio Rules of Evidence that the failure contributed to the 5819  
harm alleged in the tort action and may diminish a recovery of 5820  
compensatory damages that represents noneconomic loss, as defined 5821  
in section 2307.011 of the Revised Code, in a tort action that 5822  
could have been recovered but for the plaintiff's failure to wear 5823  
all of the available elements of a properly adjusted occupant 5824  
restraining device. Evidence of that failure shall not be used as 5825  
a basis for a criminal prosecution of the person other than a 5826  
prosecution for a violation of this section; and shall not be 5827  
admissible as evidence in a criminal action involving the person 5828  
other than a prosecution for a violation of this section. 5829

(2) If, at the time of an accident involving a passenger car 5830  
equipped with occupant restraining devices, any occupant of the 5831  
passenger car who sustained injury or death was not wearing an 5832  
available occupant restraining device, was not wearing all of the 5833  
available elements of such a device, or was not wearing such a 5834  
device as properly adjusted, then, consistent with the Rules of 5835  
Evidence, the fact that the occupant was not wearing the available 5836  
occupant restraining device, was not wearing all of the available 5837

elements of such a device, or was not wearing such a device as 5838  
properly adjusted is admissible in evidence in relation to any 5839  
claim for relief in a tort action to the extent that the claim for 5840  
relief satisfies all of the following: 5841

(a) It seeks to recover damages for injury or death to the 5842  
occupant. 5843

(b) The defendant in question is the manufacturer, designer, 5844  
distributor, or seller of the passenger car. 5845

(c) The claim for relief against the defendant in question is 5846  
that the injury or death sustained by the occupant was enhanced or 5847  
aggravated by some design defect in the passenger car or that the 5848  
passenger car was not crashworthy. 5849

(G)(1) Whoever violates division (B)(1) of this section shall 5850  
be fined thirty dollars. 5851

(2) Whoever violates division (B)(3) of this section shall be 5852  
fined twenty dollars. 5853

(3) Except as otherwise provided in this division, whoever 5854  
violates division (B)(4) of this section is guilty of a minor 5855  
misdemeanor. If the offender previously has been convicted of or 5856  
pleaded guilty to a violation of division (B)(4) of this section, 5857  
whoever violates division (B)(4) of this section is guilty of a 5858  
misdemeanor of the third degree. 5859

**Sec. 4513.61.** The sheriff of a county or chief of police of a 5860  
municipal corporation, township, or township police district, 5861  
within the sheriff's or chief's respective territorial 5862  
jurisdiction, or a state highway patrol trooper, upon notification 5863  
to the sheriff or chief of police of such action and of the 5864  
location of the place of storage, may order into storage any motor 5865  
vehicle, including an abandoned junk motor vehicle as defined in 5866  
section 4513.63 of the Revised Code, that has come into the 5867

possession of the sheriff, chief of police, or state highway 5868  
patrol trooper as a result of the performance of the sheriff's, 5869  
chief's, or trooper's duties or that has been left on a public 5870  
street or other property open to the public for purposes of 5871  
vehicular travel, or upon or within the right-of-way of any road 5872  
or highway, for forty-eight hours or longer without notification 5873  
to the sheriff or chief of police of the reasons for leaving the 5874  
motor vehicle in such place, except that when such a motor vehicle 5875  
constitutes an obstruction to traffic it may be ordered into 5876  
storage immediately. The sheriff or chief of police shall 5877  
designate the place of storage of any motor vehicle so ordered 5878  
removed. 5879

The sheriff or chief of police immediately shall cause a 5880  
search to be made of the records of the bureau of motor vehicles 5881  
to ascertain the owner and any lienholder of a motor vehicle 5882  
ordered into storage by the sheriff or chief of police, or by a 5883  
state highway patrol trooper, and, if known, shall send or cause 5884  
to be sent notice to the owner or lienholder at the owner's or 5885  
lienholder's last known address by certified mail with return 5886  
receipt requested, that the motor vehicle will be declared a 5887  
nuisance and disposed of if not claimed within ten days of the 5888  
date of mailing of the notice. The owner or lienholder of the 5889  
motor vehicle may reclaim it upon payment of any expenses or 5890  
charges incurred in its removal and storage, and presentation of 5891  
proof of ownership, which may be evidenced by a certificate of 5892  
title or memorandum certificate of title to the motor vehicle. If 5893  
the owner or lienholder of the motor vehicle reclaims it after a 5894  
search of the records of the bureau has been conducted and after 5895  
notice has been sent to the owner or lienholder as described in 5896  
this section, and the search was conducted by the owner of the 5897  
place of storage or the owner's employee, and the notice was sent 5898  
to the motor vehicle owner by the owner of the place of storage or 5899  
the owner's employee, the owner or lienholder shall pay to the 5900

place of storage a processing fee of twenty-five dollars, in 5901  
addition to any expenses or charges incurred in the removal and 5902  
storage of the vehicle. 5903

If the owner or lienholder makes no claim to the motor 5904  
vehicle within ten days of the date of mailing of the notice, and 5905  
if the vehicle is to be disposed of at public auction as provided 5906  
in section 4513.62 of the Revised Code, the sheriff or chief of 5907  
police, without charge to any party, shall file with the clerk of 5908  
courts of the county in which the place of storage is located an 5909  
affidavit showing compliance with the requirements of this 5910  
section. Upon presentation of the affidavit, the clerk, without 5911  
charge, shall issue a salvage certificate of title, free and clear 5912  
of all liens and encumbrances, to the sheriff or chief of police. 5913  
If the vehicle is to be disposed of to a motor vehicle salvage 5914  
dealer or other facility as provided in section 4513.62 of the 5915  
Revised Code, the sheriff or chief of police shall execute in 5916  
triplicate an affidavit, as prescribed by the registrar of motor 5917  
vehicles, describing the motor vehicle and the manner in which it 5918  
was disposed of, and that all requirements of this section have 5919  
been complied with. The sheriff or chief of police shall retain 5920  
the original of the affidavit for the sheriff's or chief's 5921  
records, and shall furnish two copies to the motor vehicle salvage 5922  
dealer or other facility. Upon presentation of a copy of the 5923  
affidavit by the motor vehicle salvage dealer, the clerk of 5924  
courts, within thirty days of the presentation, shall issue to 5925  
such owner a salvage certificate of title, free and clear of all 5926  
liens and encumbrances. 5927

Whenever a motor vehicle salvage dealer or other facility 5928  
receives an affidavit for the disposal of a motor vehicle as 5929  
provided in this section, the dealer or facility shall not be 5930  
required to obtain an Ohio certificate of title to the motor 5931  
vehicle in the dealer's or facility's own name if the vehicle is 5932

dismantled or destroyed and both copies of the affidavit are 5933  
delivered to the clerk of courts. 5934

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of the 5935  
Revised Code: 5936

(A) "Persons" includes individuals, firms, partnerships, 5937  
associations, joint stock companies, corporations, and any 5938  
combinations of individuals. 5939

(B) "Motor vehicle" means motor vehicle as defined in section 5940  
4501.01 of the Revised Code and also includes "all-purpose 5941  
vehicle" and "off-highway motorcycle" as those terms are defined 5942  
in section 4519.01 of the Revised Code. "Motor vehicle" does not 5943  
include a snowmobile as defined in section 4519.01 of the Revised 5944  
Code or manufactured and mobile homes. 5945

(C) "New motor vehicle" means a motor vehicle, the legal 5946  
title to which has never been transferred by a manufacturer, 5947  
remanufacturer, distributor, or dealer to an ultimate purchaser. 5948

(D) "Ultimate purchaser" means, with respect to any new motor 5949  
vehicle, the first person, other than a dealer purchasing in the 5950  
capacity of a dealer, who in good faith purchases such new motor 5951  
vehicle for purposes other than resale. 5952

(E) "Business" includes any activities engaged in by any 5953  
person for the object of gain, benefit, or advantage either direct 5954  
or indirect. 5955

(F) "Engaging in business" means commencing, conducting, or 5956  
continuing in business, or liquidating a business when the 5957  
liquidator thereof holds self out to be conducting such business; 5958  
making a casual sale or otherwise making transfers in the ordinary 5959  
course of business when the transfers are made in connection with 5960  
the disposition of all or substantially all of the transferor's 5961  
assets is not engaging in business. 5962

(G) "Retail sale" or "sale at retail" means the act or 5963  
attempted act of selling, bartering, exchanging, or otherwise 5964  
disposing of a motor vehicle to an ultimate purchaser for use as a 5965  
consumer. 5966

(H) "Retail installment contract" includes any contract in 5967  
the form of a note, chattel mortgage, conditional sales contract, 5968  
lease, agreement, or other instrument payable in one or more 5969  
installments over a period of time and arising out of the retail 5970  
sale of a motor vehicle. 5971

(I) "Farm machinery" means all machines and tools used in the 5972  
production, harvesting, and care of farm products. 5973

(J) "Dealer" or "motor vehicle dealer" means any new motor 5974  
vehicle dealer, any motor vehicle leasing dealer, and any used 5975  
motor vehicle dealer. 5976

(K) "New motor vehicle dealer" means any person engaged in 5977  
the business of selling at retail, displaying, offering for sale, 5978  
or dealing in new motor vehicles pursuant to a contract or 5979  
agreement entered into with the manufacturer, remanufacturer, or 5980  
distributor of the motor vehicles. 5981

(L) "Used motor vehicle dealer" means any person engaged in 5982  
the business of selling, displaying, offering for sale, or dealing 5983  
in used motor vehicles, at retail or wholesale, but does not mean 5984  
any new motor vehicle dealer selling, displaying, offering for 5985  
sale, or dealing in used motor vehicles incidentally to engaging 5986  
in the business of selling, displaying, offering for sale, or 5987  
dealing in new motor vehicles, any person engaged in the business 5988  
of dismantling, salvaging, or rebuilding motor vehicles by means 5989  
of using used parts, or any public officer performing official 5990  
duties. 5991

(M) "Motor vehicle leasing dealer" means any person engaged 5992  
in the business of regularly making available, offering to make 5993



available, or arranging for another person to use a motor vehicle 5994  
pursuant to a bailment, lease, sublease, or other contractual 5995  
arrangement under which a charge is made for its use at a periodic 5996  
rate for a term of thirty days or more, and title to the motor 5997  
vehicle is in and remains in the motor vehicle leasing dealer who 5998  
originally leases it, irrespective of whether or not the motor 5999  
vehicle is the subject of a later sublease, and not in the user, 6000  
but does not mean a manufacturer or its affiliate leasing to its 6001  
employees or to dealers. 6002

(N) "Salesperson" means any person employed by a dealer or 6003  
manufactured home broker to sell, display, and offer for sale, or 6004  
deal in motor vehicles for a commission, compensation, or other 6005  
valuable consideration, but does not mean any public officer 6006  
performing official duties. 6007

(O) "Casual sale" means any transfer of a motor vehicle by a 6008  
person other than a new motor vehicle dealer, used motor vehicle 6009  
dealer, motor vehicle salvage dealer, as defined in division (A) 6010  
of section 4738.01 of the Revised Code, salesperson, motor vehicle 6011  
auction owner, manufacturer, or distributor acting in the capacity 6012  
of a dealer, salesperson, auction owner, manufacturer, or 6013  
distributor, to a person who purchases the motor vehicle for use 6014  
as a consumer. 6015

(P) "Motor vehicle show" means a display of current models of 6016  
motor vehicles whereby the primary purpose is the exhibition of 6017  
competitive makes and models in order to provide the general 6018  
public the opportunity to review and inspect various makes and 6019  
models of motor vehicles at a single location. 6020

(Q) "Motor vehicle auction owner" means any person who is 6021  
engaged wholly or in part in the business of auctioning motor 6022  
vehicles, but does not mean a construction equipment auctioneer or 6023  
a construction equipment auction licensee. 6024

(R) "Manufacturer" means a person who manufactures, 6025  
assembles, or imports motor vehicles, including motor homes, but 6026  
does not mean a person who only assembles or installs a body, 6027  
special equipment unit, finishing trim, or accessories on a motor 6028  
vehicle chassis supplied by a manufacturer or distributor. 6029

(S) "Tent-type fold-out camping trailer" means any vehicle 6030  
intended to be used, when stationary, as a temporary shelter with 6031  
living and sleeping facilities, and that is subject to the 6032  
following properties and limitations: 6033

(1) A minimum of twenty-five per cent of the fold-out portion 6034  
of the top and sidewalls combined must be constructed of canvas, 6035  
vinyl, or other fabric, and form an integral part of the shelter. 6036

(2) When folded, the unit must not exceed: 6037

(a) Fifteen feet in length, exclusive of bumper and tongue; 6038

(b) Sixty inches in height from the point of contact with the 6039  
ground; 6040

(c) Eight feet in width; 6041

(d) One ton gross weight at time of sale. 6042

(T) "Distributor" means any person authorized by a motor 6043  
vehicle manufacturer to distribute new motor vehicles to licensed 6044  
new motor vehicle dealers, but does not mean a person who only 6045  
assembles or installs a body, special equipment unit, finishing 6046  
trim, or accessories on a motor vehicle chassis supplied by a 6047  
manufacturer or distributor. 6048

(U) "Flea market" means a market place, other than a dealer's 6049  
location licensed under this chapter, where a space or location is 6050  
provided for a fee or compensation to a seller to exhibit and 6051  
offer for sale or trade, motor vehicles to the general public. 6052

(V) "Franchise" means any written agreement, contract, or 6053  
understanding between any motor vehicle manufacturer or 6054

remanufacturer engaged in commerce and any motor vehicle dealer 6055  
that purports to fix the legal rights and liabilities of the 6056  
parties to such agreement, contract, or understanding. 6057

(W) "Franchisee" means a person who receives new motor 6058  
vehicles from the franchisor under a franchise agreement and who 6059  
offers, sells, and provides service for such new motor vehicles to 6060  
the general public. 6061

(X) "Franchisor" means a new motor vehicle manufacturer, 6062  
remanufacturer, or distributor who supplies new motor vehicles 6063  
under a franchise agreement to a franchisee. 6064

(Y) "Dealer organization" means a state or local trade 6065  
association the membership of which is comprised predominantly of 6066  
new motor vehicle dealers. 6067

(Z) "Factory representative" means a representative employed 6068  
by a manufacturer, remanufacturer, or by a factory branch 6069  
primarily for the purpose of promoting the sale of its motor 6070  
vehicles, parts, or accessories to dealers or for supervising or 6071  
contacting its dealers or prospective dealers. 6072

(AA) "Administrative or executive management" means those 6073  
individuals who are not subject to federal wage and hour laws. 6074

(BB) "Good faith" means honesty in the conduct or transaction 6075  
concerned and the observance of reasonable commercial standards of 6076  
fair dealing in the trade as is defined in division (S) of section 6077  
1301.01 of the Revised Code, including, but not limited to, the 6078  
duty to act in a fair and equitable manner so as to guarantee 6079  
freedom from coercion, intimidation, or threats of coercion or 6080  
intimidation; provided however, that recommendation, endorsement, 6081  
exposition, persuasion, urging, or argument shall not be 6082  
considered to constitute a lack of good faith. 6083

(CC) "Coerce" means to compel or attempt to compel by failing 6084  
to act in good faith or by threat of economic harm, breach of 6085

contract, or other adverse consequences. Coerce does not mean to 6086  
argue, urge, recommend, or persuade. 6087

(DD) "Relevant market area" means any area within a radius of 6088  
ten miles from the site of a potential new dealership, except that 6089  
for manufactured home or recreational vehicle dealerships the 6090  
radius shall be twenty-five miles. The ten-mile radius shall be 6091  
measured from the dealer's established place of business that is 6092  
used exclusively for the purpose of selling, displaying, offering 6093  
for sale, or dealing in motor vehicles. 6094

(EE) "Wholesale" or "at wholesale" means the act or attempted 6095  
act of selling, bartering, exchanging, or otherwise disposing of a 6096  
motor vehicle to a transferee for the purpose of resale and not 6097  
for ultimate consumption by that transferee. 6098

(FF) "Motor vehicle wholesaler" means any person licensed as 6099  
a dealer under the laws of another state and engaged in the 6100  
business of selling, displaying, or offering for sale used motor 6101  
vehicles, at wholesale, but does not mean any motor vehicle dealer 6102  
as defined in this section. 6103

(GG)(1) "Remanufacturer" means a person who assembles or 6104  
installs passenger seating, walls, a roof elevation, or a body 6105  
extension on a conversion van with the motor vehicle chassis 6106  
supplied by a manufacturer or distributor, a person who modifies a 6107  
truck chassis supplied by a manufacturer or distributor for use as 6108  
a public safety or public service vehicle, a person who modifies a 6109  
motor vehicle chassis supplied by a manufacturer or distributor 6110  
for use as a limousine or hearse, or a person who modifies an 6111  
incomplete motor vehicle cab and chassis supplied by a new motor 6112  
vehicle dealer or distributor for use as a tow truck, but does not 6113  
mean either of the following: 6114

(a) A person who assembles or installs passenger seating, a 6115  
roof elevation, or a body extension on a recreational vehicle as 6116

defined in division (Q) and referred to in division (B) of section 6117  
4501.01 of the Revised Code; 6118

(b) A person who assembles or installs special equipment or 6119  
accessories for handicapped persons, as defined in section 4503.44 6120  
of the Revised Code, upon a motor vehicle chassis supplied by a 6121  
manufacturer or distributor. 6122

(2) For the purposes of division (GG)(1) of this section, 6123  
"public safety vehicle or public service vehicle" means a fire 6124  
truck, ambulance, school bus, street sweeper, garbage packing 6125  
truck, or cement mixer, or a mobile self-contained facility 6126  
vehicle. 6127

(3) For the purposes of division (GG)(1) of this section, 6128  
"limousine" means a motor vehicle, designed only for the purpose 6129  
of carrying nine or fewer passengers, that a person modifies by 6130  
cutting the original chassis, lengthening the wheelbase by forty 6131  
inches or more, and reinforcing the chassis in such a way that all 6132  
modifications comply with all applicable federal motor vehicle 6133  
safety standards. No person shall qualify as or be deemed to be a 6134  
remanufacturer who produces limousines unless the person has a 6135  
written agreement with the manufacturer of the chassis the person 6136  
utilizes to produce the limousines to complete properly the 6137  
remanufacture of the chassis into limousines. 6138

(4) For the purposes of division (GG)(1) of this section, 6139  
"hearse" means a motor vehicle, designed only for the purpose of 6140  
transporting a single casket, that is equipped with a compartment 6141  
designed specifically to carry a single casket that a person 6142  
modifies by cutting the original chassis, lengthening the 6143  
wheelbase by ten inches or more, and reinforcing the chassis in 6144  
such a way that all modifications comply with all applicable 6145  
federal motor vehicle safety standards. No person shall qualify as 6146  
or be deemed to be a remanufacturer who produces hearses unless 6147  
the person has a written agreement with the manufacturer of the 6148

chassis the person utilizes to produce the hearses to complete 6149  
properly the remanufacture of the chassis into hearses. 6150

(5) For the purposes of division (GG)(1) of this section, 6151  
"mobile self-contained facility vehicle" means a mobile classroom 6152  
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 6153  
testing laboratory, and mobile display vehicle, each of which is 6154  
designed for purposes other than for passenger transportation and 6155  
other than the transportation or displacement of cargo, freight, 6156  
materials, or merchandise. A vehicle is remanufactured into a 6157  
mobile self-contained facility vehicle in part by the addition of 6158  
insulation to the body shell, and installation of all of the 6159  
following: a generator, electrical wiring, plumbing, holding 6160  
tanks, doors, windows, cabinets, shelving, and heating, 6161  
ventilating, and air conditioning systems. 6162

(6) For the purposes of division (GG)(1) of this section, 6163  
"tow truck" means both of the following: 6164

(a) An incomplete cab and chassis that are purchased by a 6165  
remanufacturer from a new motor vehicle dealer or distributor of 6166  
the cab and chassis and on which the remanufacturer then installs 6167  
in a permanent manner a wrecker body it purchases from a 6168  
manufacturer or distributor of wrecker bodies, installs an 6169  
emergency flashing light pylon and emergency lights upon the mast 6170  
of the wrecker body or rooftop, and installs such other related 6171  
accessories and equipment, including push bumpers, front grille 6172  
guards with pads and other custom-ordered items such as painting, 6173  
special lettering, and safety striping so as to create a complete 6174  
motor vehicle capable of lifting and towing another motor vehicle. 6175

(b) An incomplete cab and chassis that are purchased by a 6176  
remanufacturer from a new motor vehicle dealer or distributor of 6177  
the cab and chassis and on which the remanufacturer then installs 6178  
in a permanent manner a car carrier body it purchases from a 6179  
manufacturer or distributor of car carrier bodies, installs an 6180

emergency flashing light pylon and emergency lights upon the 6181  
rooftop, and installs such other related accessories and 6182  
equipment, including push bumpers, front grille guards with pads 6183  
and other custom-ordered items such as painting, special 6184  
lettering, and safety striping. 6185

As used in division (GG)(6)(b) of this section, "car carrier 6186  
body" means a mechanical or hydraulic apparatus capable of lifting 6187  
and holding a motor vehicle on a flat level surface so that one or 6188  
more motor vehicles can be transported, once the car carrier is 6189  
permanently installed upon an incomplete cab and chassis. 6190

(HH) "Operating as a new motor vehicle dealership" means 6191  
engaging in activities such as displaying, offering for sale, and 6192  
selling new motor vehicles at retail, operating a service facility 6193  
to perform repairs and maintenance on motor vehicles, offering for 6194  
sale and selling motor vehicle parts at retail, and conducting all 6195  
other acts that are usual and customary to the operation of a new 6196  
motor vehicle dealership. For the purposes of this chapter only, 6197  
possession of either a valid new motor vehicle dealer franchise 6198  
agreement or a new motor vehicle dealers license, or both of these 6199  
items, is not evidence that a person is operating as a new motor 6200  
vehicle dealership. 6201

(II) "Outdoor power equipment" means garden and small utility 6202  
tractors, walk-behind and riding mowers, chainsaws, and tillers. 6203

(JJ) "Remote service facility" means premises that are 6204  
separate from a licensed new motor vehicle dealer's sales facility 6205  
by not more than one mile and that are used by the dealer to 6206  
perform repairs, warranty work, recall work, and maintenance on 6207  
motor vehicles pursuant to a franchise agreement entered into with 6208  
a manufacturer of motor vehicles. A remote service facility shall 6209  
be deemed to be part of the franchise agreement and is subject to 6210  
all the rights, duties, obligations, and requirements of Chapter 6211  
4517. of the Revised Code that relate to the performance of motor 6212

vehicle repairs, warranty work, recall work, and maintenance work 6213  
by new motor vehicle dealers. 6214

(KK) "Recreational vehicle" has the same meaning as in 6215  
section 4501.01 of the Revised Code. 6216

(LL) "Construction equipment auctioneer" means a person who 6217  
holds both a valid auctioneer's license issued under Chapter 4707. 6218  
of the Revised Code and a valid construction equipment auction 6219  
license issued under this chapter. 6220

(MM) "Large construction or transportation equipment" means 6221  
vehicles having a gross vehicle weight rating of more than ten 6222  
thousand pounds and includes road rollers, traction engines, power 6223  
shovels, power cranes, commercial cars and trucks, or farm trucks, 6224  
and other similar vehicles obtained primarily from the 6225  
construction, mining, transportation or farming industries. 6226

**Sec. 4517.02.** (A) Except as otherwise provided in this 6227  
section, no person shall do any of the following: 6228

(1) Engage in the business of displaying or selling at retail 6229  
new motor vehicles or assume to engage in that business, unless 6230  
the person is licensed as a new motor vehicle dealer under 6231  
sections 4517.01 to 4517.45 of the Revised Code, or is a 6232  
salesperson licensed under those sections and employed by a 6233  
licensed new motor vehicle dealer; 6234

(2) Engage in the business of offering for sale, displaying 6235  
for sale, or selling at retail or wholesale used motor vehicles or 6236  
assume to engage in that business, unless the person is licensed 6237  
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 6238  
~~or~~ is a salesperson licensed under those sections and employed by 6239  
a licensed used motor vehicle dealer or licensed new motor vehicle 6240  
dealer, or the person holds a construction equipment auction 6241  
license issued under section 4517.17 of the Revised Code; 6242



(3) Engage in the business of regularly making available, 6243  
offering to make available, or arranging for another person to use 6244  
a motor vehicle, in the manner described in division (M) of 6245  
section 4517.01 of the Revised Code, unless the person is licensed 6246  
as a motor vehicle leasing dealer under sections 4517.01 to 6247  
4517.45 of the Revised Code; 6248

(4) Engage in the business of motor vehicle auctioning or 6249  
assume to engage in that business, unless the person is licensed 6250  
as a motor vehicle auction owner under sections 4517.01 to 4517.45 6251  
of the Revised Code and the person uses an auctioneer who is 6252  
licensed under Chapter 4707. of the Revised Code to conduct the 6253  
motor vehicle auctions or the person holds a construction 6254  
equipment auction license issued under section 4517.17 of the 6255  
Revised Code; 6256

(5) Engage in the business of distributing motor vehicles or 6257  
assume to engage in that business, unless the person is licensed 6258  
as a distributor under sections 4517.01 to 4517.45 of the Revised 6259  
Code; 6260

(6) Make more than five casual sales of motor vehicles in a 6261  
twelve-month period, commencing with the day of the month in which 6262  
the first such sale is made, nor provide a location or space for 6263  
the sale of motor vehicles at a flea market, without obtaining a 6264  
license as a dealer under sections 4517.01 to 4517.45 of the 6265  
Revised Code, provided that nothing in this section shall be 6266  
construed to prohibit the disposition without a license of a motor 6267  
vehicle originally acquired and held for purposes other than sale, 6268  
rental, or lease to an employee, retiree, officer, or director of 6269  
the person making the disposition, to a corporation affiliated 6270  
with the person making the disposition, or to a person licensed 6271  
under sections 4517.01 to 4517.45 of the Revised Code; 6272

(7) Engage in the business of auctioning large construction 6273  
or transportation equipment and motor vehicles incident thereto, 6274

unless the person is a construction equipment auctioneer or the 6275  
person is licensed as a motor vehicle auction owner and the person 6276  
uses an auctioneer who is licensed under Chapter 4707. of the 6277  
Revised Code to conduct the auction. 6278

(B) Nothing in this section shall be construed to require an 6279  
auctioneer licensed under sections 4707.01 to 4707.19 of the 6280  
Revised Code, to obtain a motor vehicle salesperson's license 6281  
under sections 4517.01 to 4517.45 of the Revised Code when 6282  
conducting an auction sale for a licensed motor vehicle dealer on 6283  
the dealer's premises, or when conducting an auction sale for a 6284  
licensed motor vehicle auction owner; nor shall such an auctioneer 6285  
be required to obtain a motor vehicle auction owner's license 6286  
under sections 4517.01 to 4517.45 of the Revised Code when engaged 6287  
in auctioning for a licensed motor vehicle auction owner. 6288

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 6289  
apply to any of the following: 6290

(1) Persons engaging in the business of selling commercial 6291  
tractors, trailers, or semitrailers incidentally to engaging 6292  
primarily in business other than the selling or leasing of motor 6293  
vehicles; 6294

(2) Mortgagees selling at retail only those motor vehicles 6295  
that have come into their possession by a default in the terms of 6296  
a mortgage contract; 6297

(3) The leasing, rental, and interchange of motor vehicles 6298  
used directly in the rendition of a public utility service by 6299  
regulated motor carriers. 6300

(D) When a partnership licensed under sections 4517.01 to 6301  
4517.45 of the Revised Code is dissolved by death, the surviving 6302  
partners may operate under the license for a period of sixty days, 6303  
and the heirs or representatives of deceased persons and receivers 6304  
or trustees in bankruptcy appointed by any competent authority may 6305

operate under the license of the person succeeded in possession by 6306  
that heir, representative, receiver, or trustee in bankruptcy. 6307

(E) No remanufacturer shall engage in the business of selling 6308  
at retail any new motor vehicle without having written authority 6309  
from the manufacturer or distributor of the vehicle to sell new 6310  
motor vehicles and to perform repairs under the terms of the 6311  
manufacturer's or distributor's new motor vehicle warranty, 6312  
unless, at the time of the sale of the vehicle, each customer is 6313  
furnished with a binding agreement ensuring that the customer has 6314  
the right to have the vehicle serviced or repaired by a new motor 6315  
vehicle dealer who is franchised to sell and service vehicles of 6316  
the same line-make as the chassis of the remanufactured vehicle 6317  
purchased by the customer and whose service or repair facility is 6318  
located within either twenty miles of the remanufacturer's 6319  
location and place of business or twenty miles of the customer's 6320  
residence or place of business. If there is no such new motor 6321  
vehicle dealer located within twenty miles of the remanufacturer's 6322  
location and place of business or the customer's residence or 6323  
place of business, the binding agreement furnished to the customer 6324  
may be with the new motor vehicle dealer who is franchised to sell 6325  
and service vehicles of the same line-make as the chassis of the 6326  
remanufactured vehicle purchased by the customer and whose service 6327  
or repair facility is located nearest to the remanufacturer's 6328  
location and place of business or the customer's residence or 6329  
place of business. Additionally, at the time of sale of any 6330  
vehicle, each customer of the remanufacturer shall be furnished 6331  
with a warranty issued by the remanufacturer for a term of at 6332  
least one year. 6333

(F) Except as otherwise provided in this division, whoever 6334  
violates this section is guilty of a minor misdemeanor and shall 6335  
be subject to a mandatory fine of one hundred dollars. If the 6336  
offender previously has been convicted of or pleaded guilty to a 6337

violation of this section, whoever violates this section is guilty 6338  
of a misdemeanor of the first degree and shall be subject to a 6339  
mandatory fine of one thousand dollars. 6340

**Sec. 4517.03.** (A) A place of business that is used for 6341  
selling, displaying, offering for sale, or dealing in motor 6342  
vehicles shall be considered as used exclusively for those 6343  
purposes even though snowmobiles, farm machinery, outdoor power 6344  
equipment, watercraft and related products, or products 6345  
manufactured or distributed by a motor vehicle manufacturer with 6346  
which the motor vehicle dealer has a franchise agreement are sold 6347  
or displayed there, or if repair, accessory, gasoline and oil, 6348  
storage, parts, service, or paint departments are maintained 6349  
there, or such products or services are provided there, if the 6350  
departments are operated or the products or services are provided 6351  
for the business of selling, displaying, offering for sale, or 6352  
dealing in motor vehicles. Places of business or departments in a 6353  
place of business used to dismantle, salvage, or rebuild motor 6354  
vehicles by means of using used parts, are not considered as being 6355  
maintained for the purpose of assisting or furthering the selling, 6356  
displaying, offering for sale, or dealing in motor vehicles. A 6357  
place of business shall be considered as used exclusively for 6358  
selling, displaying, offering for sale, or dealing in motor 6359  
vehicles even though a business owned by a motor vehicle leasing 6360  
dealer or a motor vehicle renting dealer is located at the place 6361  
of business. 6362

(B)(1) No new motor vehicle dealer shall sell, display, offer 6363  
for sale, or deal in motor vehicles at any place except an 6364  
established place of business that is used exclusively for the 6365  
purpose of selling, displaying, offering for sale, or dealing in 6366  
motor vehicles. The place of business shall have space, under 6367  
roof, for the display of at least one new motor vehicle. The 6368  
established place of business or, if the dealer operates a remote 6369

service facility, the dealer's remote service facility shall have 6370  
facilities and space for the inspection, servicing, and repair of 6371  
at least one motor vehicle. However a new motor vehicle dealer 6372  
selling manufactured or mobile homes is exempt from the 6373  
requirement that a place of business have space, under roof, for 6374  
the display of at least one new motor vehicle and facilities and 6375  
space for the inspection, servicing, and repair of at least one 6376  
motor vehicle. 6377

(2) A licensed new motor vehicle dealer may operate a remote 6378  
service facility with the consent of the manufacturer and only to 6379  
perform repairs, warranty work, recall work, and maintenance on 6380  
motor vehicles as part of the dealer's franchised and licensed new 6381  
motor vehicle dealership. The remote service facility shall be 6382  
included on the new motor vehicle dealer's license and be deemed 6383  
to be part of the dealer's licensed location. 6384

(3) No person shall use a remote service facility for 6385  
selling, displaying, or offering for sale motor vehicles. 6386

(C) No used motor vehicle dealer shall sell, display, offer 6387  
for sale, or deal in motor vehicles at any place except an 6388  
established place of business that is used exclusively for the 6389  
purpose of selling, displaying, offering for sale, or dealing in 6390  
motor vehicles. 6391

(D) No motor vehicle leasing dealer shall make a motor 6392  
vehicle available for use by another, in the manner described in 6393  
division (M) of section 4517.01 of the Revised Code, at any place 6394  
except an established place of business that is used for leasing 6395  
motor vehicles; except that a motor vehicle leasing dealer who is 6396  
also a new motor vehicle dealer or used motor vehicle dealer may 6397  
lease motor vehicles at the same place of business at which the 6398  
dealer sells, offers for sale, or deals in new or used motor 6399  
vehicles. 6400

(E) No motor vehicle leasing dealer or motor vehicle renting dealer shall sell a motor vehicle within ninety days after a certificate of title to the motor vehicle is issued to the dealer, except ~~when a~~ as follows:

(1) A salvage certificate of title is may be issued to replace the original certificate of title and except when a.

(2) A motor vehicle leasing dealer sells may sell a motor vehicle to another motor vehicle leasing dealer at the end of a sublease pursuant to that sublease.

(3) A motor vehicle leasing dealer may sell a motor vehicle previously titled to an ultimate purchaser to another licensed motor vehicle dealer.

(4) A motor vehicle leasing dealer may sell a motor vehicle when the motor vehicle has been titled in the dealer's name or in the name of an entity affiliated with the dealer in this state or another state for a cumulative period of ninety days.

(F) No distributor shall distribute new motor vehicles to new motor vehicle dealers at any place except an established place of business that is used exclusively for the purpose of distributing new motor vehicles to new motor vehicle dealers; except that a distributor who is also a new motor vehicle dealer may distribute new motor vehicles at the same place of business at which the distributor sells, displays, offers for sale, or deals in new motor vehicles.

(G) No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers is subject to the requirement that the person's, firm's, or corporation's place of business be used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles. No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers, trailers, semitrailers,

or park trailers is subject to the requirement that the place of  
business have space, under roof, for the display of at least one  
new motor vehicle and facilities and space for the inspection,  
servicing, and repair of at least one motor vehicle.

(H) Nothing in this section shall be construed to prohibit  
persons licensed under this chapter from making sales calls.

(I) Whoever violates this section is guilty of a misdemeanor  
of the fourth degree.

(J) As used in this section:

(1) "Motor vehicle leasing dealer" has the same meaning as in  
section 4517.01 of the Revised Code.

(2) "Motor vehicle renting dealer" has the same meaning as in  
section 4549.65 of the Revised Code.

(3) "Watercraft" has the same meaning as in section 1547.01  
of the Revised Code.

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

(A) Maintains a 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;

(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 in this state from the sale of motor vehicles  
having a gross vehicle weight rating of ten thousand pounds or  
less.

**Sec. 4517.17.** (A) Each person applying for a construction

equipment auction license shall make out and deliver an 6461  
application to the registrar of motor vehicles, upon a form 6462  
furnished by the registrar for that purpose. The application shall 6463  
be signed and sworn to by the applicant and shall include such 6464  
information as the registrar may require by rule. 6465

(B) The registrar shall issue a construction equipment 6466  
auction license to any applicant who meets the requirements of 6467  
this section and section 4517.16 of the Revised Code and pays the 6468  
fee required by this section. 6469

(C) A construction equipment auction license shall expire 6470  
five years after the date of issuance unless sooner revoked. The 6471  
fee for a construction equipment auction license shall be seven 6472  
thousand five hundred dollars and shall accompany the application. 6473  
The registrar shall deposit all fees received under this section 6474  
into the state treasury to the credit of the state bureau of motor 6475  
vehicles fund established by section 4501.25 of the Revised Code. 6476

(D) In accordance with Chapter 119. of the Revised Code, the 6477  
registrar shall adopt rules necessary for the regulation of 6478  
construction equipment auction sales and licensees, which rules 6479  
shall be specific to construction equipment auction sales and 6480  
licensees, separate and distinct from any other rules adopted 6481  
under this chapter. 6482

(E) At the time the registrar grants the application of any 6483  
person for a construction equipment auction license, the registrar 6484  
shall issue to the person a license, which shall include the name 6485  
and post-office address of the person licensed. 6486

(F) The business records of a construction equipment auction 6487  
licensee shall be open for reasonable inspection by the registrar 6488  
or the registrar's authorized agent. 6489

(G) Each construction equipment auction licensee shall keep 6490  
the license, or a certified copy of the license, posted in a 6491



conspicuous place in each place of its business. 6492

Sec. 4517.171. (A) The registrar of motor vehicles shall deny 6493  
the application of any person for a construction equipment auction 6494  
license or may revoke a license previously issued if the registrar 6495  
finds that the person: 6496

(1) Is not eligible for the license pursuant to section 6497  
4517.16 of the Revised Code; 6498

(2) Has made any false statement of a material fact in the 6499  
application; 6500

(3) Is of bad business repute or has habitually defaulted on 6501  
financial obligations; 6502

(4) Has been guilty of a fraudulent act in connection with 6503  
selling or otherwise dealing in auctions, vehicles, or equipment; 6504

(5) Is insolvent; 6505

(6) Is of insufficient responsibility to ensure the prompt 6506  
payment of any final judgments that might reasonably be entered 6507  
against the applicant because of the transaction of the 6508  
construction equipment auction business during the period of the 6509  
license applied for, or has failed to satisfy any such judgment. 6510

(B) Any person who has been denied a license or has had a 6511  
license revoked under this section may appeal from the action of 6512  
the registrar to the motor vehicle dealers board in the manner 6513  
provided in section 4517.33 of the Revised Code. 6514

Sec. 4517.18. (A) A construction equipment auction licensee 6515  
may sell at auction large construction or transportation equipment 6516  
and shall do all of the following: 6517

(1) Have title present for all vehicles to be sold by 6518  
auction; 6519

(2) Except as provided in division (B) of this section, sell, 6520  
at auction, only vehicles with a gross vehicle weight rating of 6521  
more than ten thousand pounds; 6522

(3) File with the bureau of motor vehicles on an annual basis 6523  
a certification stating the gross proceeds generated from auctions 6524  
held at the auction site during the prior calendar year and the 6525  
gross proceeds generated from the sale of motor vehicles having a 6526  
gross vehicle weight rating of ten thousand pounds or less during 6527  
such year. 6528

(B) A construction equipment auctioneer may sell, at auction, 6529  
motor vehicles having a gross vehicle weight rating of ten 6530  
thousand pounds or less, only if the construction equipment 6531  
auctioneer complies with all applicable provisions of Chapter 6532  
4505. of the Revised Code concerning the titling of such vehicles, 6533  
Chapter 5739. of the Revised Code concerning the withholding and 6534  
payment of sales taxes in connection with the sale of such motor 6535  
vehicles, and Chapter 5751. of the Revised Code concerning the 6536  
payment of commercial activity taxes on the sale of such motor 6537  
vehicles in the same manner as a motor vehicle dealer, including 6538  
transferring title to such vehicles to the licensee's name prior 6539  
to the auction. 6540

(C) No construction equipment auction licensee shall do any 6541  
of the following: 6542

(1) Sell vehicles with a manufacturer's statement of origin; 6543

(2) Hold any motor vehicle dealer licenses issued by this 6544  
state at the same time as holding a construction equipment auction 6545  
license, and the construction equipment auction license shall be 6546  
separate and distinct from any other license issued under this 6547  
chapter; 6548

(3) Sell at auction a motor vehicle having a gross vehicle 6549  
weight rating of ten thousand pounds or less unless the owner of 6550

such motor vehicle also sells large construction or transportation 6551  
equipment through the construction equipment auction licensee. 6552

(D) Whoever violates this section is guilty of a minor 6553  
misdemeanor on a first offense and a misdemeanor of the fourth 6554  
degree on subsequent offenses. In addition, the court shall impose 6555  
on the offender a fine of up to ten thousand dollars. 6556

**Sec. 4517.33.** The motor vehicle dealers board shall hear 6557  
appeals which may be taken from an order of the registrar of motor 6558  
vehicles, refusing to issue a license. All appeals from any order 6559  
of the registrar refusing to issue any license upon proper 6560  
application must be taken within thirty days from the date of the 6561  
order, or the order is final and conclusive. All appeals from 6562  
orders of the registrar must be by petition in writing and 6563  
verified under oath by the applicant whose application for license 6564  
has been denied, and must set forth the reason for the appeal and 6565  
the reason why, in the petitioner's opinion, the order of the 6566  
registrar is not correct. In such appeals the board may make 6567  
investigation to determine the correctness and legality of the 6568  
order of the registrar. 6569

The board may make rules governing its actions relative to 6570  
the suspension and revocation of dealers', motor vehicle leasing 6571  
dealers', distributors', auction owners', ~~and~~ salespersons', and 6572  
construction equipment auction licenses, and may, upon its own 6573  
motion, and shall, upon the verified complaint in writing of any 6574  
person, investigate the conduct of any licensee under sections 6575  
4517.01 to 4517.65 of the Revised Code. The board shall suspend or 6576  
revoke or notify the registrar to refuse to renew any dealer's, 6577  
motor vehicle leasing dealer's, distributor's, auction owner's, ~~or~~ 6578  
salesperson's, or construction equipment auction license, if any 6579  
ground existed upon which the license might have been refused, or 6580  
if a ground exists that would be cause for refusal to issue a 6581

license. 6582

The board may suspend or revoke any license if the licensee 6583  
has in any manner violated the rules issued pursuant to sections 6584  
4517.01 to 4517.65 of the Revised Code, or has violated section 6585  
4501.02 of the Revised Code, or has been convicted of committing a 6586  
felony or violating any law that in any way relates to the 6587  
selling, taxing, licensing, or regulation of sales of motor 6588  
vehicles. 6589

**Sec. 4582.12.** (A)(1) Except as otherwise provided in division 6590  
(E) of section 307.671 of the Revised Code, division (A) of this 6591  
section does not apply to a port authority educational and 6592  
cultural facility acquired, constructed, and equipped pursuant to 6593  
a cooperative agreement entered into under section 307.671 of the 6594  
Revised Code. 6595

(2)(a) Except as provided in division (C) of this section, 6596  
when the cost of a contract for the construction of any building, 6597  
structure, or other improvement undertaken by a port authority 6598  
involves an expenditure exceeding ~~twenty-five~~ the higher of one 6599  
hundred thousand dollars or the amount as adjusted under division 6600  
(A)(2)(b) of this section and the port authority is the 6601  
contracting entity, the port authority shall make a written 6602  
contract after notice calling for bids for the award of the 6603  
contract has been given by publication twice, with at least seven 6604  
days between publications, in a newspaper of general circulation 6605  
in the area of the jurisdiction of the port authority. Each such 6606  
contract shall be let to the lowest responsive and responsible 6607  
bidder in accordance with section 9.312 of the Revised Code. Every 6608  
contract let shall be in writing and if the contract involves work 6609  
or construction, it shall be accompanied by or shall refer to 6610  
plans and specifications for the work to be done, prepared for and 6611  
approved by the port authority, signed by an authorized officer of 6612

the port authority and by the contractor, and shall be executed in 6613  
triplicate. 6614

Each bid shall be awarded in accordance with sections 153.54, 6615  
153.57, and 153.571 of the Revised Code. 6616

The port authority may reject any and all bids. 6617

(b) On January 1, 2012, and the first day of January of every 6618  
even-numbered year thereafter, the director of commerce shall 6619  
adjust the threshold level for contracts subject to the bidding 6620  
requirements contained in division (A)(2)(a) of this section. The 6621  
director shall adjust this amount according to the average 6622  
increase for each of the two years immediately preceding the 6623  
adjustment as set forth in the producer price index for material 6624  
and supply inputs for new nonresidential construction as 6625  
determined by the bureau of labor statistics of the United States 6626  
department of labor or, if that index no longer is published, a 6627  
generally available comparable index. If there is no resulting 6628  
increase, the threshold shall remain the same until the next 6629  
scheduled adjustment on the first day of January of the next 6630  
even-numbered year. 6631

(B) The board of directors of a port authority by rule may 6632  
provide criteria for the negotiation and award without competitive 6633  
bidding of any contract as to which the port authority is the 6634  
contracting entity for the construction of any building, 6635  
structure, or other improvement under any of the following 6636  
circumstances: 6637

(1) There exists a real and present emergency that threatens 6638  
damage or injury to persons or property of the port authority or 6639  
other persons, provided that a statement specifying the nature of 6640  
the emergency that is the basis for the negotiation and award of a 6641  
contract without competitive bidding shall be signed by the 6642  
officer of the port authority that executes that contract at the 6643

time of the contract's execution and shall be attached to the 6644  
contract. 6645

(2) A commonly recognized industry or other standard or 6646  
specification does not exist and cannot objectively be articulated 6647  
for the improvement. 6648

(3) The contract is for any energy conservation measure as 6649  
defined in section 307.041 of the Revised Code. 6650

(4) With respect to material to be incorporated into the 6651  
improvement, only a single source or supplier exists for the 6652  
material. 6653

(5) A single bid is received by the port authority after 6654  
complying with the provisions of division (A) of this section. 6655

(C)(1) If a contract is to be negotiated and awarded without 6656  
competitive bidding for the reason set forth in division (B)(2) of 6657  
this section, the port authority shall publish a notice calling 6658  
for technical proposals at least twice, with at least seven days 6659  
between publications, in a newspaper of general circulation in the 6660  
area of the port authority. After receipt of the technical 6661  
proposals, the port authority may negotiate with and award a 6662  
contract for the improvement to the proposer making the proposal 6663  
considered to be the most advantageous to the port authority. 6664

(2) If a contract is to be negotiated and awarded without 6665  
competitive bidding for the reason set forth in division (B)(4) of 6666  
this section, any construction activities related to the 6667  
incorporation of the material into the improvement also may be 6668  
provided without competitive bidding by the source or supplier of 6669  
that material. 6670

(D) No contract for the construction or repair of any 6671  
building, structure, or other improvement and no loan agreement 6672  
for the borrowing of funds for any such improvement undertaken by 6673  
a port authority, where the port authority is the contracting 6674

entity, shall be executed unless laborers and mechanics employed 6675  
on such improvements are paid at the prevailing rates of wages of 6676  
laborers and mechanics for the class of work called for by the 6677  
improvement. The wages shall be determined in accordance with the 6678  
requirements of Chapter 4115. of the Revised Code for the 6679  
determination of prevailing wage rates, provided that the 6680  
requirements of this section do not apply where the federal 6681  
government or any of its agencies furnishes by loan or grant all 6682  
or any part of the funds used in connection with such project and 6683  
prescribes predetermined minimum wages to be paid to the laborers 6684  
and mechanics. 6685

**Sec. 4582.31.** (A) A port authority created in accordance with 6686  
section 4582.22 of the Revised Code may: 6687

(1) Adopt bylaws for the regulation of its affairs and the 6688  
conduct of its business; 6689

(2) Adopt an official seal; 6690

(3) Maintain a principal office within its jurisdiction, and 6691  
maintain such branch offices as it may require; 6692

(4) Acquire, construct, furnish, equip, maintain, repair, 6693  
sell, exchange, lease to or from, or lease with an option to 6694  
purchase, convey other interests in real or personal property, or 6695  
any combination thereof, related to, useful for, or in furtherance 6696  
of any authorized purpose and operate any property in connection 6697  
with transportation, recreational, governmental operations, or 6698  
cultural activities; 6699

(5) Straighten, deepen, and improve any channel, river, 6700  
stream, or other water course or way which may be necessary or 6701  
proper in the development of the facilities of a port authority; 6702

(6) Make available the use or services of any port authority 6703  
facility to one or more persons, one or more governmental 6704

agencies, or any combination thereof; 6705

(7) Issue bonds or notes for the acquisition, construction, 6706  
furnishing, or equipping of any port authority facility or other 6707  
permanent improvement that a port authority is authorized to 6708  
acquire, construct, furnish, or equip, in compliance with Chapter 6709  
133. of the Revised Code, except that such bonds or notes may only 6710  
be issued pursuant to a vote of the electors residing within the 6711  
area of jurisdiction of the port authority. The net indebtedness 6712  
incurred by a port authority shall never exceed two per cent of 6713  
the total value of all property within the territory comprising 6714  
the port authority as listed and assessed for taxation. 6715

(8) Issue port authority revenue bonds beyond the limit of 6716  
bonded indebtedness provided by law, payable solely from revenues 6717  
as provided in section 4582.48 of the Revised Code, for the 6718  
purpose of providing funds to pay the costs of any port authority 6719  
facility or facilities or parts thereof; 6720

(9) Apply to the proper authorities of the United States 6721  
pursuant to appropriate law for the right to establish, operate, 6722  
and maintain foreign trade zones and establish, operate, and 6723  
maintain foreign trade zones and to acquire, exchange, sell, lease 6724  
to or from, lease with an option to purchase, or operate 6725  
facilities, land, or property therefor in accordance with the 6726  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 6727  
81u; 6728

(10) Enjoy and possess the same rights, privileges, and 6729  
powers granted municipal corporations under sections 721.04 to 6730  
721.11 of the Revised Code; 6731

(11) Maintain such funds as it considers necessary; 6732

(12) Direct its agents or employees, when properly identified 6733  
in writing, and after at least five days' written notice, to enter 6734  
upon lands within the confines of its jurisdiction in order to 6735



make surveys and examinations preliminary to location and 6736  
construction of works for the purposes of the port authority, 6737  
without liability of the port authority or its agents or employees 6738  
except for actual damage done; 6739

(13) Promote, advertise, and publicize the port authority and 6740  
its facilities; provide information to shippers and other 6741  
commercial interests; and appear before rate-making authorities to 6742  
represent and promote the interests of the port authority; 6743

(14) Adopt rules, not in conflict with general law, it finds 6744  
necessary or incidental to the performance of its duties and the 6745  
execution of its powers under sections 4582.21 to 4582.54 of the 6746  
Revised Code. Any such rule shall be posted at no less than five 6747  
public places in the port authority, as determined by the board of 6748  
directors, for a period of not fewer than fifteen days, and shall 6749  
be available for public inspection at the principal office of the 6750  
port authority during regular business hours. No person shall 6751  
violate any lawful rule adopted and posted as provided in this 6752  
division. 6753

(15) Do any of the following, in regard to any interests in 6754  
any real or personal property, or any combination thereof, 6755  
including, without limitation, machinery, equipment, plants, 6756  
factories, offices, and other structures and facilities related 6757  
to, useful for, or in furtherance of any authorized purpose, for 6758  
such consideration and in such manner, consistent with Article 6759  
VIII of the Ohio Constitution, as the board in its sole discretion 6760  
may determine: 6761

(a) Loan moneys to any person or governmental entity for the 6762  
acquisition, construction, furnishing, and equipping of the 6763  
property; 6764

(b) Acquire, construct, maintain, repair, furnish, and equip 6765  
the property; 6766

(c) Sell to, exchange with, lease, convey other interests in, 6767  
or lease with an option to purchase the same or any lesser 6768  
interest in the property to the same or any other person or 6769  
governmental entity; 6770

(d) Guarantee the obligations of any person or governmental 6771  
entity. 6772

A port authority may accept and hold as consideration for the 6773  
conveyance of property or any interest therein such property or 6774  
interests therein as the board in its discretion may determine, 6775  
notwithstanding any restrictions that apply to the investment of 6776  
funds by a port authority. 6777

(16) Sell, lease, or convey other interests in real and 6778  
personal property, and grant easements or rights-of-way over 6779  
property of the port authority. The board of directors shall 6780  
specify the consideration and any terms for the sale, lease, or 6781  
conveyance of other interests in real and personal property. Any 6782  
determination made by the board under this division shall be 6783  
conclusive. The sale, lease, or conveyance may be made without 6784  
advertising and the receipt of bids. 6785

(17) Exercise the right of eminent domain to appropriate any 6786  
land, rights, rights-of-way, franchises, easements, or other 6787  
property, necessary or proper for any authorized purpose, pursuant 6788  
to the procedure provided in sections 163.01 to 163.22 of the 6789  
Revised Code, if funds equal to the appraised value of the 6790  
property to be acquired as a result of such proceedings are 6791  
available for that purpose. However, nothing contained in sections 6792  
4582.201 to 4582.59 of the Revised Code shall authorize a port 6793  
authority to take or disturb property or facilities belonging to 6794  
any agency or political subdivision of this state, public utility, 6795  
cable operator, or common carrier, which property or facilities 6796  
are necessary and convenient in the operation of the agency or 6797  
political subdivision, public utility, cable operator, or common 6798

carrier, unless provision is made for the restoration, relocation, 6799  
or duplication of such property or facilities, or upon the 6800  
election of the agency or political subdivision, public utility, 6801  
cable operator, or common carrier, for the payment of 6802  
compensation, if any, at the sole cost of the port authority, 6803  
provided that: 6804

(a) If any restoration or duplication proposed to be made 6805  
under this section involves a relocation of the property or 6806  
facilities, the new facilities and location shall be of at least 6807  
comparable utilitarian value and effectiveness and shall not 6808  
impair the ability of the public utility, cable operator, or 6809  
common carrier to compete in its original area of operation; 6810

(b) If any restoration or duplication made under this section 6811  
involves a relocation of the property or facilities, the port 6812  
authority shall acquire no interest or right in or to the 6813  
appropriated property or facilities, except as provided in 6814  
division ~~(O)~~(A)(15) of this section, until the relocated property 6815  
or facilities are available for use and until marketable title 6816  
thereto has been transferred to the public utility, cable 6817  
operator, or common carrier. 6818

As used in division (A)(17) of this section, "cable operator" 6819  
has the same meaning as in the "Cable Communications Policy Act of 6820  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 6821  
amended by the "Telecommunications Act of 1996," Pub. L. No. 6822  
104-104, 110 Stat. 56. 6823

(18)(a) Make and enter into all contracts and agreements and 6824  
execute all instruments necessary or incidental to the performance 6825  
of its duties and the execution of its powers under sections 6826  
4582.21 to 4582.59 of the Revised Code. 6827

(b)(i) Except as provided in division (A)(18)(c) of this 6828  
section, when the cost of a contract for the construction of any 6829

building, structure, or other improvement undertaken by a port 6830  
authority involves an expenditure exceeding ~~twenty-five~~ the higher 6831  
of one hundred thousand dollars or the amount as adjusted under 6832  
division (A)(18)(b)(ii) of this section, and the port authority is 6833  
the contracting entity, the port authority shall make a written 6834  
contract after notice calling for bids for the award of the 6835  
contract has been given by publication twice, with at least seven 6836  
days between publications, in a newspaper of general circulation 6837  
in the area of the port authority. Each such contract shall be let 6838  
to the lowest responsive and responsible bidder in accordance with 6839  
section 9.312 of the Revised Code. Every contract shall be 6840  
accompanied by or shall refer to plans and specifications for the 6841  
work to be done, prepared for and approved by the port authority, 6842  
signed by an authorized officer of the port authority and by the 6843  
contractor, and shall be executed in triplicate. 6844

Each bid shall be awarded in accordance with sections 153.54, 6845  
153.57, and 153.571 of the Revised Code. The port authority may 6846  
reject any and all bids. 6847

(ii) On January 1, 2012, and the first day of January of 6848  
every even-numbered year thereafter, the director of commerce 6849  
shall adjust the threshold level for contracts subject to the 6850  
bidding requirements contained in division (A)(18)(b)(i) of this 6851  
section. The director shall adjust this amount according to the 6852  
average increase for each of the two years immediately preceding 6853  
the adjustment as set forth in the producer price index for 6854  
material and supply inputs for new nonresidential construction as 6855  
determined by the bureau of labor statistics of the United States 6856  
department of labor or, if that index no longer is published, a 6857  
generally available comparable index. If there is no resulting 6858  
increase, the threshold shall remain the same until the next 6859  
scheduled adjustment on the first day of January of the next 6860  
even-numbered year. 6861

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

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

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

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

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

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

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and

award a contract for the improvement to the proposer making the 6893  
proposal considered to be the most advantageous to the port 6894  
authority. 6895

(ii) If a contract is to be negotiated and awarded without 6896  
competitive bidding for the reason set forth in division 6897  
(A)(18)(c)(iv) of this section, any construction activities 6898  
related to the incorporation of the material into the improvement 6899  
also may be provided without competitive bidding by the source or 6900  
supplier of that material. 6901

(e)(i) Any purchase, exchange, sale, lease, lease with an 6902  
option to purchase, conveyance of other interests in, or other 6903  
contract with a person or governmental entity that pertains to the 6904  
acquisition, construction, maintenance, repair, furnishing, 6905  
equipping, or operation of any real or personal property, or any 6906  
combination thereof, related to, useful for, or in furtherance of 6907  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 6908  
Constitution, shall be made in such manner and subject to such 6909  
terms and conditions as may be determined by the board of 6910  
directors in its discretion. 6911

(ii) Division (A)(18)(e)(i) of this section applies to all 6912  
contracts that are subject to the division, notwithstanding any 6913  
other provision of law that might otherwise apply, including, 6914  
without limitation, any requirement of notice, any requirement of 6915  
competitive bidding or selection, or any requirement for the 6916  
provision of security. 6917

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 6918  
apply to either of the following: any contract secured by or to be 6919  
paid from moneys raised by taxation or the proceeds of obligations 6920  
secured by a pledge of moneys raised by taxation; or any contract 6921  
secured exclusively by or to be paid exclusively from the general 6922  
revenues of the port authority. For the purposes of this section, 6923  
any revenues derived by the port authority under a lease or other 6924

agreement that, by its terms, contemplates the use of amounts 6925  
payable under the agreement either to pay the costs of the 6926  
improvement that is the subject of the contract or to secure 6927  
obligations of the port authority issued to finance costs of such 6928  
improvement, are excluded from general revenues. 6929

(19) Employ managers, superintendents, and other employees 6930  
and retain or contract with consulting engineers, financial 6931  
consultants, accounting experts, architects, attorneys, and any 6932  
other consultants and independent contractors as are necessary in 6933  
its judgment to carry out this chapter, and fix the compensation 6934  
thereof. All expenses thereof shall be payable from any available 6935  
funds of the port authority or from funds appropriated for that 6936  
purpose by a political subdivision creating or participating in 6937  
the creation of the port authority. 6938

(20) Receive and accept from any state or federal agency 6939  
grants and loans for or in aid of the construction of any port 6940  
authority facility or for research and development with respect to 6941  
port authority facilities, and receive and accept aid or 6942  
contributions from any source of money, property, labor, or other 6943  
things of value, to be held, used, and applied only for the 6944  
purposes for which the grants and contributions are made; 6945

(21) Engage in research and development with respect to port 6946  
authority facilities; 6947

(22) Purchase fire and extended coverage and liability 6948  
insurance for any port authority facility and for the principal 6949  
office and branch offices of the port authority, insurance 6950  
protecting the port authority and its officers and employees 6951  
against liability for damage to property or injury to or death of 6952  
persons arising from its operations, and any other insurance the 6953  
port authority may agree to provide under any resolution 6954  
authorizing its port authority revenue bonds or in any trust 6955  
agreement securing the same; 6956

(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;

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

(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.

(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.

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

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

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or



renewal application, shall pay any initial or annual fee charged 6987  
by the superintendent pursuant to rules adopted under division (F) 6988  
of section 109.5721 of the Revised Code. 6989

~~Sec. 4905.802~~ 4905.801. (A)(1) ~~All fees collected under~~ 6990  
~~section 4905.801 of the Revised Code shall be credited to the~~ The 6991  
~~radioactive waste transportation fund, which is hereby created in~~ 6992  
~~the state treasury. All investment earnings of the fund shall be~~ 6993  
~~credited to it.~~ 6994

(2) Money in the radioactive waste transportation fund shall 6995  
be used only for the following purposes related to the shipment of 6996  
material that is subject to division (A)(1) of section 4163.07 of 6997  
the Revised Code as determined by the public utilities commission: 6998

(a) State and local expenses, including inspections, escorts, 6999  
security, emergency management services, and accident response; 7000

(b) Planning, coordination, education, and training of 7001  
emergency response providers, law enforcement agencies, and other 7002  
appropriate state or local entities; 7003

(c) Purchase and maintenance of monitoring, medical, safety, 7004  
or emergency response equipment and supplies; 7005

(d) Administrative costs of the commission and other state or 7006  
local entities; 7007

(e) Other similar expenses determined by the commission to be 7008  
appropriate. 7009

(B)(1) The commission may adopt rules as necessary to 7010  
implement ~~sections 4905.801 and 4905.802 of the Revised Code~~ this 7011  
section. 7012

(2) ~~In administering section 4905.801 of the Revised Code,~~ 7013  
~~the commission shall work with any department or agency of~~ 7014  
~~federal, state, or local government that also regulates the~~ 7015  
~~shipment of material that is subject to division (A)(1) of section~~ 7016

~~4163.07 of the Revised Code.~~ 7017

~~(3) Subject to division (C) of section 4163.07 of the Revised Code, the commission, consistent with national security requirements, may notify any law enforcement agency or other state or local entity affected by the shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code that the commission considers necessary for public safety.~~ 7018  
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~~(4) Not later than December 31, 2010, the commission shall prepare and submit to both houses of the general assembly a report on the fees received by the commission under section 4905.801 of the Revised Code and on expenditures made from the radioactive waste transportation fund.~~ 7024  
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**Sec. 5501.51.** (A) The state shall reimburse a utility for the cost of relocation of utility facilities necessitated by the construction of a highway project only in the event that the utility can evidence a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies in the event that the utility possesses a vested interest in such property. The utility shall present evidence satisfactory to the state substantiating the cost of relocation. The director may audit all financial records which the director determines necessary to verify such actual costs. 7029  
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(B) The director of transportation may establish and enforce such rules and procedures as ~~he~~ the director may determine to be necessary to assure consistency governing any and all aspects of the cost of utility relocations. The director may adopt such amendments to such rules as are necessary and within the guidelines of this section. 7039  
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(C) As used in this section: 7045

(1) ~~"Utility" includes publicly, privately, and cooperatively~~ 7046

~~owned utilities that are subject to the authority of the public~~ 7047  
~~utilities commission of Ohio.~~ 7048

(2) "Cost of relocation" includes the actual cost paid by a 7049  
utility directly attributable to relocation after deducting any 7050  
increase in the value of the new facility and any salvage value 7051  
derived from the old facility. 7052

(2) "Utility" includes publicly, privately, and cooperatively 7053  
owned utilities that are subject to the authority of the public 7054  
utilities commission of Ohio. "Utility" also includes a cable 7055  
operator as defined in the "Cable Communications Policy Act of 7056  
1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by the 7057  
"Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, and 7058  
includes the provision of other information or telecommunications 7059  
services, or both, and an electric cooperative and a municipal 7060  
electric utility, both as defined in section 4928.01 of the 7061  
Revised Code. 7062

**Sec. 5501.55.** (A) The department of transportation is the 7063  
designated state agency responsible for overseeing the safety 7064  
practices of rail fixed guideway systems and the administration of 7065  
49 U.S.C. 5330. The director of transportation shall develop any 7066  
guidelines necessary to oversee the safety practices of rail fixed 7067  
guideway systems that are consistent with the federal act and 7068  
rules adopted thereunder. 7069

(B) In accordance with guidelines developed by the director, 7070  
the department shall do all of the following: 7071

(1) Establish a safety program plan standard for transit 7072  
agencies operating a rail fixed guideway system within the state; 7073

(2) Adopt standards for the personal security of passengers 7074  
and employees of rail fixed guideway systems; 7075

(3) Review and approve or disapprove the annual internal 7076

safety audit conducted by a transit agency under section 5501.56 7077  
of the Revised Code; 7078

(4) Periodically, conduct an on-site safety review of each 7079  
transit agency and make recommendations based on the review of the 7080  
system safety program plan; 7081

(5)(a) Establish procedures for the investigation of 7082  
accidents and unacceptable hazardous conditions as defined in the 7083  
guidelines developed by the director; 7084

(b) Investigate accidents and unacceptable hazardous 7085  
conditions at transit agencies; 7086

(c) Approve or disapprove any plan of a transit agency to 7087  
minimize, control, correct, or eliminate any investigated hazard. 7088

(6) Submit to the federal transit administration any reports 7089  
or other information necessary to remain in compliance with 49 7090  
U.S.C. 5330 and the rules adopted under it. 7091

(C) The department may use a contractor to act on its behalf 7092  
in carrying out the duties of the Department under this section 7093  
and section 5501.56 of the Revised Code and 49 U.S.C. 5330 and the 7094  
rules adopted under it. 7095

(D)(1) Reports of any investigation conducted by the 7096  
department, a transit agency operating a rail fixed guideway 7097  
system, or a contractor acting on behalf of the department or such 7098  
a transit agency are confidential and are not subject to 7099  
disclosure, inspection, or copying under section 149.43 of the 7100  
Revised Code. Information contained in investigative files shall 7101  
be disclosed only at the discretion of the director or as 7102  
otherwise provided in this section. 7103

(2) Reports of any investigation conducted by the ~~Department~~ 7104  
department, a transit agency operating a rail fixed guideway 7105  
system, or a contractor acting on behalf of the ~~Department~~ 7106

department or such a transit agency shall not be admitted in 7107  
evidence or used for any purpose in any action or proceeding 7108  
arising out of any matter referred to in the investigation, except 7109  
in actions or proceedings instituted by the state or by the 7110  
department on behalf of the state, nor shall any member of the 7111  
department or its employees, a transit agency acting on behalf of 7112  
the department, or a contractor acting on behalf of the department 7113  
or such a transit agency be required to testify to any facts 7114  
ascertained in, or information obtained by reason of, the person's 7115  
official capacity, or to testify as an expert witness in any 7116  
action or proceeding involving or pertaining to rail fixed 7117  
guideway systems to which the state is not a party. 7118

(E) In accordance with the guidelines developed by the 7119  
director, the department may establish such programs, procedures, 7120  
and administrative mandates as may be necessary to carry out its 7121  
duties under this section and section 5501.56 of the Revised Code 7122  
and 49 U.S.C. 5330 and the rules adopted under it. 7123

(F) As used in this section and in section 5501.56 of the 7124  
Revised Code: 7125

(1) "Rail fixed guideway system" means any light, heavy, or 7126  
rapid rail system, monorail, inclined plane, funicular, trolley, 7127  
or automated guideway that is included in the federal transit 7128  
administration's calculation of fixed guideway route miles or 7129  
receives funding for urbanized areas under 49 U.S.C. 5336 and is 7130  
not regulated by the federal railroad administration. 7131

(2) "Transit agency" means an entity operating a rail fixed 7132  
guideway system. 7133

**Sec. 5501.70.** As used in sections 5501.70 to 5501.83 of the 7134  
Revised Code: 7135

(A) "Affected jurisdiction" means any unit of government 7136

within the state in which all or part of a transportation facility 7137  
is located or any other public entity directly affected by the 7138  
transportation facility. 7139

(B) "Force majeure" means an uncontrollable force or natural 7140  
disaster not within the power of the operator or the state. 7141

(C) "Maintenance" includes routine maintenance, major 7142  
maintenance, and any other categories of maintenance that may be 7143  
designated by the department of transportation. 7144

(D) "Material default" means any failure of an operator to 7145  
perform any duties under a public-private agreement that 7146  
jeopardizes delivery of adequate service to the public and remains 7147  
unsatisfied after a reasonable period of time and after the 7148  
operator has received written notice from the department of the 7149  
failure. 7150

(E) "Operate" means any action to maintain, repair, improve, 7151  
equip, or modify a transportation facility. 7152

(F) "Operator" means a private entity that has entered into a 7153  
public-private agreement under sections 5501.71 to 5501.83 of the 7154  
Revised Code. 7155

(G) "Private entity" means any natural person, corporation, 7156  
general partnership, limited liability company, limited 7157  
partnership, joint venture, business trust, public benefit 7158  
corporation, nonprofit entity, or other business entity. 7159

(H) "Public-private agreement" means the agreement between a 7160  
private entity and the department that relates to the development, 7161  
financing, maintenance, or operation of a transportation facility 7162  
subject to sections 5501.70 to 5501.83 of the Revised Code. 7163

(I) "Public-private initiative" means an arrangement between 7164  
the department and one or more private entities, the terms of 7165  
which are stated in a public-private agreement, that provides for 7166

<u>all of the following:</u>	7167
<u>(1) Acceptance of a private contribution, including a money payment, for a project or service for a transportation facility;</u>	7168 7169
<u>(2) Sharing of resources and the means of providing a project or service for a transportation facility;</u>	7170 7171
<u>(3) Cooperation in researching, developing, and implementing projects or services for a transportation facility.</u>	7172 7173
<u>(J) "Transportation facility" has the same meaning as in section 5501.01 of the Revised Code and also includes a tunnel, ferry, port facility on navigable waters that are used for commerce, intermodal facility, or similar facility open to the public and used for the transportation of persons or goods, and any building, structure, parking area, or other appurtenances or property needed to operate a transportation facility that is subject to a public-private agreement.</u>	7174 7175 7176 7177 7178 7179 7180 7181
<u>(K) "User fee" means a rate, toll, fee, or other charge imposed by an operator for use of all or part of a transportation facility.</u>	7182 7183 7184
<u>(L) "Utility" means a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, alternative or renewable energy sources such as wind or solar, or any other similar commodity, including a fire or police signal system or street lighting system that directly or indirectly serves the public.</u>	7185 7186 7187 7188 7189 7190 7191 7192 7193
<u>Sec. 5501.71. (A) The department of transportation may solicit, receive, consider, evaluate, and accept a proposal for a public-private initiative.</u>	7194 7195 7196

<u>(B) In soliciting and selecting a private entity with which</u>	7197
<u>to enter into a public-private initiative, the department shall</u>	7198
<u>use one or both of the following:</u>	7199
<u>(1) Sealed bidding;</u>	7200
<u>(2) Selection of proposals, with or without negotiations,</u>	7201
<u>based on qualifications, best value, or both.</u>	7202
<u>(C) The department shall consider the following factors in</u>	7203
<u>evaluating and selecting a bid or proposal to enter into a</u>	7204
<u>public-private initiative:</u>	7205
<u>(1) The ability of the transportation facility to improve</u>	7206
<u>safety, reduce congestion, increase capacity, and promote economic</u>	7207
<u>growth;</u>	7208
<u>(2) The extent that the private entity's proposal addresses</u>	7209
<u>the needs identified in the appropriate state, regional, or local</u>	7210
<u>transportation plan by improving safety, reducing congestion,</u>	7211
<u>increasing capacity, or enhancing economic efficiency and the</u>	7212
<u>private entity's proposal is on the transportation improvement</u>	7213
<u>program for the affected metropolitan planning organization or the</u>	7214
<u>state transportation improvement program;</u>	7215
<u>(3) The proposed cost of and financial plan for the</u>	7216
<u>transportation facility;</u>	7217
<u>(4) The general reputation, qualifications, industry</u>	7218
<u>experience, and financial capacity of the private entity;</u>	7219
<u>(5) The proposed design, operation, and feasibility of the</u>	7220
<u>transportation facility;</u>	7221
<u>(6) Comments from local citizens and affected jurisdictions;</u>	7222
<u>(7) Benefits to the public and the affected transportation</u>	7223
<u>facility;</u>	7224
<u>(8) The safety record of the private entity;</u>	7225



(9) Any other criteria that the department considers 7226  
appropriate. 7227

(D) The department may select multiple private entities with 7228  
which to enter a public-private agreement for a transportation 7229  
facility if it is in the public interest to do so. 7230

(E) The department shall select a private entity or entities 7231  
for a public-private initiative on a competitive basis. 7232

(F) Any materials or data submitted to, made available to, or 7233  
received by the director of transportation, to the extent that the 7234  
material or data consist of trade secrets, as defined in section 7235  
1333.61 of the Revised Code, are confidential and are not public 7236  
records for the purposes of section 149.43 of the Revised Code. 7237  
Financial information received by the director that is related to 7238  
a proposal is confidential and not a public record for purposes of 7239  
section 149.43 of the Revised Code until such time as a proposal 7240  
is selected. Prior to submission of a solicited proposal, a 7241  
private entity may request a review by the department of 7242  
information that the private entity has identified as 7243  
confidential, to determine whether such information would be 7244  
subject to disclosure under section 149.43 of the Revised Code. 7245

**Sec. 5501.72.** (A) The department of transportation may 7246  
receive, consider, evaluate, and accept an unsolicited proposal 7247  
for a public-private initiative if the proposal meets all of the 7248  
following: 7249

(1) Addresses the needs identified in the appropriate state, 7250  
regional, or local transportation plan by improving safety, 7251  
reducing congestion, increasing capacity, or enhancing economic 7252  
efficiency and the proposal is on the transportation improvement 7253  
program for the affected metropolitan planning organization or 7254  
state transportation improvement program; 7255

<u>(2) Is independently originated and developed by the proposer;</u>	7256
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<u>(3) Benefits the public;</u>	7258
<u>(4) Is prepared without department supervision;</u>	7259
<u>(5) Includes sufficient detail and information for the department to evaluate the proposal in an objective and timely manner;</u>	7260
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<u>(6) Is made by a private entity that is not prohibited from making an unsolicited proposal under division (AA)(1) of section 3517.13 of the Revised Code.</u>	7263
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<u>(B) Within ninety days after receiving an unsolicited proposal, the department shall undertake a preliminary evaluation of the unsolicited proposal to determine if the proposal complies with the requirements of division (A) of this section.</u>	7266
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<u>(C) Any materials or data submitted to, made available to, or received by the director of transportation under this section, to the extent that the material or data consist of trade secrets, as defined in section 1333.61 of the Revised Code, are confidential and are not public records for the purposes of section 149.43 of the Revised Code. Financial information received by the director that is related to a proposal is confidential and not a public record for purposes of section 149.43 of the Revised Code until the department accepts or rejects the proposal. Prior to submission of an unsolicited proposal or a competing proposal, a private entity may request a review by the department of information that the private entity has identified as confidential to determine whether such information would be subject to disclosure under section 149.43 of the Revised Code.</u>	7270
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<u>(D) If the unsolicited proposal does not comply with division (A) of this section, the department shall return the proposal without further action.</u>	7284
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(E) If the unsolicited proposal complies with division (A) of this section, the department may continue to evaluate the proposal in accordance with this section. 7287  
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(F)(1) If the unsolicited proposal complies with division (A) of this section, the department shall advertise the unsolicited proposal for the purpose of receiving competitive proposals for the proposed transportation facility. 7290  
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(2) The advertisement shall outline the general nature and scope of the unsolicited proposal, including the location of the transportation facility and the work to be performed on or in connection with the transportation facility and shall specify an address to which a competing proposal may be submitted. 7294  
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(3) The advertisement shall specify a reasonable time period by which competitors must submit a competing proposal to the department. 7299  
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(G) The department shall charge a reasonable fee to cover its costs to process, review, and evaluate an unsolicited proposal and any competing proposals. 7302  
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(H) Upon receipt of any competing proposals, the department shall do all of the following: 7305  
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(1) Determine if any competing proposal is comparable in nature and scope to the original unsolicited proposal; 7307  
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(2) Evaluate the original unsolicited proposal and any comparable competing proposal; 7309  
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(3) Conduct any good faith discussions and, if necessary, any negotiations concerning each qualified proposal. 7311  
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(I) The department shall evaluate an unsolicited proposal and any comparable competing proposal using the following factors: 7313  
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(1) Novel methods, approaches, or concepts demonstrated by the proposal; 7315  
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<u>(2) Scientific, technical, or socioeconomic merits of the proposal;</u>	7317
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<u>(3) Potential contribution of the proposal to the department's mission;</u>	7319
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<u>(4) Capabilities, related experience, facilities, or techniques of the private entity or unique combinations of these qualities that are integral factors for achieving the proposal objectives;</u>	7321
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<u>(5) Qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel, who are critical to achieving the proposal objectives;</u>	7325
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<u>(6) How the proposal benefits the public;</u>	7328
<u>(7) Any other factors appropriate to a particular proposal.</u>	7329
<u>(J) After evaluating the unsolicited proposal and any competing proposals, the department may do any of the following:</u>	7330
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<u>(1) Accept the unsolicited proposal and reject any competing proposals;</u>	7332
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<u>(2) Reject the unsolicited proposal and accept a comparable competing proposal if the department determines that the comparable competing proposal is the most advantageous to the state;</u>	7334
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<u>(3) Accept both an unsolicited proposal and a competing proposal if accepting both proposals is advantageous to the state;</u>	7338
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<u>(4) Reject the unsolicited proposal and any competing proposals.</u>	7340
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<b><u>Sec. 5501.73. (A) After selecting a solicited or unsolicited proposal for a public-private initiative, the department of transportation shall enter into a public-private agreement for a transportation facility with the selected private entity or any</u></b>	7342
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configuration of private entities. An affected jurisdiction may be 7346  
a party to a public-private agreement entered into by the 7347  
department and a selected private entity or combination of private 7348  
entities. 7349

(B) A public-private agreement under this section shall 7350  
provide for all of the following: 7351

(1) Planning, acquisition, financing, development, design, 7352  
construction, reconstruction, replacement, improvement, 7353  
maintenance, management, repair, leasing, or operation of a 7354  
transportation facility; 7355

(2) Term of the public-private agreement, subject to division 7356  
(D) of this section; 7357

(3) Type of property interest, if any, the private entity 7358  
will have in the transportation facility; 7359

(4) A specific plan to ensure proper maintenance of the 7360  
transportation facility throughout the term of the agreement and a 7361  
return of the facility to the department, if applicable, in good 7362  
condition and repair; 7363

(5) Whether user fees will be collected on the transportation 7364  
facility and the basis by which such user fees shall be determined 7365  
and modified; 7366

(6) Compliance with applicable federal, state, and local 7367  
laws; 7368

(7) Grounds for termination of the public-private agreement 7369  
by the department or operator; 7370

(8) Disposition of the facility upon completion of the 7371  
agreement; 7372

(9) Procedures for amendment of the agreement. 7373

(C) A public-private agreement under this section may provide 7374

<u>for any of the following:</u>	7375
<u>(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;</u>	7376 7377 7378
<u>(2) Inspection by the department of construction of or improvements to the transportation facility;</u>	7379 7380
<u>(3) Maintenance by the operator of a policy of liability insurance or self-insurance;</u>	7381 7382
<u>(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;</u>	7383 7384 7385
<u>(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;</u>	7386 7387
<u>(6) Financing obligations of the operator and the department;</u>	7388
<u>(7) Apportionment of expenses between the operator and the department;</u>	7389 7390
<u>(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;</u>	7391 7392 7393
<u>(9) Rights and remedies available in the event of default or delay;</u>	7394 7395
<u>(10) Terms and conditions of indemnification of the operator by the department;</u>	7396 7397
<u>(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;</u>	7398 7399 7400 7401
<u>(12) Sale or lease to the operator of private property related to the transportation facility;</u>	7402 7403

(13) Traffic enforcement and other policing issues, including 7404  
any reimbursement by the private entity for such services. 7405

(D) Any public-private agreement entered into under this 7406  
section may be for a period not to exceed the then current 7407  
two-year period for which appropriations have been made by the 7408  
general assembly to the department; provided, that any agreement 7409  
may be renewed for succeeding two-year periods when the general 7410  
assembly enacts sufficient appropriations to the department for 7411  
each successive biennium. Any such agreement may include, without 7412  
limitation, any agreement by the department with respect to any 7413  
costs of transportation facilities to be included prior to 7414  
acquisition and construction of such transportation facilities. 7415  
Any such agreement shall not constitute a debt or pledge of the 7416  
faith and credit of the state, or of any political subdivision of 7417  
the state, and the operator shall have no right to have taxes or 7418  
excises levied by the general assembly, or the taxing authority of 7419  
any political subdivision of the state, for payments under the 7420  
agreement. Any such agreement shall contain a statement to that 7421  
effect. 7422

(E) No public-private agreement entered into under this 7423  
section shall be construed to transfer to a private entity the 7424  
director's authority to appropriate property under Chapters 163., 7425  
5501., and 5519. of the Revised Code. 7426

**Sec. 5501.74.** In the event of termination of the 7427  
public-private agreement, the authority and duties of the operator 7428  
cease, except for any duties and obligations that extend beyond 7429  
the termination as provided in the public-private agreement, and 7430  
the transportation facility reverts to the department of 7431  
transportation and shall be dedicated to the department for public 7432  
use. 7433

Sec. 5501.75. (A) Upon the occurrence and during the 7434  
continuation of material default by an operator, not related to an 7435  
event of force majeure, the department of transportation may do 7436  
the following: 7437

(1) Elect to take over the transportation facility, including 7438  
the succession of all right, title, and interest in the 7439  
transportation facility, subject to any liens on revenues 7440  
previously granted by the private entity; 7441

(2) Terminate the public-private agreement and exercise any 7442  
other available rights and remedies. 7443

(B) In the event that the department elects to take over a 7444  
transportation facility, the department shall collect and pay any 7445  
revenues that are subject to lien to satisfy any obligation and 7446  
may do the following: 7447

(1) Develop and operate the transportation facility, impose 7448  
user fees for the use of the transportation facility, and comply 7449  
with any service contracts; 7450

(2) Solicit proposals for the maintenance and operation of 7451  
the transportation facility under section 5501.71 of the Revised 7452  
Code. 7453

Sec. 5501.76. Obligations may be issued under section 5531.10 7454  
of the Revised Code for the purpose of providing funds to carry 7455  
out sections 5501.70 to 5501.83 of the Revised Code with respect 7456  
to the development or financing of a transportation facility. 7457

Sec. 5501.77. (A) For the purposes of carrying out sections 7458  
5501.70 to 5501.83 of the Revised Code, the department of 7459  
transportation may do all of the following: 7460

(1) Accept, subject to applicable terms and conditions, 7461  
available funds from the United States or any of its agencies, 7462



whether the funds are made available by grant, loan, or other 7463  
financial assistance; 7464

(2) Enter into agreements or other arrangements with the 7465  
United States or any of its agencies as may be necessary; 7466

(3) For the purpose of completing a transportation facility 7467  
under an agreement, accept from any source any grant, donation, 7468  
gift, or other form of conveyance of land, money, other real or 7469  
personal property, or other item of value made to the state or the 7470  
department. 7471

(B) Any transportation facility may be financed in whole or 7472  
in part by contribution of any funds or property made by any 7473  
private entity or affected jurisdiction that is party to a 7474  
public-private agreement under sections 5501.70 to 5501.83 of the 7475  
Revised Code. 7476

(C) The department may use federal, state, local, and private 7477  
funds to finance a transportation facility under sections 5501.70 7478  
to 5501.83 of the Revised Code and shall comply with any 7479  
requirements and restrictions governing the use of the funds, 7480  
including maintaining the funds separately when necessary. 7481

**Sec. 5501.78.** A transportation facility and any tangible 7482  
personal property used exclusively with a transportation facility 7483  
that is owned by the department of transportation and leased, 7484  
licensed, financed, or otherwise conveyed to an operator, or that 7485  
is acquired, constructed, or otherwise provided by an operator on 7486  
behalf of the department, is exempt from all ad valorem property 7487  
taxes and special assessments levied against property by the state 7488  
or any political subdivision of the state. 7489

**Sec. 5501.79.** The department of transportation, in the same 7490  
manner and for the same transportation purposes established in 7491  
section 5519.01 of the Revised Code, may acquire property, 7492

rights-of-way, or other rights in property for transportation use 7493  
in connection with transportation projects that are part of a 7494  
public-private initiative in accordance with Chapter 163. of the 7495  
Revised Code. If the department proposes to acquire property, 7496  
rights-of-way, or other rights in property for such transportation 7497  
use at the request of a private entity, the acquisition shall be 7498  
by the department, in accordance with Chapter 163. of the Revised 7499  
Code and only if the director of transportation first makes a 7500  
finding that the acquisition is for a public transportation use 7501  
and serves the public transportation purposes of sections 5501.70 7502  
to 5501.83 of the Revised Code; the director also shall require 7503  
the private party to pay the costs of the acquisition. 7504

Sec. 5501.80. All law enforcement officers of the state and 7505  
of an affected local jurisdiction shall have the same powers and 7506  
jurisdiction within the limits of the transportation facility as 7507  
they have in their respective areas of jurisdiction and access to 7508  
the transportation facility at any time for the purpose of 7509  
exercising such powers and jurisdiction. 7510

Sec. 5501.81. An operator under sections 5501.70 to 5501.83 7511  
of the Revised Code and any utility whose facility is to be 7512  
crossed or relocated shall cooperate fully in planning and 7513  
arranging the manner of the crossing or relocation of the utility 7514  
facility. 7515

Sec. 5501.82. Nothing in sections 5501.70 to 5501.83 of the 7516  
Revised Code shall be construed or deemed to affect any waiver of 7517  
the sovereign immunity of the state or any officer or employee of 7518  
the state with respect to the participation in or approval of all 7519  
or any part of the transportation facility or its operation. 7520

Sec. 5501.83. The department of transportation may adopt 7521

rules under Chapter 119. of the Revised Code to carry out sections 7522  
5501.70 to 5501.83 of the Revised Code. 7523

**Sec. 5502.011.** (A) As used in this section, "department of 7524  
public safety" and "department" include all divisions within the 7525  
department of public safety. 7526

(B) The director of the department of public safety is the 7527  
chief executive and administrative officer of the department. The 7528  
director may establish policies governing the department, the 7529  
performance of its employees and officers, the conduct of its 7530  
business, and the custody, use, and preservation of departmental 7531  
records, papers, books, documents, and property. The director also 7532  
may authorize and approve investigations to be conducted by any of 7533  
the department's divisions. Whenever the Revised Code imposes a 7534  
duty upon or requires an action of the department, the director 7535  
may perform the action or duty in the name of the department or 7536  
direct such performance to be performed by the director's 7537  
designee. 7538

(C) In addition to any other duties enumerated in the Revised 7539  
Code, the director or the director's designee shall do all of the 7540  
following: 7541

(1) Administer and direct the performance of the duties of 7542  
the department; 7543

(2) Pursuant to Chapter 119. of the Revised Code, approve, 7544  
adopt, and prescribe such forms and rules as are necessary to 7545  
carry out the duties of the department; 7546

(3) On behalf of the department and in addition to any 7547  
authority the Revised Code otherwise grants to the department, 7548  
have the authority and responsibility for approving and entering 7549  
into contracts, agreements, and other business arrangements; 7550

(4) Make appointments for the department as needed to comply 7551

with requirements of the Revised Code; 7552

(5) Approve employment actions of the department, including 7553  
appointments, promotions, discipline, investigations, and 7554  
terminations; 7555

(6) Accept, hold, and use, for the benefit of the department, 7556  
any gift, donation, bequest, or devise, and may agree to and 7557  
perform all conditions of the gift, donation, bequest, or devise, 7558  
that are not contrary to law; 7559

(7) Apply for, allocate, disburse, and account for grants 7560  
made available under federal law or from other federal, state, or 7561  
private sources; 7562

(8) Do all other acts necessary or desirable to carry out 7563  
this chapter. 7564

(D)(1) The director of public safety may assess a reasonable 7565  
fee, plus the amount of any charge or fee passed on from a 7566  
financial institution, on a drawer or indorser for each of the 7567  
following: 7568

(a) A check, draft, or money order that is returned or 7569  
dishonored; 7570

(b) An automatic bank transfer that is declined, due to 7571  
insufficient funds or for any other reason; 7572

(c) Any financial transaction device that is returned or 7573  
dishonored for any reason. 7574

(2) The director shall deposit any fee collected under this 7575  
division in an appropriate fund as determined by the director 7576  
based on the tax, fee, or fine being paid. 7577

(3) As used in this division, "financial transaction device" 7578  
has the same meaning as in section 113.40 of the Revised Code. 7579

(E) The director shall establish a homeland security advisory 7580  
council to advise the director on homeland security, including 7581

homeland security funding efforts. The advisory council shall 7582  
include, but not be limited to, state and local government 7583  
officials who have homeland security or emergency management 7584  
responsibilities and who represent first responders. The director 7585  
shall appoint the members of the council, who shall serve without 7586  
compensation. 7587

(F) The director of public safety shall adopt rules in 7588  
accordance with Chapter 119. of the Revised Code as required by 7589  
section 2909.28 of the Revised Code and division (A)(1) of section 7590  
2909.32 of the Revised Code. The director shall adopt rules as 7591  
required by division (D) of section 2909.32 of the Revised Code, 7592  
division (E) of section 2909.33 of the Revised Code, and division 7593  
(D) of section 2909.34 of the Revised Code. The director may adopt 7594  
rules pursuant to division (A)(2) of section 2909.32 of the 7595  
Revised Code, division (A)(2) of section 2909.33 of the Revised 7596  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 7597

**Sec. 5502.11.** Every law enforcement agency representing a 7598  
township, county, municipal corporation, or other political 7599  
subdivision investigating a motor vehicle accident involving a 7600  
fatality, personal injury, or property damage in an amount greater 7601  
than ~~four hundred~~ one thousand dollars ~~shall~~, within five days, 7602  
shall forward a written report of such accident to the director of 7603  
public safety on a form, which the director shall adopt subject to 7604  
sections 119.01 to 119.13 of the Revised Code. 7605

**Sec. 5503.02.** (A) The state highway patrol shall enforce the 7606  
laws of the state relating to the titling, registration, and 7607  
licensing of motor vehicles; enforce on all roads and highways, 7608  
notwithstanding section 4513.39 of the Revised Code, the laws 7609  
relating to the operation and use of vehicles on the highways; 7610  
enforce and prevent the violation of the laws relating to the 7611  
size, weight, and speed of commercial motor vehicles and all laws 7612

designed for the protection of the highway pavements and 7613  
structures on the highways; investigate and enforce rules and laws 7614  
of the public utilities commission governing the transportation of 7615  
persons and property by motor carriers and report violations of 7616  
such rules and laws to the commission; enforce against any motor 7617  
transportation company as defined in section 4921.02 of the 7618  
Revised Code, any contract carrier by motor vehicle as defined in 7619  
section 4923.02 of the Revised Code, any private motor carrier as 7620  
defined in section 4923.20 of the Revised Code, and any motor 7621  
carrier as defined in section 4919.75 of the Revised Code those 7622  
rules and laws that, if violated, may result in a forfeiture as 7623  
provided in section 4905.83, 4919.99, 4921.99, or 4923.99 of the 7624  
Revised Code; investigate and report violations of all laws 7625  
relating to the collection of excise taxes on motor vehicle fuels; 7626  
and regulate the movement of traffic on the roads and highways of 7627  
the state, notwithstanding section 4513.39 of the Revised Code. 7628

The patrol, whenever possible, shall determine the identity 7629  
of the persons who are causing or who are responsible for the 7630  
breaking, damaging, or destruction of any improved surfaced 7631  
roadway, structure, sign, marker, guardrail, or other appurtenance 7632  
constructed or maintained by the department of transportation and 7633  
shall arrest the persons who are responsible for the breaking, 7634  
damaging, or destruction and bring them before the proper 7635  
officials for prosecution. 7636

State highway patrol troopers shall investigate and report 7637  
all motor vehicle accidents on all roads and highways outside of 7638  
municipal corporations. The superintendent of the patrol or any 7639  
state highway patrol trooper may arrest, without a warrant, any 7640  
person, who is the driver of or a passenger in any vehicle 7641  
operated or standing on a state highway, whom the superintendent 7642  
or trooper has reasonable cause to believe is guilty of a felony, 7643  
under the same circumstances and with the same power that any 7644

peace officer may make such an arrest. 7645

The superintendent or any state highway patrol trooper may 7646  
enforce the criminal laws on all state properties and state 7647  
institutions, owned or leased by the state, and, when so ordered 7648  
by the governor in the event of riot, civil disorder, or 7649  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 7650  
Revised Code, arrest offenders against the criminal laws wherever 7651  
they may be found within the state if the violations occurred 7652  
upon, or resulted in injury to person or property on, state 7653  
properties or state institutions, or under the conditions 7654  
described in division (B) of this section. 7655

(B) In the event of riot, civil disorder, or insurrection, or 7656  
the reasonable threat of riot, civil disorder, or insurrection, 7657  
and upon request, as provided in this section, of the sheriff of a 7658  
county or the mayor or other chief executive of a municipal 7659  
corporation, the governor may order the state highway patrol to 7660  
enforce the criminal laws within the area threatened by riot, 7661  
civil disorder, or insurrection, as designated by the governor, 7662  
upon finding that law enforcement agencies within the counties 7663  
involved will not be reasonably capable of controlling the riot, 7664  
civil disorder, or insurrection and that additional assistance is 7665  
necessary. In cities in which the sheriff is under contract to 7666  
provide exclusive police services pursuant to section 311.29 of 7667  
the Revised Code, in villages, and in the unincorporated areas of 7668  
the county, the sheriff has exclusive authority to request the use 7669  
of the patrol. In cities in which the sheriff does not exclusively 7670  
provide police services, the mayor, or other chief executive 7671  
performing the duties of mayor, has exclusive authority to request 7672  
the use of the patrol. 7673

The superintendent or any state highway patrol trooper may 7674  
enforce the criminal laws within the area designated by the 7675  
governor during the emergency arising out of the riot, civil 7676

disorder, or insurrection until released by the governor upon 7677  
consultation with the requesting authority. State highway patrol 7678  
troopers shall never be used as peace officers in connection with 7679  
any strike or labor dispute. 7680

When a request for the use of the patrol is made pursuant to 7681  
this division, the requesting authority shall notify the law 7682  
enforcement authorities in contiguous communities and the sheriff 7683  
of each county within which the threatened area, or any part of 7684  
the threatened area, lies of the request, but the failure to 7685  
notify the authorities or a sheriff shall not affect the validity 7686  
of the request. 7687

(C) Any person who is arrested by the superintendent or a 7688  
state highway patrol trooper shall be taken before any court or 7689  
magistrate having jurisdiction of the offense with which the 7690  
person is charged. Any person who is arrested or apprehended 7691  
within the limits of a municipal corporation shall be brought 7692  
before the municipal court or other tribunal of the municipal 7693  
corporation. 7694

(D)(1) State highway patrol troopers have the same right and 7695  
power of search and seizure as other peace officers. 7696

No state official shall command, order, or direct any state 7697  
highway patrol trooper to perform any duty or service that is not 7698  
authorized by law. The powers and duties conferred on the patrol 7699  
are supplementary to, and in no way a limitation on, the powers 7700  
and duties of sheriffs or other peace officers of the state. 7701

(2)(a) A state highway patrol trooper, pursuant to the policy 7702  
established by the superintendent of the state highway patrol 7703  
under division (D)(2)(b) of this section, may render emergency 7704  
assistance to any other peace officer who has arrest authority 7705  
under section 2935.03 of the Revised Code, if both of the 7706  
following apply: 7707



(i) There is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation;

(ii) Either the peace officer requests emergency assistance, or it appears that the peace officer is unable to request emergency assistance and the circumstances observed by the state highway patrol trooper reasonably indicate that emergency assistance is appropriate, or the peace officer requests emergency assistance and in the request the peace officer specifies a particular location and the state highway patrol trooper arrives at that location prior to the time that the peace officer arrives at that location and the circumstances observed by the state highway patrol trooper reasonably indicate that emergency assistance is appropriate.

(b) The superintendent of the state highway patrol shall establish, within sixty days of August 8, 1991, a policy that sets forth the manner and procedures by which a state highway patrol trooper may render emergency assistance to any other peace officer under division (D)(2)(a) of this section. The policy shall include a provision that a state highway patrol trooper never be used as a peace officer in connection with any strike or labor dispute.

(3)(a) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section shall be considered to be performing regular employment for the purposes of compensation, pension, indemnity fund rights, workers' compensation, and other rights or benefits to which the trooper may be entitled as incident to regular employment.

(b) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section retains personal immunity from liability as specified in

section 9.86 of the Revised Code. 7740

(c) A state highway patrol trooper who renders emergency 7741  
assistance under the policy established by the superintendent 7742  
pursuant to division (D)(2)(b) of this section has the same 7743  
authority as the peace officer for or with whom the state highway 7744  
patrol trooper is providing emergency assistance. 7745

(E)(1) Subject to the availability of funds specifically 7746  
appropriated by the general assembly for security detail purposes, 7747  
the state highway patrol shall provide security as follows: 7748

(a) For the governor; 7749

(b) At the direction of the governor, for other officials of 7750  
the state government of this state; officials of the state 7751  
governments of other states who are visiting this state; officials 7752  
of the United States government who are visiting this state; 7753  
officials of the governments of foreign countries or their 7754  
political subdivisions who are visiting this state; or other 7755  
officials or dignitaries who are visiting this state, including, 7756  
but not limited to, members of trade missions; 7757

(c) For the capitol square, as defined in section 105.41 of 7758  
the Revised Code; 7759

(d) For other state property. 7760

(2) To carry out the security responsibilities of the patrol 7761  
listed in division (E)(1) of this section, the superintendent may 7762  
assign state highway patrol troopers to a separate unit that is 7763  
responsible for security details. The number of troopers assigned 7764  
to particular security details shall be determined by the 7765  
superintendent. 7766

(3) The superintendent and any state highway patrol trooper, 7767  
when providing security pursuant to division (E)(1)(a) or (b) of 7768  
this section, have the same arrest powers as other peace officers 7769

to apprehend offenders against the criminal laws who endanger or 7770  
threaten the security of any person being protected, no matter 7771  
where the offense occurs. 7772

The superintendent, any state highway patrol trooper, and any 7773  
special police officer designated under section 5503.09 of the 7774  
Revised Code, when providing security pursuant to division 7775  
(E)(1)(c) of this section, shall enforce any rules governing 7776  
capitol square adopted by the capitol square review and advisory 7777  
board. 7778

(F) The governor may order the state highway patrol to 7779  
undertake major criminal investigations that involve state 7780  
property interests. If an investigation undertaken pursuant to 7781  
this division results in either the issuance of a no bill or the 7782  
filing of an indictment, the superintendent shall file a complete 7783  
and accurate report of the investigation with the president of the 7784  
senate, the speaker of the house of representatives, the minority 7785  
leader of the senate, and the minority leader of the house of 7786  
representatives within fifteen days after the issuance of the no 7787  
bill or the filing of an indictment. If the investigation does not 7788  
have as its result any prosecutorial action, the superintendent 7789  
shall, upon reporting this fact to the governor, file a complete 7790  
and accurate report of the investigation with the president of the 7791  
senate, the speaker of the house of representatives, the minority 7792  
leader of the senate, and the minority leader of the house of 7793  
representatives. 7794

(G) The superintendent may purchase or lease real property 7795  
and buildings needed by the patrol, negotiate the sale of real 7796  
property owned by the patrol, rent or lease real property owned or 7797  
leased by the patrol, and make or cause to be made repairs to all 7798  
property owned or under the control of the patrol. Any instrument 7799  
by which real property is acquired pursuant to this division shall 7800  
identify the agency of the state that has the use and benefit of 7801

the real property as specified in section 5301.012 of the Revised Code. 7802  
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Sections 123.01 and 125.02 of the Revised Code do not limit the powers granted to the superintendent by this division. 7804  
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**Sec. 5517.011.** Notwithstanding section 5517.01 of the Revised Code, the director of transportation may establish a program to expedite the sale and construction of special projects by combining the design and construction elements of a highway or bridge project into a single contract. The director shall prepare and distribute a scope of work document upon which the bidders shall base their bids. Except in regard to those requirements relating to providing plans, the director shall award contracts under this section in accordance with Chapter 5525. of the Revised Code. 7806  
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~~On the effective date of this amendment and until July 1, 2011, the~~ Notwithstanding any provision of Chapter 5525. of the Revised Code, the director may use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements of a transportation project into a single contract. 7816  
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The total dollar value of contracts made under this section shall not exceed one billion dollars per fiscal year. ~~On and after July 1, 2011, for each biennium, the total dollar value of contracts made under this section shall not exceed two hundred fifty million dollars unless otherwise authorized by the general assembly.~~ The director may provide compensation for preparation of a responsive preliminary design concept to not more than two bidders who, after the successful bidder, submitted the next best bids. The director may establish policies or procedures necessary 7824  
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to determine the amount of compensation to be provided for each 7833  
project and the method of evaluating the value of the preliminary 7834  
design concept submitted, but in no instance may the compensation 7835  
exceed the value of such concept. 7836

**Sec. 5525.15.** The director of transportation may provide that 7837  
prior to the bid opening, the official engineer's estimate of cost 7838  
of any project to be constructed by the department ~~by the taking~~ 7839  
~~of bids and awarding of contracts~~ of transportation shall be 7840  
confidential information and ~~so remain until after all bids on the~~ 7841  
~~project have been received. The~~ After the bid opening, only the 7842  
~~total amount of the official engineer's estimate then shall of~~ 7843  
cost may be published. 7844

~~When the director exercises the authority conferred by this~~ 7845  
~~section, all information with respect to the total estimate of~~ 7846  
~~cost of the project to be built by contract and with respect to~~ 7847  
The unit price components and the estimate of cost of any 7848  
particular item of work involved therein shall be kept and 7849  
regarded by the director and all the director's subordinates as 7850  
confidential, and ~~shall~~ are not be revealed to any person not 7851  
~~employed in the department, or by the United States department of~~ 7852  
~~transportation in the case of projects financed in whole or part~~ 7853  
~~by federal funds, until after the bids on the project have been~~ 7854  
~~opened and published. Section 5517.01~~ public records for purposes 7855  
of section 149.43 of the Revised Code ~~with respect to the public~~ 7856  
~~inspection of estimates of cost prior to the opening of bids and~~ 7857  
~~with respect to filing estimates of cost in the office of the~~ 7858  
~~district deputy director of transportation does not apply when the~~ 7859  
~~authority conferred by this section is exercised. This section~~ 7860  
does not prohibit the department from furnishing estimates unit 7861  
price components and the estimate of cost for any particular item 7862  
of work involved therein to the federal government, counties, 7863  
municipal corporations, or other local political subdivisions or 7864

to railroad or railway companies proposing to pay any portion of 7865  
the cost of an improvement. Planning estimates are those estimates 7866  
created for management of the capital program of the department 7867  
and are public records for purposes of section 149.43 of the 7868  
Revised Code. 7869

Section 5525.10 of the Revised Code, which provides that no 7870  
contract for any improvement shall be awarded for a greater sum 7871  
than the estimated cost thereof plus five per cent, does not apply 7872  
in the case of any project with respect to which the authority 7873  
conferred by this section is exercised. In cases in which the 7874  
authority conferred by this section is exercised and in which the 7875  
bid of the successful bidder exceeds the estimate, the director, 7876  
before entering into a contract, shall determine that the bid of 7877  
the successful bidder is fair and reasonable, and as long as the 7878  
federal government imposes regulation on prices charged for 7879  
construction service, shall require the successful bidder to 7880  
certify that the bidder's bid does not exceed the maximum 7881  
permitted by such federal regulation. 7882

**Sec. 5531.12.** (A)~~(1)~~ In order to remove present and 7883  
anticipated handicaps and potential hazards on the highways in 7884  
this state, to facilitate vehicular traffic throughout the state, 7885  
to promote the agricultural, commercial, recreational, tourism, 7886  
and industrial development of the state, and to provide for the 7887  
general welfare of its citizens, the ~~state~~ director of 7888  
transportation ~~finance commission~~ may approve toll projects at 7889  
~~locations approved by the director of transportation.~~ Any revenue 7890  
derived from toll projects shall be used only for purposes of the 7891  
toll project and shall not be expended for any purpose other than 7892  
as provided in Section 5a of Article XII, Ohio Constitution. The 7893  
toll projects authorized by sections 5531.11 to 5531.18 of the 7894  
Revised Code are part of the state highway system. 7895

~~(2)(B)~~ Any toll project shall be developed and submitted for selection in accordance with the policies and procedures of the major new capacity selection process of the transportation review advisory council, created under Chapter 5512. of the Revised Code. Each toll project may be separately designated, by name or number, and may be constructed, improved, or reconstructed as the department of transportation may from time to time determine pursuant to sections 5531.11 to 5531.18 of the Revised Code. A toll project shall be considered a state infrastructure project as defined in section 5531.10 of the Revised Code for all purposes of that section and section 5531.09 of the Revised Code and also is a transportation facility as defined in section 5501.01 of the Revised Code.

~~(3)(C)~~ Nothing in this chapter shall be construed to permit tolls to be charged on existing nontoll ~~highways~~ public roads.

~~(B)(1)~~ There is hereby created within the department of transportation the "Ohio transportation finance commission." The commission shall consist of seven members as follows:

~~(a)~~ Two members appointed by the governor;

~~(b)~~ The director of development, or the director's designee, who shall be a nonvoting ex officio member and shall serve without compensation;

~~(c)~~ Two members appointed by the president of the senate, who shall have experience relevant to approving toll projects, including expertise in finance, engineering, statewide planning, economic development, logistics, or land use planning;

~~(d)~~ Two members appointed by the speaker of the house of representatives, who shall have experience relevant to approving toll projects, including expertise in finance, engineering, statewide planning, economic development, logistics, or land use planning.

~~(2) No member of the general assembly shall be a member of the commission. In making their appointments, the governor, speaker of the house of representatives, and the president of the senate shall consult with each other so that from the total number of six appointed members, at least two are affiliated with the major political party not represented by the governor. In making the governor's appointments, the governor shall appoint persons who reside in different geographic areas of the state. The members appointed by the governor shall be residents of the state and shall serve terms of five years commencing on the first day of July and ending on the thirtieth day of June. The members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the member is appointed. The governor shall appoint one of the members as chairperson and another as vice chairperson and shall appoint a secretary treasurer who need not be a member of the commission. Four of the members of the commission constitute a quorum, and the affirmative vote of four voting members is necessary for any action taken by the commission. No vacancy in the membership of the commission impairs the rights of a quorum to exercise all the rights and perform all the duties of the commission. Appointed members shall have no conflict of interest with the position. For purposes of this section, "conflict of interest" means taking any action that violates any provision of Chapter 102. or 2921. of the Revised Code.~~

~~(C) Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a commission member dies or resigns, or if an ex officio member ceases to hold the applicable office, the vacancy shall be filled in the same manner as provided in division (B) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was~~



~~appointed, if appointed by the governor, shall hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. A member of the commission is eligible for reappointment. Each appointed member of the commission, before entering upon the member's duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor, the president of the senate, or the speaker of the house of representatives may at any time remove their respective appointees to the commission for misfeasance, nonfeasance, or malfeasance in office.~~

~~(D) Each appointed member shall serve without compensation but shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's duties. At the request of the chairperson of the Ohio transportation finance commission, the department of transportation shall provide staff assistance and office space for the commission.~~

~~(E) Upon selection of a toll project by the transportation review advisory council, the director of transportation shall submit a toll proposal for the project to the Ohio transportation finance commission. The commission shall review the toll proposal for the project and either approve it, disapprove it, or suggest modifications to it. Approval for any toll proposal shall be made by an affirmative vote of four of the six voting members of the commission.~~

~~(F) The director of transportation shall adopt rules pursuant to chapter 119. of the Revised Code governing the duties of the~~

~~commission, the frequency of commission meetings, compensation for 7992  
each appointed member, and any rules necessary for the planning, 7993  
development, and implementation of toll projects and the 7994  
collection of tolls. The rules adopted pursuant to this section 7995  
shall include a requirement that the commission hold at least 7996  
three public hearings prior to the commission voting on whether to 7997  
approve a toll project. 7998~~

**Sec. 5531.18.** The director of transportation shall establish 7999  
a procedure whereby a political subdivision or other governmental 8000  
agency or agencies may submit a written application to the 8001  
director requesting the department of transportation to construct 8002  
and operate a toll project within the boundaries of the 8003  
subdivision, agency, or agencies making the request. The procedure 8004  
shall include a requirement that the director send a written reply 8005  
to the subdivision, agency, or agencies explaining the disposition 8006  
of the request. ~~The procedure established pursuant to this section 8007  
shall not become effective unless it is approved by the Ohio 8008  
transportation finance commission created under section 5531.12 of 8009  
the Revised Code. 8010~~

**Sec. 5537.051.** (A)(1) In any county that as of January 1, 8011  
2011, had closed one or more roads as a result of grade separation 8012  
failure at intersections of a turnpike project with a county or 8013  
township road, the Ohio turnpike commission is responsible for the 8014  
major maintenance and repair and replacement of failed grade 8015  
separations. The governmental entity with jurisdiction over the 8016  
county or township road is responsible for routine maintenance of 8017  
such failed grade separations. 8018

(2) This section does not apply to any grade separation at 8019  
intersections of a turnpike project with a county or township road 8020  
except as described in division (A)(1) of this section. 8021

(3) Major maintenance and repair and replacement of 8022  
above-mentioned failed grade separations shall commence not later 8023  
than July 1, 2011, and be completed before December 31, 2014. 8024

(B) As used in this section: 8025

(1) "Major maintenance and repair and replacement" relates to 8026  
all elements constructed as part of or required for a grade 8027  
separation, including bridges, pile, foundations, substructures, 8028  
abutments, piers, superstructures, approach slabs, slopes, 8029  
embankments, fences, and appurtenances. 8030

(2) "Routine maintenance" includes, without limitation, 8031  
clearing debris, sweeping, snow and ice removal, wearing surface 8032  
improvements, marking for traffic control, box culverts, drainage 8033  
facilities including headwalls and underdrains, inlets, catch 8034  
basins and grates, guardrails, minor and emergency repairs to 8035  
railing and appurtenances, and emergency patching. 8036

**Sec. 5540.01.** As used in this chapter: 8037

(A) "Transportation improvement district" or "district" means 8038  
a transportation improvement district designated pursuant to 8039  
section 5540.02 of the Revised Code. 8040

(B) "Governmental agency" means a department, division, or 8041  
other unit of state government; a county, township, or municipal 8042  
corporation or other political subdivision; a regional transit 8043  
authority or regional transit commission created pursuant to 8044  
Chapter 306. of the Revised Code; a port authority created 8045  
pursuant to Chapter 4582. of the Revised Code; and the United 8046  
States or any agency thereof. 8047

(C) "Project" means a street, highway, parking facility, 8048  
freight rail tracks and necessarily related freight rail 8049  
facilities, or other transportation project constructed or 8050  
improved under this chapter and includes all bridges, tunnels, 8051

overpasses, underpasses, interchanges, approaches, those portions 8052  
of connecting streets or highways that serve interchanges and are 8053  
determined by the district to be necessary for the safe merging of 8054  
traffic between the project and those streets or highways, service 8055  
facilities, and administration, storage, and other buildings, 8056  
property, and facilities, that the district considers necessary 8057  
for the operation of the project, together with all property and 8058  
rights that must be acquired by the district for the construction, 8059  
maintenance, or operation of the project. 8060

(D) "Cost," as applied to the construction of a project, 8061  
includes the cost of construction, including bridges over or under 8062  
existing highways and railroads, acquisition of all property 8063  
acquired by the district for such construction, demolishing or 8064  
removing any buildings or structures on land so acquired, 8065  
including the cost of acquiring any lands to which such buildings 8066  
or structures may be moved, site clearance, improvement, and 8067  
preparation, diverting streets or highways, interchanges with 8068  
streets or highways, access roads to private property, including 8069  
the cost of land or easements therefor, all machinery, 8070  
furnishings, and equipment, communications facilities, financing 8071  
expenses, interest prior to and during construction and for one 8072  
year after completion of construction, traffic estimates, 8073  
indemnity and surety bonds and premiums on insurance, and 8074  
guarantees, engineering, feasibility studies, and legal expenses, 8075  
plans, specifications, surveys, estimates of cost and revenues, 8076  
other expenses necessary or incidental to determining the 8077  
feasibility or practicability of constructing a project, and such 8078  
other expense as may be necessary or incident to the construction 8079  
of the project and the financing of such construction. Any 8080  
obligation or expense incurred by any governmental agency or 8081  
person for surveys, borings, preparation of plans and 8082  
specifications, and other engineering services, or any other cost 8083  
described above, in connection with the construction of a project 8084

may be regarded as part of the cost of the project and reimbursed 8085  
from revenues, taxes, or the proceeds of bonds as authorized by 8086  
this chapter. 8087

(E) "Owner" includes any person having any title or interest 8088  
in any property authorized to be acquired by a district under this 8089  
chapter. 8090

(F) "Revenues" means all moneys received by a district with 8091  
respect to the lease, sublease, or sale, including installment 8092  
sale, conditional sale, or sale under a lease-purchase agreement, 8093  
of a project, all moneys received by a district under an agreement 8094  
pursuant to Section 515.03 of H.B. 66 of the 126th General 8095  
Assembly, any gift or grant received with respect to a project, 8096  
tolls, special assessments levied by the district, proceeds of 8097  
bonds to the extent the use thereof for payment of principal or of 8098  
premium, if any, or interest on the bonds is authorized by the 8099  
district, proceeds from any insurance, condemnation, or guaranty 8100  
pertaining to a project or property mortgaged to secure bonds or 8101  
pertaining to the financing of a project, and income and profit 8102  
from the investment of the proceeds of bonds or of any revenues. 8103

(G) "Street or highway" has the same meaning as in section 8104  
4511.01 of the Revised Code. 8105

(H) "Financing expenses" means all costs and expenses 8106  
relating to the authorization, issuance, sale, delivery, 8107  
authentication, deposit, custody, clearing, registration, 8108  
transfer, exchange, fractionalization, replacement, payment, and 8109  
servicing of bonds including, without limitation, costs and 8110  
expenses for or relating to publication and printing, postage, 8111  
delivery, preliminary and final official statements, offering 8112  
circulars, and informational statements, travel and 8113  
transportation, underwriters, placement agents, investment 8114  
bankers, paying agents, registrars, authenticating agents, 8115  
remarketing agents, custodians, clearing agencies or corporations, 8116

securities depositories, financial advisory services, 8117  
certifications, audits, federal or state regulatory agencies, 8118  
accounting and computation services, legal services and obtaining 8119  
approving legal opinions and other legal opinions, credit ratings, 8120  
redemption premiums, and credit enhancement facilities. 8121

(I) "Bond proceedings" means the resolutions, trust 8122  
agreements, certifications, notices, sale proceedings, leases, 8123  
lease-purchase agreements, assignments, credit enhancement 8124  
facility agreements, and other agreements, instruments, and 8125  
documents, as amended and supplemented, or any one or more of 8126  
combination thereof, authorizing, or authorizing or providing for 8127  
the terms and conditions applicable to, or providing for the 8128  
security or sale or award or liquidity of, bonds, and includes the 8129  
provisions set forth or incorporated in those bonds and bond 8130  
proceedings. 8131

(J) "Bond service charges" means principal, including any 8132  
mandatory sinking fund or mandatory redemption requirements for 8133  
retirement of bonds, and interest and any redemption premium 8134  
payable on bonds, as those payments come due and are payable to 8135  
the bondholder or to a person making payment under a credit 8136  
enhancement facility of those bond service charges to a 8137  
bondholder. 8138

(K) "Bond service fund" means the applicable fund created by 8139  
the bond proceedings for and pledged to the payment of bond 8140  
service charges on bonds provided for by those proceedings, 8141  
including all moneys and investments, and earnings from 8142  
investments, credited and to be credited to that fund as provided 8143  
in the bond proceedings. 8144

(L) "Bonds" means bonds, notes, including notes anticipating 8145  
bonds or other notes, commercial paper, certificates of 8146  
participation, or other evidences of obligation, including any 8147  
interest coupons pertaining thereto, issued pursuant to this 8148

chapter. 8149

(M) "Net revenues" means revenues lawfully available to pay 8150  
both current operating expenses of a district and bond service 8151  
charges in any fiscal year or other specified period, less current 8152  
operating expenses of the district and any amount necessary to 8153  
maintain a working capital reserve for that period. 8154

(N) "Pledged revenues" means net revenues, moneys and 8155  
investments, and earnings on those investments, in the applicable 8156  
bond service fund and any other special funds, and the proceeds of 8157  
any bonds issued for the purpose of refunding prior bonds, all as 8158  
lawfully available and by resolution of the district committed for 8159  
application as pledged revenues to the payment of bond service 8160  
charges on particular issues of bonds. 8161

(O) "Special funds" means the applicable bond service fund 8162  
and any accounts and subaccounts in that fund, any other funds or 8163  
accounts permitted by and established under, and identified as a 8164  
special fund or special account in, the bond proceedings, 8165  
including any special fund or account established for purposes of 8166  
rebate or other requirements under federal income tax laws. 8167

(P) "Credit enhancement facilities" means letters of credit, 8168  
lines of credit, standby, contingent, or firm securities purchase 8169  
agreements, insurance, or surety arrangements, guarantees, and 8170  
other arrangements that provide for direct or contingent payment 8171  
of bond service charges, for security or additional security in 8172  
the event of nonpayment or default in respect of bonds, or for 8173  
making payment of bond service charges and at the option and on 8174  
demand of bondholders or at the option of the district or upon 8175  
certain conditions occurring under put or similar arrangements, or 8176  
for otherwise supporting the credit or liquidity of the bonds, and 8177  
includes credit, reimbursement, marketing, remarketing, indexing, 8178  
carrying, interest rate hedge, and subrogation agreements, and 8179  
other agreements and arrangements for payment and reimbursement of 8180

the person providing the credit enhancement facility and the 8181  
security for that payment and reimbursement. 8182

(Q) "Refund" means to fund and retire outstanding bonds, 8183  
including advance refunding with or without payment or redemption 8184  
prior to stated maturity. 8185

(R) "Property" includes interests in property. 8186

(S) "Administrative agent," "agent," "commercial paper," 8187  
"floating rate interest structure," "indexing agent," "interest 8188  
rate hedge," "interest rate period," "put arrangement," and 8189  
"remarketing agent" have the same meanings as in section 9.98 of 8190  
the Revised Code. 8191

(T) "Outstanding" as applied to bonds means outstanding in 8192  
accordance with the terms of the bonds and the applicable bond 8193  
proceedings. 8194

(U) "Interstate system" has the same meaning as in section 8195  
5516.01 of the Revised Code. 8196

**Sec. 5577.042.** (A) As used in this section: 8197

(1) "Farm machinery" has the same meaning as in section 8198  
4501.01 of the Revised Code. 8199

(2) "Farm commodities" includes livestock, bulk milk, corn, 8200  
soybeans, tobacco, and wheat. 8201

(3) "Farm truck" means a truck used in the transportation 8202  
from a farm of farm commodities when the truck is operated in 8203  
accordance with this section. 8204

(4) "Log truck" means a truck used in the transportation of 8205  
timber from the site of its cutting when the truck is operated in 8206  
accordance with this section. 8207

(5) "Coal truck" means a truck transporting coal from the 8208  
site where it is mined when the truck is operated in accordance 8209



with this section. 8210

(6) "Solid waste" has the same meaning as in section 3734.01 8211  
of the Revised Code. 8212

(7) "Solid waste haul vehicle" means a vehicle hauling solid 8213  
waste for which a bill of lading has not been issued. 8214

(B)(1) Notwithstanding sections 5577.02 and 5577.04 of the 8215  
Revised Code, ~~a coal truck transporting coal, a farm truck or farm 8216  
machinery transporting farm commodities, a log truck transporting 8217  
timber, or a solid waste haul vehicle hauling solid waste, from 8218  
the place of production to the first point of delivery where the 8219  
commodities are weighed and title to the commodities, coal, or 8220  
timber is transferred, or, in the case of solid waste, from the 8221  
place of production to the first point of delivery where the solid 8222  
waste is disposed of or title to the solid waste is transferred, 8223  
the following vehicles under the described conditions may exceed 8224  
by no more than seven and one-half per cent the weight provisions 8225  
of sections 5577.01 to 5577.09 of the Revised Code and no penalty 8226  
prescribed in section 5577.99 of the Revised Code shall be 8227  
imposed. If a coal truck so transporting coal, a farm truck or 8228  
farm machinery so transporting farm commodities, a timber truck so 8229  
transporting timber, or a solid waste haul vehicle hauling solid 8230  
waste,~~ 8231

(a) A coal truck transporting coal, from the place of 8232  
production to the first point of delivery where title to the coal 8233  
is transferred; 8234

(b) A farm truck or farm machinery transporting farm 8235  
commodities, from the place of production to the first point of 8236  
delivery where the commodities are weighed and title to the 8237  
commodities is transferred; 8238

(c) A log truck transporting timber, from the site of its 8239  
cutting to the first point of delivery where the timber is 8240

transferred; 8241

(d) A solid waste haul vehicle hauling solid waste, from the 8242  
place of production to the first point of delivery where the solid 8243  
waste is disposed of or title to the solid waste is transferred. 8244

(2) In addition, if any of the vehicles listed in division 8245  
(B)(1) of this section and operated under the conditions described 8246  
in that division does not exceed by more than seven and one-half 8247  
per cent the gross vehicle weight provisions of sections 5577.01 8248  
to 5577.09 of the Revised Code, no wheel or axle-load limits shall 8249  
apply and no penalty prescribed in section 5577.99 of the Revised 8250  
Code for a wheel or axle overload shall be imposed. 8251

(C) If any of the vehicles listed in division (B)(1) of this 8252  
section and operated under the conditions described in that 8253  
division exceeds by more than seven and one-half per cent the 8254  
weight provisions of these sections 5577.01 to 5577.09 of the 8255  
Revised Code, both of the following apply without regard to the 8256  
seven and one-half per cent allowance provided by this division: 8257

(1) The applicable penalty prescribed in section 5577.99 of 8258  
the Revised Code; 8259

(2) The civil liability imposed by section 5577.12 of the 8260  
Revised Code. 8261

~~(C)~~(D)(1) Division (B) of this section does not apply to the 8262  
operation of a farm truck, log truck, or farm machinery 8263  
transporting farm commodities during the months of February and 8264  
March. 8265

(2) Regardless of when the operation occurs, division (B) of 8266  
this section does not apply to the operation of a ~~coal truck, a~~ 8267  
~~farm truck, a log truck, a solid waste haul vehicle, or farm~~ 8268  
~~machinery transporting farm commodities~~ on either of the 8269  
following: 8270

(a) A highway that is part of the interstate system;	8271
(b) A highway, road, or bridge that is subject to reduced maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42 of the Revised Code.	8272 8273 8274
<u>Sec. 5577.043. (A) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, the following vehicles under the described conditions may exceed by no more than five per cent the weight provisions of sections 5577.01 to 5577.09 of the Revised Code and no penalty prescribed in section 5577.99 of the Revised Code shall be imposed:</u>	8275 8276 8277 8278 8279 8280
<u>(1) A surface mining truck transporting minerals from the place where the minerals are loaded to any of the following:</u>	8281 8282
<u>(a) The construction site where the minerals are discharged;</u>	8283
<u>(b) The place where title to the minerals is transferred;</u>	8284
<u>(c) The place of processing.</u>	8285
<u>(2) A vehicle transporting hot mix asphalt material from the place where the material is first mixed to the paving site where the material is discharged;</u>	8286 8287 8288
<u>(3) A vehicle transporting concrete from the place where the material is first mixed to the site where the material is discharged;</u>	8289 8290 8291
<u>(4) A vehicle transporting manure, turf, sod, or silage from the site where the material is first produced to the first place of delivery;</u>	8292 8293 8294
<u>(5) A vehicle transporting chips, sawdust, mulch, bark, pulpwood, biomass, or firewood from the site where the product is first produced or harvested to first point where the product is transferred.</u>	8295 8296 8297 8298
<u>(B) In addition, if any of the vehicles listed in division</u>	8299

(A) of this section and operated under the conditions described in 8300  
that division does not exceed by more than five per cent the gross 8301  
vehicle weight provisions of sections 5577.01 to 5577.09 of the 8302  
Revised Code, the vehicle may exceed the wheel or axle load 8303  
provisions of those sections by no more than five per cent and no 8304  
penalty prescribed in section 5577.99 of the Revised Code for a 8305  
wheel or axle overload shall be imposed. 8306

(C) If any of the vehicles listed in division (A) of this 8307  
section and operated under the conditions described in that 8308  
division exceeds by more than five per cent the weight provisions 8309  
or by more than five per cent the wheel or axle load provisions of 8310  
sections 5577.01 to 5577.09 of the Revised Code, both of the 8311  
following apply without regard to the allowance provided by 8312  
divisions (A) and (B) of this section: 8313

(1) The applicable penalty prescribed in section 5577.99 of 8314  
the Revised Code; 8315

(2) The civil liability imposed by section 5577.12 of the 8316  
Revised Code. 8317

(D) Divisions (A) and (B) of this section do not apply to the 8318  
operation of a vehicle listed in division (A) of this section on 8319  
either of the following: 8320

(1) A highway that is part of the interstate system; 8321

(2) A highway, road, or bridge that is subject to reduced 8322  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 8323  
5577.09, or 5591.42 of the Revised Code. 8324

**Sec. 5751.01.** As used in this chapter: 8325

(A) "Person" means, but is not limited to, individuals, 8326  
combinations of individuals of any form, receivers, assignees, 8327  
trustees in bankruptcy, firms, companies, joint-stock companies, 8328  
business trusts, estates, partnerships, limited liability 8329

partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

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

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

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

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

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

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

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

(b) Taxable gross receipts that cannot be directly attributed 8360  
to any activity, multiplied by a fraction whose numerator is the 8361  
taxable gross receipts described in division (E)(2)(a) of this 8362  
section and whose denominator is the total taxable gross receipts 8363  
that can be directly attributed to any activity; 8364

(c) Except for any differences resulting from the use of an 8365  
accrual basis method of accounting for purposes of determining 8366  
gross receipts under this chapter and the use of the cash basis 8367  
method of accounting for purposes of determining gross receipts 8368  
under section 5727.24 of the Revised Code, the gross receipts 8369  
directly attributed to the activity of a natural gas company shall 8370  
be determined in a manner consistent with division (D) of section 8371  
5727.03 of the Revised Code. 8372

As used in division (E)(2) of this section, "combined 8373  
company" and "public utility" have the same meanings as in section 8374  
5727.01 of the Revised Code. 8375

(3) A financial institution, as defined in section 5725.01 of 8376  
the Revised Code, that paid the corporation franchise tax charged 8377  
by division (D) of section 5733.06 of the Revised Code based on 8378  
one or more taxable years that include the entire tax period under 8379  
this chapter; 8380

(4) A dealer in intangibles, as defined in section 5725.01 of 8381  
the Revised Code, that paid the dealer in intangibles tax levied 8382  
by division (D) of section 5707.03 of the Revised Code based on 8383  
one or more measurement periods that include the entire tax period 8384  
under this chapter; 8385

(5) A financial holding company as defined in the "Bank 8386  
Holding Company Act," 12 U.S.C. 1841(p); 8387

(6) A bank holding company as defined in the "Bank Holding 8388  
Company Act," 12 U.S.C. 1841(a); 8389

(7) A savings and loan holding company as defined in the 8390

"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 8391  
only in activities or investments permissible for a financial 8392  
holding company under 12 U.S.C. 1843(k); 8393

(8) A person directly or indirectly owned by one or more 8394  
financial institutions, financial holding companies, bank holding 8395  
companies, or savings and loan holding companies described in 8396  
division (E)(3), (5), (6), or (7) of this section that is engaged 8397  
in activities permissible for a financial holding company under 12 8398  
U.S.C. 1843(k), except that any such person held pursuant to 8399  
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 8400  
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 8401  
directly or indirectly owned by one or more insurance companies 8402  
described in division (E)(9) of this section that is authorized to 8403  
do the business of insurance in this state. 8404

For the purposes of division (E)(8) of this section, a person 8405  
owns another person under the following circumstances: 8406

(a) In the case of corporations issuing capital stock, one 8407  
corporation owns another corporation if it owns fifty per cent or 8408  
more of the other corporation's capital stock with current voting 8409  
rights; 8410

(b) In the case of a limited liability company, one person 8411  
owns the company if that person's membership interest, as defined 8412  
in section 1705.01 of the Revised Code, is fifty per cent or more 8413  
of the combined membership interests of all persons owning such 8414  
interests in the company; 8415

(c) In the case of a partnership, trust, or other 8416  
unincorporated business organization other than a limited 8417  
liability company, one person owns the organization if, under the 8418  
articles of organization or other instrument governing the affairs 8419  
of the organization, that person has a beneficial interest in the 8420  
organization's profits, surpluses, losses, or distributions of 8421

fifty per cent or more of the combined beneficial interests of all 8422  
persons having such an interest in the organization; 8423

(d) In the case of multiple ownership, the ownership 8424  
interests of more than one person may be aggregated to meet the 8425  
fifty per cent ownership tests in this division only when each 8426  
such owner is described in division (E)(3), (5), (6), or (7) of 8427  
this section and is engaged in activities permissible for a 8428  
financial holding company under 12 U.S.C. 1843(k) or is a person 8429  
directly or indirectly owned by one or more insurance companies 8430  
described in division (E)(9) of this section that is authorized to 8431  
do the business of insurance in this state. 8432

(9) A domestic insurance company or foreign insurance 8433  
company, as defined in section 5725.01 of the Revised Code, that 8434  
paid the insurance company premiums tax imposed by section 5725.18 8435  
or Chapter 5729. of the Revised Code based on one or more 8436  
measurement periods that include the entire tax period under this 8437  
chapter; 8438

(10) A person that solely facilitates or services one or more 8439  
securitizations or similar transactions for any person described 8440  
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 8441  
For purposes of this division, "securitization" means transferring 8442  
one or more assets to one or more persons and then issuing 8443  
securities backed by the right to receive payment from the asset 8444  
or assets so transferred. 8445

(11) Except as otherwise provided in this division, a 8446  
pre-income tax trust as defined in division (FF)(4) of section 8447  
5747.01 of the Revised Code and any pass-through entity of which 8448  
such pre-income tax trust owns or controls, directly, indirectly, 8449  
or constructively through related interests, more than five per 8450  
cent of the ownership or equity interests. If the pre-income tax 8451  
trust has made a qualifying pre-income tax trust election under 8452  
division (FF)(3) of section 5747.01 of the Revised Code, then the 8453



trust and the pass-through entities of which it owns or controls, 8454  
directly, indirectly, or constructively through related interests, 8455  
more than five per cent of the ownership or equity interests, 8456  
shall not be excluded persons for purposes of the tax imposed 8457  
under section 5751.02 of the Revised Code. 8458

(12) Nonprofit organizations or the state and its agencies, 8459  
instrumentalities, or political subdivisions. 8460

(F) Except as otherwise provided in divisions (F)(2), (3), 8461  
and (4) of this section, "gross receipts" means the total amount 8462  
realized by a person, without deduction for the cost of goods sold 8463  
or other expenses incurred, that contributes to the production of 8464  
gross income of the person, including the fair market value of any 8465  
property and any services received, and any debt transferred or 8466  
forgiven as consideration. 8467

(1) The following are examples of gross receipts: 8468

(a) Amounts realized from the sale, exchange, or other 8469  
disposition of the taxpayer's property to or with another; 8470

(b) Amounts realized from the taxpayer's performance of 8471  
services for another; 8472

(c) Amounts realized from another's use or possession of the 8473  
taxpayer's property or capital; 8474

(d) Any combination of the foregoing amounts. 8475

(2) "Gross receipts" excludes the following amounts: 8476

(a) Interest income except interest on credit sales; 8477

(b) Dividends and distributions from corporations, and 8478  
distributive or proportionate shares of receipts and income from a 8479  
pass-through entity as defined under section 5733.04 of the 8480  
Revised Code; 8481

(c) Receipts from the sale, exchange, or other disposition of 8482  
an asset described in section 1221 or 1231 of the Internal Revenue 8483

Code, without regard to the length of time the person held the 8484  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 8485  
receipts from hedging transactions also are excluded to the extent 8486  
the transactions are entered into primarily to protect a financial 8487  
position, such as managing the risk of exposure to (i) foreign 8488  
currency fluctuations that affect assets, liabilities, profits, 8489  
losses, equity, or investments in foreign operations; (ii) 8490  
interest rate fluctuations; or (iii) commodity price fluctuations. 8491  
As used in division (F)(2)(c) of this section, "hedging 8492  
transaction" has the same meaning as used in section 1221 of the 8493  
Internal Revenue Code and also includes transactions accorded 8494  
hedge accounting treatment under statement of financial accounting 8495  
standards number 133 of the financial accounting standards board. 8496  
For the purposes of division (F)(2)(c) of this section, the actual 8497  
transfer of title of real or tangible personal property to another 8498  
entity is not a hedging transaction. 8499

(d) Proceeds received attributable to the repayment, 8500  
maturity, or redemption of the principal of a loan, bond, mutual 8501  
fund, certificate of deposit, or marketable instrument; 8502

(e) The principal amount received under a repurchase 8503  
agreement or on account of any transaction properly characterized 8504  
as a loan to the person; 8505

(f) Contributions received by a trust, plan, or other 8506  
arrangement, any of which is described in section 501(a) of the 8507  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 8508  
1, Subchapter (D) of the Internal Revenue Code applies; 8509

(g) Compensation, whether current or deferred, and whether in 8510  
cash or in kind, received or to be received by an employee, former 8511  
employee, or the employee's legal successor for services rendered 8512  
to or for an employer, including reimbursements received by or for 8513  
an individual for medical or education expenses, health insurance 8514  
premiums, or employee expenses, or on account of a dependent care 8515

spending account, legal services plan, any cafeteria plan	8516
described in section 125 of the Internal Revenue Code, or any	8517
similar employee reimbursement;	8518
(h) Proceeds received from the issuance of the taxpayer's own	8519
stock, options, warrants, puts, or calls, or from the sale of the	8520
taxpayer's treasury stock;	8521
(i) Proceeds received on the account of payments from	8522
insurance policies, except those proceeds received for the loss of	8523
business revenue;	8524
(j) Gifts or charitable contributions received; membership	8525
dues received by trade, professional, homeowners', or condominium	8526
associations; and payments received for educational courses,	8527
meetings, meals, or similar payments to a trade, professional, or	8528
other similar association; and fundraising receipts received by	8529
any person when any excess receipts are donated or used	8530
exclusively for charitable purposes;	8531
(k) Damages received as the result of litigation in excess of	8532
amounts that, if received without litigation, would be gross	8533
receipts;	8534
(l) Property, money, and other amounts received or acquired	8535
by an agent on behalf of another in excess of the agent's	8536
commission, fee, or other remuneration;	8537
(m) Tax refunds, other tax benefit recoveries, and	8538
reimbursements for the tax imposed under this chapter made by	8539
entities that are part of the same combined taxpayer or	8540
consolidated elected taxpayer group, and reimbursements made by	8541
entities that are not members of a combined taxpayer or	8542
consolidated elected taxpayer group that are required to be made	8543
for economic parity among multiple owners of an entity whose tax	8544
obligation under this chapter is required to be reported and paid	8545
entirely by one owner, pursuant to the requirements of sections	8546

5751.011 and 5751.012 of the Revised Code;	8547
(n) Pension reversions;	8548
(o) Contributions to capital;	8549
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	8550 8551 8552 8553 8554
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	8555 8556 8557 8558 8559 8560 8561
(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;	8562 8563 8564 8565 8566 8567
(s) In the case of receipts from the sale of beer or 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;	8568 8569 8570 8571 8572 8573 8574
(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	8575 8576 8577

defined in that section, to another motor vehicle dealer for the 8578  
purpose of resale by the transferee motor vehicle dealer, but only 8579  
if the sale or other transfer was based upon the transferee's need 8580  
to meet a specific customer's preference for a motor vehicle; 8581

(u) Receipts from a financial institution described in 8582  
division (E)(3) of this section for services provided to the 8583  
financial institution in connection with the issuance, processing, 8584  
servicing, and management of loans or credit accounts, if such 8585  
financial institution and the recipient of such receipts have at 8586  
least fifty per cent of their ownership interests owned or 8587  
controlled, directly or constructively through related interests, 8588  
by common owners; 8589

(v) Receipts realized from administering anti-neoplastic 8590  
drugs and other cancer chemotherapy, biologicals, therapeutic 8591  
agents, and supportive drugs in a physician's office to patients 8592  
with cancer; 8593

(w) Funds received or used by a mortgage broker that is not a 8594  
dealer in intangibles, other than fees or other consideration, 8595  
pursuant to a table-funding mortgage loan or warehouse-lending 8596  
mortgage loan. Terms used in division (F)(2)(w) of this section 8597  
have the same meanings as in section 1322.01 of the Revised Code, 8598  
except "mortgage broker" means a person assisting a buyer in 8599  
obtaining a mortgage loan for a fee or other consideration paid by 8600  
the buyer or a lender, or a person engaged in table-funding or 8601  
warehouse-lending mortgage loans that are first lien mortgage 8602  
loans. 8603

(x) Property, money, and other amounts received by a 8604  
professional employer organization, as defined in section 4125.01 8605  
of the Revised Code, from a client employer, as defined in that 8606  
section, in excess of the administrative fee charged by the 8607  
professional employer organization to the client employer; 8608

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

(z) Qualifying distribution center receipts.

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

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

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

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

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

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

thirtieth day of June of the year preceding the qualifying year. 8640

(VI) "Qualifying certificate" means the certificate issued by 8641  
the tax commissioner after the operator of a distribution center 8642  
files an annual application with the commissioner. The application 8643  
and annual fee shall be filed and paid for each qualified 8644  
distribution center on or before the first day of September before 8645  
the qualifying year or within forty-five days after the 8646  
distribution center opens, whichever is later. 8647

The applicant must substantiate to the commissioner's 8648  
satisfaction that, for the qualifying period, all persons 8649  
operating the distribution center have more than fifty per cent of 8650  
the cost of the qualified property shipped to a location such that 8651  
it would be situated outside this state under the provisions of 8652  
division (E) of section 5751.033 of the Revised Code. The 8653  
applicant must also substantiate that the distribution center 8654  
cumulatively had costs from its suppliers equal to or exceeding 8655  
five hundred million dollars during the qualifying period. (For 8656  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 8657  
excludes any person that is part of the consolidated elected 8658  
taxpayer group, if applicable, of the operator of the qualified 8659  
distribution center.) The commissioner may require the applicant 8660  
to have an independent certified public accountant certify that 8661  
the calculation of the minimum thresholds required for a qualified 8662  
distribution center by the operator of a distribution center has 8663  
been made in accordance with generally accepted accounting 8664  
principles. The commissioner shall issue or deny the issuance of a 8665  
certificate within sixty days after the receipt of the 8666  
application. A denial is subject to appeal under section 5717.02 8667  
of the Revised Code. If the operator files a timely appeal under 8668  
section 5717.02 of the Revised Code, the operator shall be granted 8669  
a qualifying certificate, provided that the operator is liable for 8670  
any tax, interest, or penalty upon amounts claimed as qualifying 8671

distribution center receipts, other than those receipts exempt 8672  
under division (C)(1) of section 5751.011 of the Revised Code, 8673  
that would have otherwise not been owed by its suppliers if the 8674  
qualifying certificate was valid. 8675

(VII) "Ohio delivery percentage" means the proportion of the 8676  
total property delivered to a destination inside Ohio from the 8677  
qualified distribution center during the qualifying period 8678  
compared with total deliveries from such distribution center 8679  
everywhere during the qualifying period. 8680

(ii) If the distribution center is new and was not open for 8681  
the entire qualifying period, the operator of the distribution 8682  
center may request that the commissioner grant a qualifying 8683  
certificate. If the certificate is granted and it is later 8684  
determined that more than fifty per cent of the qualified property 8685  
during that year was not shipped to a location such that it would 8686  
be situated outside of this state under the provisions of division 8687  
(E) of section 5751.033 of the Revised Code or if it is later 8688  
determined that the person that operates the distribution center 8689  
had average monthly costs from its suppliers of less than forty 8690  
million dollars during that year, then the operator of the 8691  
distribution center shall be liable for any tax, interest, or 8692  
penalty upon amounts claimed as qualifying distribution center 8693  
receipts, other than those receipts exempt under division (C)(1) 8694  
of section 5751.011 of the Revised Code, that would have not 8695  
otherwise been owed by its suppliers during the qualifying year if 8696  
the qualifying certificate was valid. (For purposes of division 8697  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 8698  
is part of the consolidated elected taxpayer group, if applicable, 8699  
of the operator of the qualified distribution center.) 8700

(iii) When filing an application for a qualifying certificate 8701  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 8702  
qualified distribution center also shall provide documentation, as 8703



the commissioner requires, for the commissioner to ascertain the 8704  
Ohio delivery percentage. The commissioner, upon issuing the 8705  
qualifying certificate, also shall certify the Ohio delivery 8706  
percentage. The operator of the qualified distribution center may 8707  
appeal the commissioner's certification of the Ohio delivery 8708  
percentage in the same manner as an appeal is taken from the 8709  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 8710  
of this section. 8711

Within thirty days after all appeals have been exhausted, the 8712  
operator of the qualified distribution center shall notify the 8713  
affected suppliers of qualified property that such suppliers are 8714  
required to file, within sixty days after receiving notice from 8715  
the operator of the qualified distribution center, amended reports 8716  
for the impacted calendar quarter or quarters or calendar year, 8717  
whichever the case may be. Any additional tax liability or tax 8718  
overpayment shall be subject to interest but shall not be subject 8719  
to the imposition of any penalty so long as the amended returns 8720  
are timely filed. The supplier of tangible personal property 8721  
delivered to the qualified distribution center shall include in 8722  
its report of taxable gross receipts the receipts from the total 8723  
sales of property delivered to the qualified distribution center 8724  
for the calendar quarter or calendar year, whichever the case may 8725  
be, multiplied by the Ohio delivery percentage for the qualifying 8726  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 8727  
construed as imposing liability on the operator of a qualified 8728  
distribution center for the tax imposed by this chapter arising 8729  
from any change to the Ohio delivery percentage. 8730

(iv) In the case where the distribution center is new and not 8731  
open for the entire qualifying period, the operator shall make a 8732  
good faith estimate of an Ohio delivery percentage for use by 8733  
suppliers in their reports of taxable gross receipts for the 8734  
remainder of the qualifying period. The operator of the facility 8735

shall disclose to the suppliers that such Ohio delivery percentage 8736  
is an estimate and is subject to recalculation. By the due date of 8737  
the next application for a qualifying certificate, the operator 8738  
shall determine the actual Ohio delivery percentage for the 8739  
estimated qualifying period and proceed as provided in division 8740  
(F)(2)(z)(iii) of this section with respect to the calculation and 8741  
recalculation of the Ohio delivery percentage. The supplier is 8742  
required to file, within sixty days after receiving notice from 8743  
the operator of the qualified distribution center, amended reports 8744  
for the impacted calendar quarter or quarters or calendar year, 8745  
whichever the case may be. Any additional tax liability or tax 8746  
overpayment shall be subject to interest but shall not be subject 8747  
to the imposition of any penalty so long as the amended returns 8748  
are timely filed. 8749

(v) Qualifying certificates and Ohio delivery percentages 8750  
issued by the commissioner shall be open to public inspection and 8751  
shall be timely published by the commissioner. A supplier relying 8752  
in good faith on a certificate issued under this division shall 8753  
not be subject to tax on the qualifying distribution center 8754  
receipts under division (F)(2)(z) of this section. A person 8755  
receiving a qualifying certificate is responsible for paying the 8756  
tax, interest, and penalty upon amounts claimed as qualifying 8757  
distribution center receipts that would not otherwise have been 8758  
owed by the supplier if the qualifying certificate were available 8759  
when it is later determined that the qualifying certificate should 8760  
not have been issued because the statutory requirements were in 8761  
fact not met. 8762

(vi) The annual fee for a qualifying certificate shall be one 8763  
hundred thousand dollars for each qualified distribution center. 8764  
If a qualifying certificate is not issued, the annual fee is 8765  
subject to refund after the exhaustion of all appeals provided for 8766  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 8767

under this division may be assessed in the same manner as the tax 8768  
imposed under this chapter. The first one hundred thousand dollars 8769  
of the annual application fees collected each calendar year shall 8770  
be credited to the commercial activity tax administrative fund. 8771  
The remainder of the annual application fees collected shall be 8772  
distributed in the same manner required under section 5751.20 of 8773  
the Revised Code. 8774

(vii) The tax commissioner may require that adequate security 8775  
be posted by the operator of the distribution center on appeal 8776  
when the commissioner disagrees that the applicant has met the 8777  
minimum thresholds for a qualified distribution center as set 8778  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 8779  
section. 8780

(aa) Receipts of an employer from payroll deductions relating 8781  
to the reimbursement of the employer for advancing moneys to an 8782  
unrelated third party on an employee's behalf; 8783

(bb) Cash discounts allowed and taken; 8784

(cc) Returns and allowances; 8785

(dd) Bad debts from receipts on the basis of which the tax 8786  
imposed by this chapter was paid in a prior quarterly tax payment 8787  
period. For the purpose of this division, "bad debts" means any 8788  
debts that have become worthless or uncollectible between the 8789  
preceding and current quarterly tax payment periods, have been 8790  
uncollected for at least six months, and that may be claimed as a 8791  
deduction under section 166 of the Internal Revenue Code and the 8792  
regulations adopted under that section, or that could be claimed 8793  
as such if the taxpayer kept its accounts on the accrual basis. 8794  
"Bad debts" does not include repossessed property, uncollectible 8795  
amounts on property that remains in the possession of the taxpayer 8796  
until the full purchase price is paid, or expenses in attempting 8797  
to collect any account receivable or for any portion of the debt 8798

recovered; 8799

(ee) Any amount realized from the sale of an account 8800  
receivable to the extent the receipts from the underlying 8801  
transaction giving rise to the account receivable were included in 8802  
the gross receipts of the taxpayer; 8803

(ff) Any receipts for which the tax imposed by this chapter 8804  
is prohibited by the Constitution or laws of the United States or 8805  
the Constitution of Ohio. 8806

(gg) Amounts realized by licensed motor fuel dealers or 8807  
licensed permissive motor fuel dealers from the exchange of 8808  
petroleum products, including motor fuel, between such dealers, 8809  
provided that delivery of the petroleum products occurs at a 8810  
refinery, terminal, pipeline, or marine vessel and that the 8811  
exchanging dealers agree neither dealer shall require monetary 8812  
compensation from the other for the value of the exchanged 8813  
petroleum products other than such compensation for differences in 8814  
product location or grade. Division (F)(2)(gg) of this section 8815  
does not apply to amounts realized as a result of differences in 8816  
location or grade of exchanged petroleum products or from 8817  
handling, lubricity, dye, or other additive injections fees, 8818  
pipeline security fees, or similar fees. As used in this division, 8819  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 8820  
motor fuel dealer," and "terminal" have the same meanings as in 8821  
section 5735.01 of the Revised Code. 8822

(3) In the case of a taxpayer when acting as a real estate 8823  
broker, "gross receipts" includes only the portion of any fee for 8824  
the service of a real estate broker, or service of a real estate 8825  
salesperson associated with that broker, that is retained by the 8826  
broker and not paid to an associated real estate salesperson or 8827  
another real estate broker. For the purposes of this division, 8828  
"real estate broker" and "real estate salesperson" have the same 8829  
meanings as in section 4735.01 of the Revised Code. 8830

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

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

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

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

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

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

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

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

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

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

(a) Any amount subject to withholding by the person under

section 5747.06 of the Revised Code;	8861
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	8862 8863 8864
(c) Any amount the person pays for services performed in this state on its behalf by another.	8865 8866
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	8867 8868
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	8869 8870 8871
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	8872 8873
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	8874 8875
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	8876 8877 8878 8879 8880 8881 8882 8883
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	8884 8885 8886
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	8887 8888 8889
(N) "Calendar year taxpayer" means a taxpayer for which the	8890

tax period is a calendar year. 8891

(O) "Calendar quarter taxpayer" means a taxpayer for which 8892  
the tax period is a calendar quarter. 8893

(P) "Agent" means a person authorized by another person to 8894  
act on its behalf to undertake a transaction for the other, 8895  
including any of the following: 8896

(1) A person receiving a fee to sell financial instruments; 8897

(2) A person retaining only a commission from a transaction 8898  
with the other proceeds from the transaction being remitted to 8899  
another person; 8900

(3) A person issuing licenses and permits under section 8901  
1533.13 of the Revised Code; 8902

(4) A lottery sales agent holding a valid license issued 8903  
under section 3770.05 of the Revised Code; 8904

(5) A person acting as an agent of the division of liquor 8905  
control under section 4301.17 of the Revised Code. 8906

(Q) "Received" includes amounts accrued under the accrual 8907  
method of accounting. 8908

(R) "Reporting person" means a person in a consolidated 8909  
elected taxpayer or combined taxpayer group that is designated by 8910  
that group to legally bind the group for all filings and tax 8911  
liabilities and to receive all legal notices with respect to 8912  
matters under this chapter, or, for the purposes of section 8913  
5751.04 of the Revised Code, a separate taxpayer that is not a 8914  
member of such a group. 8915

Sec. 6137.112. (A) At the time that the board of county 8916  
commissioners reviews the permanent base of an improvement for 8917  
maintenance fund assessments after six annual maintenance fund 8918  
assessments have been made as provided in section 6137.11 of the 8919

Revised Code, the board may request the county engineer to 8920  
estimate the construction cost of the improvement if that 8921  
improvement were to be constructed at the time of the permanent 8922  
base review. Not less than thirty days prior to a hearing at which 8923  
the board will consider the estimate as the construction cost of 8924  
the improvement, the clerk of the board shall send to each owner 8925  
that would be affected a notice by certified mail, return receipt 8926  
requested, or by first class mail in a five-day return envelope. 8927  
For each improvement, all individual notices shall be sent by the 8928  
same type of mail. Whichever method the board chooses, the words 8929  
"legal notice" shall be printed in plain view on the face of the 8930  
envelope. The notice shall state the amount of the present 8931  
permanent base for maintenance assessment, the proposed new 8932  
permanent base amount with respect to the owner, and the date of 8933  
the hearing on the proposed change. 8934

(B) The board of county commissioners, by adoption of a 8935  
resolution at the hearing required under division (A) of this 8936  
section, may approve the estimate as the construction cost of the 8937  
improvement in lieu of the original construction cost of the 8938  
improvement. If approved, the estimate of construction cost shall 8939  
be the permanent base that is used to calculate maintenance fund 8940  
assessments for owners benefiting from the improvement. The 8941  
approved estimate of construction cost shall serve as the 8942  
permanent base for the purposes of this chapter until such time as 8943  
it is revised in accordance with this section. 8944

**Section 101.02.** That existing sections 122.075, 125.11, 8945  
127.12, 164.04, 164.08, 1515.29, 4163.07, 4301.10, 4301.20, 8946  
4301.62, 4303.232, 4501.01, 4501.02, 4501.06, 4501.21, 4501.81, 8947  
4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4503.701, 4503.94, 8948  
4505.06, 4505.08, 4505.09, 4506.08, 4507.05, 4507.1612, 4507.23, 8949  
4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.43, 4510.72, 8950



4511.108, 4511.191, 4511.53, 4511.69, 4513.24, 4513.263, 4513.61, 8951  
 4517.01, 4517.02, 4517.03, 4517.33, 4582.12, 4582.31, 4905.802, 8952  
 5501.51, 5501.55, 5502.011, 5502.11, 5503.02, 5517.011, 5525.15, 8953  
 5531.12, 5531.18, 5540.01, 5577.042, and 5751.01 of the Revised 8954  
 Code are hereby repealed. 8955

**Section 105.01.** That sections 4501.14 and 4905.801 of the 8956  
 Revised Code are hereby repealed. 8957

**Section 201.10.** Except as otherwise provided, all 8958  
 appropriation items in this act are hereby appropriated out of any 8959  
 moneys in the state treasury to the credit of the designated fund 8960  
 that are not otherwise appropriated. For all appropriations made 8961  
 in this act, the amounts in the first column are for fiscal year 8962  
 2012 and the amounts in the second column are for fiscal year 8963  
 2013. 8964

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 8965

FUND	TITLE	FY 2012	FY 2013	
	Highway Operating Fund Group			8967
2120 772426	Highway	\$ 6,775,000	\$ 6,725,000	8968
	Infrastructure Bank -			
	Federal			
2120 772427	Highway	\$ 12,700,000	\$ 12,750,000	8969
	Infrastructure Bank -			
	State			
2120 772430	Infrastructure Debt	\$ 525,000	\$ 525,000	8970
	Reserve Title 23-49			
2130 772431	Roadway	\$ 2,500,000	\$ 2,500,000	8971
	Infrastructure Bank -			
	State			
2130 772433	Infrastructure Debt	\$ 1,000,000	\$ 1,000,000	8972
	Reserve - State			

2130	775457	Transit Infrastructure Bank - State	\$	250,000	\$	250,000	8973
2130	777477	Aviation Infrastructure Bank - State	\$	1,250,000	\$	1,250,000	8974
7002	771411	Planning and Research - State	\$	23,474,971	\$	23,057,800	8975
7002	771412	Planning and Research - Federal	\$	28,647,965	\$	28,925,138	8976
7002	772421	Highway Construction - State	\$	499,073,672	\$	476,482,710	8977
7002	772422	Highway Construction - Federal	\$	1,146,641,723	\$	1,180,471,714	8978
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	8979
7002	772437	GARVEE Debt Service - State	\$	31,918,500	\$	33,276,100	8980
7002	772438	GARVEE Debt Service - Federal	\$	139,155,600	\$	144,590,400	8981
7002	773431	Highway Maintenance - State	\$	454,853,435	\$	469,400,101	8982
7002	775452	Public Transportation - Federal	\$	27,060,785	\$	27,060,785	8983
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	8984
7002	775459	Elderly and Disabled Special Equipment	\$	4,730,000	\$	4,730,000	8985
7002	776462	Grade Crossings - Federal	\$	14,200,000	\$	14,240,000	8986
7002	777472	Airport Improvements - Federal	\$	405,000	\$	405,000	8987
7002	777475	Aviation	\$	5,453,108	\$	5,374,144	8988

		Administration				
7002	779491	Administration -	\$	136,462,349	\$	140,904,501 8989
		State				
		TOTAL HOF Highway Operating				8990
		Fund Group	\$	2,618,577,108	\$	2,655,418,393 8991
		State Special Revenue Fund Group				8992
4N40	776663	Panhandle Lease	\$	764,300	\$	0 8993
		Reserve Payments				
4N40	776664	Rail Transportation -	\$	2,111,500	\$	2,875,800 8994
		Other				
5W90	777615	County Airport	\$	620,000	\$	620,000 8995
		Maintenance				
		TOTAL SSR State Special Revenue				8996
		Fund Group	\$	3,495,800	\$	3,495,800 8997
		Infrastructure Bank Obligations Fund Group				8998
7045	772428	Highway	\$	45,400,000	\$	98,000,000 8999
		Infrastructure Bank -				
		Bonds				
		TOTAL 045 Infrastructure Bank				9000
		Obligations Fund Group	\$	45,400,000	\$	98,000,000 9001
		Highway Capital Improvement Fund Group				9002
7042	772723	Highway Construction	\$	36,600,000	\$	91,600,000 9003
		- Bonds				
		TOTAL 042 Highway Capital				9004
		Improvement Fund Group	\$	36,600,000	\$	91,600,000 9005
		TOTAL ALL BUDGET FUND GROUPS	\$	2,704,072,908	\$	2,848,514,193 9006

**Section 203.20.** PUBLIC ACCESS ROADS FOR DNR FACILITIES 9008

Of the foregoing appropriation item 772421, Highway 9009  
Construction - State, \$5,000,000 shall be used in each fiscal year 9010  
for the construction, reconstruction, or maintenance of public 9011  
access roads, including support features, to and within state 9012

facilities owned or operated by the Department of Natural Resources. 9013  
9014

**Section 203.30. PUBLIC ACCESS FOR ROADS FOR PARKS AND EXPOSITIONS COMMISSION'S FACILITIES** 9015  
9016

Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772421, Highway Construction - State, \$2,228,000 in each fiscal year shall be used for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks. 9017  
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9019  
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The Department of Transportation may use the foregoing appropriation item 772421, Highway Construction - State, to perform related road work on behalf of the Ohio Expositions Commission at the state fairgrounds, including reconstruction or maintenance of public access roads and support features to and within fairgrounds facilities, as requested by the Commission and approved by the Director of Transportation. 9022  
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**Section 203.30.20. TRANSPORTATION IMPROVEMENT DISTRICTS** 9029

(A) Notwithstanding section 5540.151 of the Revised Code, of the foregoing appropriation item 772421, Highway Construction - State, \$3,500,000 in each fiscal year shall be made available for distribution by the Director of Transportation to Transportation Improvement Districts that have facilitated funding for the cost of a project or projects, as defined in division (C) of section 5540.01 of the Revised Code, in conjunction with and through other governmental agencies, as defined in division (B) of section 5540.01 of the Revised Code. 9030  
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(B) A Transportation Improvement District shall submit requests for project funding to the Ohio Department of Transportation no later than the first day of September in each fiscal year. The Ohio Department of Transportation shall notify 9039  
9040  
9041  
9042

the Transportation Improvement District whether the Department has 9043  
approved or disapproved the project funding request within 90 days 9044  
after the day the request was submitted by the Transportation 9045  
Improvement District. 9046

(C) Any funding provided to a Transportation Improvement 9047  
District specified in this section shall not be used for the 9048  
purposes of administrative costs or administrative staffing and 9049  
must be used to fund a specific project or projects within that 9050  
District's area. The total amount of a specific project's cost 9051  
shall not be fully funded by the amount of funds provided under 9052  
this section. The total amount of funding provided for each 9053  
project is limited to 10% of total project costs or \$250,000 per 9054  
fiscal year, whichever is greater. Transportation Improvement 9055  
Districts that are co-sponsoring a specific project may 9056  
individually apply for up to \$250,000 for that project. However, 9057  
no more than 10% of a project's total costs shall be funded 9058  
through moneys provided under this section. 9059

(D) Funds provided under this section may be used for 9060  
preliminary engineering, detailed design, right-of-way 9061  
acquisition, and construction of the specific project and such 9062  
other project costs that are defined in section 5540.01 of the 9063  
Revised Code and approved by the Director of Transportation. Upon 9064  
receipt of a copy of an invoice for work performed on the specific 9065  
project, the Director of Transportation shall reimburse a 9066  
Transportation Improvement District for the expenditures described 9067  
above, subject to the requirements of this section. 9068

(E) Any Transportation Improvement District that is 9069  
requesting funds under this section shall register with the 9070  
Director of Transportation. The Director of Transportation shall 9071  
register a Transportation Improvement District only if the 9072  
district has a specific, eligible project and may cancel the 9073  
registration of a Transportation Improvement District that is not 9074

eligible to receive funds under this section. The Director shall 9075  
not provide funds to any Transportation Improvement District under 9076  
this section if the district is not registered. 9077

**Section 203.40. ISSUANCE OF BONDS** 9078

The Treasurer of State, upon the request of the Director of 9079  
Transportation, is authorized to issue and sell, in accordance 9080  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9081  
151. and particularly sections 151.01 and 151.06 of the Revised 9082  
Code, obligations, including bonds and notes, in the aggregate 9083  
amount of \$123,000,000 in addition to the original issuance of 9084  
obligations authorized by prior acts of the General Assembly. 9085

The obligations shall be issued and sold from time to time in 9086  
amounts necessary to provide sufficient moneys to the credit of 9087  
the Highway Capital Improvement Fund (Fund 7042) created by 9088  
section 5528.53 of the Revised Code to pay costs charged to the 9089  
fund when due as estimated by the Director of Transportation, 9090  
provided, however, that such obligations shall be issued and sold 9091  
at such time or times so that not more than \$220,000,000 original 9092  
principal amount of obligations, plus the principal amount of 9093  
obligations that in prior fiscal years could have been, but were 9094  
not, issued within the \$220,000,000 limit, may be issued in any 9095  
fiscal year, and not more than \$1,200,000,000 original principal 9096  
amount of such obligations are outstanding at any one time. 9097

**Section 203.50. TRANSFER OF HIGHWAY OPERATING FUND (FUND** 9098  
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9099  
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9100  
ADMINISTRATION 9101

The Director of Budget and Management may approve requests 9102  
from the Director of Transportation for transfer of Highway 9103  
Operating Fund (Fund 7002) appropriations for planning and 9104

research (appropriation items 771411 and 771412), highway 9105  
construction and debt service (appropriation items 772421, 772422, 9106  
772424, 772437, and 772438), highway maintenance (appropriation 9107  
item 773431), public transportation - federal (appropriation item 9108  
775452), elderly and disabled special equipment (appropriation 9109  
item 775459), rail grade crossings (appropriation item 776462), 9110  
aviation (appropriation item 777475), and administration 9111  
(appropriation item 779491). The Director of Budget and Management 9112  
may not make transfers out of debt service appropriation items 9113  
unless the Director determines that the appropriated amounts 9114  
exceed the actual and projected debt service requirements. 9115  
Transfers of appropriations may be made upon the written request 9116  
of the Director of Transportation and with the approval of the 9117  
Director of Budget and Management. The transfers shall be reported 9118  
to the Controlling Board at the next regularly scheduled meeting 9119  
of the board. 9120

This transfer authority is intended to provide for emergency 9121  
situations and flexibility to meet unforeseen conditions that 9122  
could arise during the budget period. It also is intended to allow 9123  
the department to optimize the use of available resources and 9124  
adjust to circumstances affecting the obligation and expenditure 9125  
of federal funds. 9126

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9127  
AVIATION, AND RAIL AND LOCAL TRANSIT 9128

The Director of Budget and Management may approve written 9129  
requests from the Director of Transportation for the transfer of 9130  
appropriations between appropriation items 772422, Highway 9131  
Construction - Federal, 775452, Public Transportation - Federal, 9132  
775454, Public Transportation - Other, 775459, Elderly and 9133  
Disabled Special Equipment, 776475, Federal Rail Administration, 9134  
and 777472, Airport Improvements - Federal. The transfers shall be 9135  
reported to the Controlling Board at its next regularly scheduled 9136

meeting.	9137
TRANSFER OF APPROPRIATIONS - ARRA	9138
The Director of Budget and Management may approve written	9139
requests from the Director of Transportation for the transfer of	9140
appropriations between appropriation items 771412, Planning and	9141
Research - Federal, 772422, Highway Construction - Federal,	9142
772424, Highway Construction - Other, 775452, Public	9143
Transportation - Federal, 776462, Grade Crossing - Federal, and	9144
777472, Airport Improvements - Federal, based upon the	9145
requirements of the American Recovery and Reinvestment Act of 2009	9146
that apply to the money appropriated. The transfers shall be	9147
reported to the Controlling Board at its next regularly scheduled	9148
meeting.	9149
TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	9150
BANK	9151
The Director of Budget and Management may approve requests	9152
from the Director of Transportation for transfer of appropriations	9153
and cash of the Infrastructure Bank funds created in section	9154
5531.09 of the Revised Code, including transfers between fiscal	9155
years 2012 and 2013. The transfers shall be reported to the	9156
Controlling Board at its next regularly scheduled meeting.	9157
The Director of Budget and Management may approve requests	9158
from the Director of Transportation for transfer of appropriations	9159
and cash from the Highway Operating Fund (Fund 7002) to the	9160
Infrastructure Bank funds created in section 5531.09 of the	9161
Revised Code. The Director of Budget and Management may transfer	9162
from the Infrastructure Bank funds to the Highway Operating Fund	9163
up to the amounts originally transferred to the Infrastructure	9164
Bank funds under this section. However, the Director may not make	9165
transfers between modes or transfers between different funding	9166
sources. The transfers shall be reported to the Controlling Board	9167



at its next regularly scheduled meeting.	9168
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	9169
The Director of Budget and Management may approve requests	9170
from the Director of Transportation for transfer of appropriations	9171
and cash of the Ohio Toll Fund and any subaccounts created in	9172
section 5531.14 of the Revised Code, including transfers between	9173
fiscal years 2012 and 2013. The transfers shall be reported to the	9174
Controlling Board at its next regularly scheduled meeting.	9175
INCREASING APPROPRIATIONS: STATE FUNDS	9176
In the event that receipts or unexpended balances credited to	9177
the Highway Operating Fund (Fund 7002) exceed the estimates upon	9178
which the appropriations have been made in this act, upon the	9179
request of the Director of Transportation, the Controlling Board	9180
may increase those appropriations in the manner prescribed in	9181
section 131.35 of the Revised Code.	9182
INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS	9183
In the event that receipts or unexpended balances credited to	9184
the Highway Operating Fund (Fund 7002) or apportionments or	9185
allocations made available from the federal and local government	9186
exceed the estimates upon which the appropriations have been made	9187
in this act, upon the request of the Director of Transportation,	9188
the Controlling Board may increase those appropriations in the	9189
manner prescribed in section 131.35 of the Revised Code.	9190
REAPPROPRIATIONS	9191
Upon approval of the Director of Budget and Management, all	9192
appropriations of the Highway Operating Fund (Fund 7002), the	9193
Highway Capital Improvement Fund (Fund 7042), and the	9194
Infrastructure Bank funds created in section 5531.09 of the	9195
Revised Code remaining unencumbered on June 30, 2011, are hereby	9196
reappropriated for the same purpose in fiscal year 2012.	9197

Upon approval of the Director of Budget and Management, all 9198  
appropriations of the Highway Operating Fund (Fund 7002), the 9199  
Highway Capital Improvement Fund (Fund 7042), and the 9200  
Infrastructure Bank funds created in section 5531.09 of the 9201  
Revised Code remaining unencumbered on June 30, 2012, are hereby 9202  
reappropriated for the same purpose in fiscal year 2013. 9203

Any balances of prior years' appropriations to the Highway 9204  
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 9205  
(Fund 7042), and the Infrastructure Bank funds created in section 9206  
5531.09 of the Revised Code that are unencumbered on June 30, 9207  
2011, subject to the availability of revenue as determined by the 9208  
Director of Transportation, are hereby reappropriated for the same 9209  
purpose in fiscal year 2012 upon the request of the Director of 9210  
Transportation and with the approval of the Director of Budget and 9211  
Management. The reappropriations shall be reported to the 9212  
Controlling Board. 9213

Any balances of prior years' appropriations to the Highway 9214  
Operating Fund (Fund 7002), the Highway Capital Improvement Fund 9215  
(Fund 7042), and the Infrastructure Bank funds created in section 9216  
5531.09 of the Revised Code that are unencumbered on June 30, 9217  
2012, subject to the availability of revenue as determined by the 9218  
Director of Transportation, are hereby reappropriated for the same 9219  
purpose in fiscal year 2013 upon the request of the Director of 9220  
Transportation and with the approval of the Director of Budget and 9221  
Management. The reappropriations shall be reported to the 9222  
Controlling Board. 9223

LIQUIDATION OF UNFORESEEN LIABILITIES 9224

Any appropriation made from the Highway Operating Fund (Fund 9225  
7002) not otherwise restricted by law is available to liquidate 9226  
unforeseen liabilities arising from contractual agreements of 9227  
prior years when the prior year encumbrance is insufficient. 9228

**Section 203.60.** MAINTENANCE OF INTERSTATE HIGHWAYS 9229

The Director of Transportation may remove snow and ice and 9230  
maintain, repair, improve, or provide lighting upon interstate 9231  
highways that are located within the boundaries of municipal 9232  
corporations, adequate to meet the requirements of federal law. 9233  
When agreed in writing by the Director of Transportation and the 9234  
legislative authority of a municipal corporation and 9235  
notwithstanding sections 125.01 and 125.11 of the Revised Code, 9236  
the Department of Transportation may reimburse a municipal 9237  
corporation for all or any part of the costs, as provided by such 9238  
agreement, incurred by the municipal corporation in maintaining, 9239  
repairing, lighting, and removing snow and ice from the interstate 9240  
system. 9241

**Section 203.70.** PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9242

The Director of Transportation may use revenues from the 9243  
state motor vehicle fuel tax to match approved federal grants 9244  
awarded to the Department of Transportation, regional transit 9245  
authorities, or eligible public transportation systems, for public 9246  
transportation highway purposes, or to support local or state 9247  
funded projects for public transportation highway purposes. Public 9248  
transportation highway purposes include: the construction or 9249  
repair of high-occupancy vehicle traffic lanes, the acquisition or 9250  
construction of park-and-ride facilities, the acquisition or 9251  
construction of public transportation vehicle loops, the 9252  
construction or repair of bridges used by public transportation 9253  
vehicles or that are the responsibility of a regional transit 9254  
authority or other public transportation system, or other similar 9255  
construction that is designated as an eligible public 9256  
transportation highway purpose. Motor vehicle fuel tax revenues 9257  
may not be used for operating assistance or for the purchase of 9258  
vehicles, equipment, or maintenance facilities. 9259

**Section 203.80.** The federal payments made to the state for 9260  
highway infrastructure or for transit agencies under Title XII of 9261  
Division A of the American Recovery and Reinvestment Act of 2009 9262  
shall be deposited to the credit of the Highway Operating Fund 9263  
(Fund 7002), which is created in section 5735.291 of the Revised 9264  
Code. 9265

**Section 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 9266

State Highway Safety Fund Group 9267

4W40	762321	Operating Expense -	\$	80,003,146	\$	82,403,240	9268
		BMV					
4W40	762410	Registrations	\$	28,945,176	\$	29,813,532	9269
		Supplement					
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000	9270
		Contributions					
7036	761321	Operating Expense -	\$	7,124,366	\$	7,338,097	9271
		Information and					
		Education					
7036	761401	Lease Rental Payments	\$	9,978,300	\$	2,315,700	9272
7036	764033	Minor Capital	\$	1,250,000	\$	1,250,000	9273
		Projects					
7036	764321	Operating Expense -	\$	260,744,934	\$	258,365,903	9274
		Highway Patrol					
7036	764605	Motor Carrier	\$	2,860,000	\$	2,860,000	9275
		Enforcement Expenses					
8300	761603	Salvage and Exchange	\$	19,469	\$	20,053	9276
		- Administration					
8310	761610	Information and	\$	422,084	\$	434,746	9277
		Education - Federal					
8310	764610	Patrol - Federal	\$	2,209,936	\$	2,276,234	9278
8310	764659	Transportation	\$	5,519,333	\$	5,684,913	9279
		Enforcement - Federal					

8310	765610	EMS - Federal	\$	532,007	\$	532,007	9280
8310	769610	Food Stamp	\$	1,546,319	\$	1,546,319	9281
		Trafficking					
		Enforcement - Federal					
8310	769631	Homeland Security -	\$	2,184,000	\$	2,184,000	9282
		Federal					
8320	761612	Traffic Safety -	\$	16,577,565	\$	16,577,565	9283
		Federal					
8350	762616	Financial	\$	5,457,240	\$	5,549,068	9284
		Responsibility					
		Compliance					
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	9285
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000	9286
83C0	764630	Contraband,	\$	622,894	\$	622,894	9287
		Forfeiture, Other					
83F0	764657	Law Enforcement	\$	9,053,266	\$	9,053,266	9288
		Automated Data System					
83G0	764633	OMVI	\$	623,230	\$	641,927	9289
		Enforcement/Education					
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000	9290
		Justice Contraband					
83M0	765624	Operating Expense -	\$	2,632,106	\$	2,711,069	9291
		Trauma and EMS					
83N0	761611	Elementary School	\$	305,600	\$	305,600	9292
		Seat Belt Program					
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819	9293
83R0	762639	Local Immobilization	\$	450,000	\$	450,000	9294
		Reimbursement					
83T0	764694	Highway Patrol	\$	21,000	\$	21,000	9295
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354	9296
8400	764617	Security and	\$	6,432,686	\$	6,432,686	9297
		Investigations					

8400	764626	State Fairgrounds	\$	849,883	\$	849,883	9298
		Police Force					
8400	769632	Homeland Security -	\$	737,791	\$	737,791	9299
		Operating					
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399	9300
		- Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,185,013	\$	3,280,563	9301
		Education					
8490	762627	Automated Title	\$	17,316,755	\$	14,335,513	9302
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	490,110,733	\$	481,261,100	9303
		Group					
		General Services Fund Group					9304
4P60	768601	Justice Program	\$	998,104	\$	1,028,047	9305
		Services					
4S30	766661	Hilltop Utility	\$	540,800	\$	540,800	9306
		Reimbursement					
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400	9307
5Y10	764695	Highway Patrol	\$	170,000	\$	170,000	9308
		Continuing					
		Professional Training					
5Y10	767696	Investigative Unit	\$	15,000	\$	15,000	9309
		Continuing					
		Professional Training					
TOTAL	GSF	General Services Fund	\$	5,503,904	\$	5,647,247	9310
		Group					
		Federal Special Revenue Fund Group					9311
3290	763645	Federal Mitigation	\$	10,110,332	\$	10,413,642	9312
		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	9313
		Relief					
3390	763647	Emergency Management	\$	75,664,821	\$	77,934,765	9314

	Assistance and Training					
3CB0 768691	Federal Justice Grants - FFY06	\$	200,000	\$	50,000	9315
3CC0 768609	Justice Assistance Grants - FFY07	\$	583,222	\$	310,000	9316
3CD0 768610	Justice Assistance Grants - FFY08	\$	310,000	\$	150,000	9317
3CE0 768611	Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000	9318
3CV0 768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0	9319
3DE0 768612	Federal Stimulus - Justice Assistance Grants	\$	1,015,000	\$	1,015,000	9320
3DH0 768613	Federal Stimulus - Justice Programs	\$	150,000	\$	150,000	9321
3DU0 762628	BMV Grants	\$	1,525,000	\$	1,580,000	9322
3EU0 768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000	9323
3L50 768604	Justice Program	\$	11,400,000	\$	11,400,000	9324
3N50 763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	9325
TOTAL FED	Federal Special Revenue	\$	130,214,683	\$	132,862,715	9326
Fund Group						
State Special Revenue Fund Group						9327
4V30 763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420	9328
5390 762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400	9329
5B90 766632	Private Investigator and Security Guard	\$	1,562,637	\$	1,562,637	9330

		Provider				
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000 9331
		Services - Operating				
5BK0	768689	Family Violence	\$	750,000	\$	750,000 9332
		Shelter Programs				
5CM0	767691	Federal Investigative	\$	300,000	\$	300,000 9333
		Seizure				
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384 9334
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000 9335
		and Alcohol				
		Monitoring				
5FL0	769634	Investigations	\$	899,300	\$	899,300 9336
6220	767615	Investigative	\$	375,000	\$	375,000 9337
		Contraband and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945 9338
		Safety				
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438 9339
		Planning				
8500	767628	Investigative Unit	\$	90,000	\$	92,700 9340
		Salvage				
TOTAL SSR		State Special Revenue	\$	14,018,073	\$	14,157,224 9341
		Fund Group				
		Liquor Control Fund Group				9342
7043	767321	Liquor Enforcement -	\$	11,897,178	\$	11,897,178 9343
		Operating				
TOTAL LCF		Liquor Control Fund Group	\$	11,897,178	\$	11,897,178 9344
		Agency Fund Group				9345
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 9346
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000 9347
		Holding Account Redistribution Fund Group				9348
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000 9349



Vehicle Receipts				
R052 762623	Security Deposits	\$ 350,000	\$ 350,000	9350
TOTAL 090 Holding Account		\$ 2,235,000	\$ 2,235,000	9351
Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 655,479,571	\$ 649,560,464	9352
MOTOR VEHICLE REGISTRATION				9353
The Registrar of Motor Vehicles may deposit revenues to meet				9354
the cash needs of the State Bureau of Motor Vehicles Fund (Fund				9355
4W40) established in section 4501.25 of the Revised Code, obtained				9356
under sections 4503.02 and 4504.02 of the Revised Code, less all				9357
other available cash. Revenue deposited pursuant to this paragraph				9358
shall support, in part, appropriations for operating expenses and				9359
defray the cost of manufacturing and distributing license plates				9360
and license plate stickers and enforcing the law relative to the				9361
operation and registration of motor vehicles. Notwithstanding				9362
section 4501.03 of the Revised Code, the revenues shall be paid				9363
into Fund 4W40 before any revenues obtained pursuant to sections				9364
4503.02 and 4504.02 of the Revised Code are paid into any other				9365
fund. The deposit of revenues to meet the aforementioned cash				9366
needs shall be in approximately equal amounts on a monthly basis				9367
or as otherwise determined by the Director of Budget and				9368
Management pursuant to a plan submitted by the Registrar of Motor				9369
Vehicles.				9370
CAPITAL PROJECTS				9371
The Registrar of Motor Vehicles may transfer cash from the				9372
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State				9373
Highway Safety Fund (Fund 7036) to meet its obligations for				9374
capital projects CIR-047, Department of Public Safety Office				9375
Building and CIR-049, Warehouse Facility.				9376
OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS				9377
The foregoing appropriation item 761401, Lease Rental				9378

Payments, shall be used for payments to the Ohio Building 9379  
Authority for the period July 1, 2011, to June 30, 2013, under the 9380  
primary leases and agreements for public safety related buildings 9381  
financed by obligations issued under Chapter 152. of the Revised 9382  
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 9383  
Building Authority may, with approval of the Director of Budget 9384  
and Management, lease capital facilities to the Department of 9385  
Public Safety. 9386

HILLTOP TRANSFER 9387

The Director of Public Safety shall determine, per an 9388  
agreement with the Director of Transportation, the share of each 9389  
debt service payment made out of appropriation item 761401, Lease 9390  
Rental Payments, that relates to the Department of 9391  
Transportation's portion of the Hilltop Building Project, and 9392  
shall certify to the Director of Budget and Management the amounts 9393  
of this share. The Director of Budget and Management shall 9394  
transfer the amounts of such shares from the Highway Operating 9395  
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 9396

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 9397

On July 1, 2011, or as soon as possible thereafter, the 9398  
Director of Budget and Management shall transfer the unexpended 9399  
and unencumbered cash balance in the Seat Belt Education Fund 9400  
(Fund 8440) to the Trauma and Emergency Medical Services Fund 9401  
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 9402  
abolished. The Director shall cancel any existing encumbrances 9403  
against appropriation item 761613, Seat Belt Education Program, 9404  
and reestablish them against appropriation item 765624, Operating 9405  
Expense - Trauma and EMS. The reestablished encumbrance amounts 9406  
are hereby appropriated. 9407

CASH TRANSFERS BETWEEN FUNDS 9408

Notwithstanding any provision of law to the contrary, the 9409

Director of Budget and Management, upon the written request of the 9410  
Director of Public Safety, may approve the transfer of cash 9411  
between the following six funds: the Trauma and Emergency Medical 9412  
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 9413  
the Investigations Fund (Fund 5FL0), the Emergency Management 9414  
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 9415  
Program Services Fund (Fund 4P60), and the State Bureau of Motor 9416  
Vehicles Fund (Fund 4W40). 9417

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 9418

Notwithstanding any provision of law to the contrary, the 9419  
Director Budget and Management, upon the written request of the 9420  
Director of Public Safety, may approve the transfer of cash from 9421  
the Continuing Professional Training Fund (Fund 5Y10), the State 9422  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 9423  
and the Highway Safety Salvage and Exchange Highway Patrol Fund 9424  
(Fund 8410) to the Security, Investigations, and Policing Fund 9425  
(Fund 8400). 9426

CASH TRANSFERS OF SEAT BELT FINE REVENUES 9427

Notwithstanding any provision of law to the contrary, the 9428  
Controlling Board, upon request of the Director of Public Safety, 9429  
may approve the transfer of cash between the following four funds 9430  
that receive fine revenues from enforcement of the mandatory seat 9431  
belt law: the Trauma and Emergency Medical Services Fund (Fund 9432  
83M0), the Elementary School Program Fund (Fund 83N0), and the 9433  
Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 9434

STATE DISASTER RELIEF 9435

The State Disaster Relief Fund (Fund 5330) may accept 9436  
transfers of cash and appropriations from Controlling Board 9437  
appropriation items for Ohio Emergency Management Agency disaster 9438  
response costs and disaster program management costs, and may also 9439  
be used for the following purposes: 9440

(A) To accept transfers of cash and appropriations from 9441  
Controlling Board appropriation items for Ohio Emergency 9442  
Management Agency public assistance and mitigation program match 9443  
costs to reimburse eligible local governments and private 9444  
nonprofit organizations for costs related to disasters; 9445

(B) To accept and transfer cash to reimburse the costs 9446  
associated with Emergency Management Assistance Compact (EMAC) 9447  
deployments; 9448

(C) To accept disaster related reimbursement from federal, 9449  
state, and local governments. The Director of Budget and 9450  
Management may transfer cash from reimbursements received by this 9451  
fund to other funds of the state from which transfers were 9452  
originally approved by the Controlling Board. 9453

(D) To accept transfers of cash and appropriations from 9454  
Controlling Board appropriation items to fund the State Disaster 9455  
Relief Program, for disasters that have been declared by the 9456  
Governor, and the State Individual Assistance Program for 9457  
disasters that have been declared by the Governor and the federal 9458  
Small Business Administration. The Ohio Emergency Management 9459  
Agency shall publish and make available application packets 9460  
outlining procedures for the State Disaster Relief Program and the 9461  
State Individual Assistance Program. 9462

JUSTICE ASSISTANCE GRANT FUND 9463

The federal payments made to the state for the Byrne Justice 9464  
Assistance Grants Program under Title II of Division A of the 9465  
American Recovery and Reinvestment Act of 2009 shall be deposited 9466  
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 9467  
which is hereby created in the state treasury. All investment 9468  
earnings of the fund shall be credited to the fund. 9469

FEDERAL STIMULUS - JUSTICE PROGRAMS 9470

The federal payments made to the state for the Violence 9471

Against Women Formula Grant under Title II of Division A of the 9472  
American Recovery and Reinvestment Act of 2009 shall be deposited 9473  
to the credit of the Federal Stimulus - Justice Programs Fund 9474  
(Fund 3DH0). 9475

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 9476  
AGENCY SERVICE AND REIMBURSEMENT FUND 9477

On July 1 of each fiscal year, or as soon as possible 9478  
thereafter, the Director of Budget and Management shall transfer 9479  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 9480  
the Emergency Management Agency Service and Reimbursement Fund 9481  
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 9482  
Search and Rescue Unit and other urban search and rescue programs 9483  
around the state. 9484

FAMILY VIOLENCE PREVENTION FUND 9485

Notwithstanding any provision of law to the contrary, in each 9486  
of fiscal years 2012 and 2013, the first \$750,000 received to the 9487  
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 9488  
appropriated to appropriation item 768689, Family Violence Shelter 9489  
Programs, and the next \$400,000 received to the credit of Fund 9490  
5BK0 in each of those fiscal years shall be appropriated to 9491  
appropriation item 768687, Criminal Justice Services - Operating. 9492  
Any moneys received to the credit of Fund 5BK0 in excess of the 9493  
aforementioned appropriated amounts in each fiscal year shall, 9494  
upon the approval of the Controlling Board, be used to provide 9495  
grants to family violence shelters in Ohio. 9496

SARA TITLE III HAZMAT PLANNING 9497

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 9498  
entitled to receive grant funds from the Emergency Response 9499  
Commission to implement the Emergency Management Agency's 9500  
responsibilities under Chapter 3750. of the Revised Code. 9501

COLLECTIVE BARGAINING INCREASES 9502

Notwithstanding division (D) of section 127.14 and division 9503  
(B) of section 131.35 of the Revised Code, except for the General 9504  
Revenue Fund, the Controlling Board may, upon the request of 9505  
either the Director of Budget and Management, or the Department of 9506  
Public Safety with the approval of the Director of Budget and 9507  
Management, increase appropriations for any fund, as necessary for 9508  
the Department of Public Safety, to assist in paying the costs of 9509  
increases in employee compensation that have occurred pursuant to 9510  
collective bargaining agreements under Chapter 4117. of the 9511  
Revised Code and, for exempt employees, under section 124.152 of 9512  
the Revised Code. 9513

CASH BALANCE FUND REVIEW 9514

Not later than the first day of April in each fiscal year of 9515  
the biennium, the Director of Budget and Management shall review 9516  
the cash balances for each fund, except the State Highway Safety 9517  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 9518  
4W40), in the State Highway Safety Fund Group, and shall recommend 9519  
to the Controlling Board an amount to be transferred to the credit 9520  
of Fund 7036 or Fund 4W40, as appropriate. 9521

**Section 207.10.** DEV DEPARTMENT OF DEVELOPMENT 9522

State Special Revenue Fund Group 9523  
4W00 195629 Roadwork Development \$ 15,199,900 \$ 15,199,900 9524  
TOTAL SSR State Special Revenue 9525  
Fund Group \$ 15,199,900 \$ 15,199,900 9526  
TOTAL ALL BUDGET FUND GROUPS \$ 15,199,900 \$ 15,199,900 9527

ROADWORK DEVELOPMENT FUND 9528

The Roadwork Development Fund shall be used for road 9529  
improvements associated with economic development opportunities 9530  
that will retain or attract businesses for Ohio. "Road 9531  
improvements" are improvements to public roadway facilities 9532

located on, or serving or capable of serving, a project site. 9533

The Department of Transportation, under the direction of the 9534  
Department of Development, shall provide these funds in accordance 9535  
with all guidelines and requirements established for Department of 9536  
Development appropriation item 195412, Business Development, 9537  
including Controlling Board review and approval as well as the 9538  
requirements for usage of gas tax revenue prescribed in Section 5a 9539  
of Article XII, Ohio Constitution. Should the Department of 9540  
Development require the assistance of the Department of 9541  
Transportation to bring a project to completion, the Department of 9542  
Transportation shall use its authority under Title LV of the 9543  
Revised Code to provide such assistance and may enter into 9544  
contracts on behalf of the Department of Development. In addition, 9545  
these funds may be used in conjunction with appropriation item 9546  
195412, Business Development, or any other state funds 9547  
appropriated for infrastructure improvements. 9548

The Director of Budget and Management, pursuant to a plan 9549  
submitted by the Director of Development or as otherwise 9550  
determined by the Director of Budget and Management, shall set a 9551  
cash transfer schedule to meet the cash needs of the Department of 9552  
Development's Roadwork Development Fund (Fund 4W00), less any 9553  
other available cash. The Director shall transfer to the Roadwork 9554  
Development Fund from the Highway Operating Fund (Fund 7002), 9555  
established in section 5735.291 of the Revised Code, such amounts 9556  
at such times as determined by the transfer schedule. 9557

SECURITY DEPOSIT FUND CASH TRANSFER 9558

Notwithstanding any other provision of law to the contrary, 9559  
on July 1, 2011, or as soon as possible thereafter, the Director 9560  
of Budget and Management shall transfer \$32,027.17 in cash from 9561  
the Security Deposit Fund (Fund R052) to the Roadwork Development 9562  
Fund (Fund 4W00). 9563

Section 209.10. PWC PUBLIC WORKS COMMISSION				9564	
Local Transportation Improvements Fund Group				9565	
7052 150402 Local Transportation	\$	299,246	\$	296,555	9566
Improvement Program -					
Operating					
7052 150701 Local Transportation	\$	56,000,000	\$	56,000,000	9567
Improvement Program					
TOTAL 052 Local Transportation					9568
Improvements Fund Group	\$	56,299,246	\$	56,296,555	9569
Local Infrastructure Improvements Fund Group					9570
7038 150321 State Capital	\$	918,000	\$	910,000	9571
Improvements Program					
- Operating Expenses					
TOTAL LIF Local Infrastructure					9572
Improvements Fund Group	\$	918,000	\$	910,000	9573
TOTAL ALL BUDGET FUND GROUPS	\$	57,217,246	\$	57,206,555	9574
PUBLIC WORKS OPERATING EXPENSES					9575
The forgoing appropriation item 150321, State Capital					9576
Improvements Program-Operating Expenses, shall be used by the Ohio					9577
Public Works Commission to administer the State Capital					9578
Improvement Program under sections 164.01 to 164.16 of the Revised					9579
Code.					9580
DISTRICT ADMINISTRATION COSTS					9581
The Director of the Public Works Commission is authorized to					9582
create a District Administration Costs Program from interest					9583
earnings of the Capital Improvements Fund and Local Transportation					9584
Improvement Program Fund proceeds. The program shall be used to					9585
provide for the direct costs of district administration of the					9586
nineteen public works districts. Districts choosing to participate					9587
in the program shall only expend State Capital Improvements Fund					9588



moneys for State Capital Improvements Fund costs and Local 9589  
Transportation Improvement Program Fund moneys for Local 9590  
Transportation Improvement Program Fund costs. The account shall 9591  
not exceed \$1,235,000 per fiscal year. Each public works district 9592  
may be eligible for up to \$65,000 per fiscal year from its 9593  
district allocation as provided in sections 164.08 and 164.14 of 9594  
the Revised Code. 9595

The Director, by rule, shall define allowable and 9596  
nonallowable costs for the purpose of the District Administration 9597  
Costs Program. Nonallowable costs include indirect costs, elected 9598  
official salaries and benefits, and project-specific costs. No 9599  
district public works committee may participate in the District 9600  
Administration Costs Program without the approval of those costs 9601  
by the district public works committee under section 164.04 of the 9602  
Revised Code. 9603

REAPPROPRIATIONS 9604

All capital appropriations from the Local Transportation 9605  
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 2 of the 9606  
128th General Assembly remaining unencumbered as of June 30, 2011, 9607  
are reappropriated for use during the period July 1, 2011, through 9608  
June 30, 2012, for the same purpose. 9609

Notwithstanding division (B) of section 127.14 of the Revised 9610  
Code, all capital appropriations and reappropriations from the 9611  
Local Transportation Improvement Program Fund (Fund 7052) in this 9612  
act remaining unencumbered as of June 30, 2012, are reappropriated 9613  
for use during the period July 1, 2012, through June 30, 2013, for 9614  
the same purposes, subject to the availability of revenue as 9615  
determined by the Director of the Public Works Commission. 9616

**Section 209.20.** All items in this section are hereby 9617  
appropriated as designated out of any moneys in the state treasury 9618  
to the credit of the State Capital Improvements Fund (Fund 7038) 9619

that are not otherwise appropriated. The appropriations made in 9620  
this section are in addition to any other appropriations made for 9621  
the biennium ending June 30, 2012. 9622

		Appropriations	
	PWC PUBLIC WORKS COMMISSION		9623
C15000	Local Public	\$ 150,000,000	9624
	Infrastructure		
	TOTAL Public Works Commission	\$ 150,000,000	9625
	TOTAL State Capital Improvements	\$ 150,000,000	9626
	Fund		

The foregoing appropriation item C15000, Local Public 9627  
Infrastructure, shall be used in accordance with sections 164.01 9628  
to 164.12 of the Revised Code. The Director of the Public Works 9629  
Commission may certify to the Director of Budget and Management 9630  
that a need exists to appropriate investment earnings to be used 9631  
in accordance with sections 164.01 to 164.12 of the Revised Code. 9632  
If the Director of Budget and Management determines pursuant to 9633  
division (D) of section 164.08 and section 164.12 of the Revised 9634  
Code that investment earnings are available to support additional 9635  
appropriations, such amounts are hereby appropriated. 9636

**Section 209.21.** The Ohio Public Facilities Commission is 9637  
hereby authorized to issue and sell, in accordance with Section 2p 9638  
of Article VIII, Ohio Constitution, and pursuant to sections 9639  
151.01 and 151.08 of the Revised Code, original obligations of the 9640  
state, in an aggregate principal amount not to exceed 9641  
\$150,000,000, in addition to the original obligations heretofore 9642  
authorized by prior acts of the General Assembly. These authorized 9643  
obligations shall be issued and sold from time to time, subject to 9644  
applicable constitutional and statutory limitations, as needed to 9645  
ensure sufficient moneys to the credit of the State Capital 9646  
Improvements Fund (Fund 7038) to pay costs of the state in 9647  
financing or assisting in the financing of local subdivision 9648

capital improvement projects. 9649

**Section 209.30.** All items in this section are hereby 9650  
appropriated as designated out of any moneys in the state treasury 9651  
to the credit of the State Capital Improvements Revolving Loan 9652  
Fund (Fund 7040) that are not otherwise appropriated. Revenues to 9653  
the State Capital Improvements Revolving Loan Fund shall consist 9654  
of all repayments of loans made to local subdivisions for capital 9655  
improvements, investment earnings on moneys in the fund, and 9656  
moneys obtained from federal or private grants or from other 9657  
sources for the purpose of making loans to finance or to assist in 9658  
the financing of the cost of capital improvement projects of local 9659  
subdivisions. The appropriations made in this section are in 9660  
addition to any other appropriations made for the biennium ending 9661  
June 30, 2012. 9662

	Appropriations	
PWC PUBLIC WORKS COMMISSION		9663
C15030 Revolving Loan	\$ 49,000,000	9664
TOTAL Public Works Commission	\$ 49,000,000	9665
TOTAL State Capital Improvements Revolving Loan Fund	\$ 49,000,000	9666

The foregoing appropriation item C15030, Revolving Loan, 9667  
shall be used in accordance with sections 164.01 to 164.12 of the 9668  
Revised Code. 9669

**Section 209.40.** CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 9670  
AND MANAGEMENT 9671

Notwithstanding section 126.14 of the Revised Code, the 9672  
appropriations from the State Capital Improvements Fund (Fund 9673  
7038) and the State Capital Improvements Revolving Loan Fund (Fund 9674  
7040) to the Public Works Commission shall be released upon 9675  
presentation of a request to release the funds by the Director of 9676

the Public Works Commission to the Director of Budget and 9677  
Management. 9678

**Section 209.50.** OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 9679  
REVISED CODE 9680

The capital improvements for which appropriations are made in 9681  
this act from the State Capital Improvements Fund (Fund 7038) are 9682  
determined to be capital improvements and capital facilities for 9683  
local subdivision capital improvement projects and are designated 9684  
as capital facilities to which proceeds of obligations issued 9685  
under Chapter 151. of the Revised Code are to be applied. 9686

**Section 509.10.** AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 9687  
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 9688

The Director of Budget and Management shall initiate and 9689  
process payments from lease rental payment appropriation items 9690  
during the period from July 1, 2011, to June 30, 2013, pursuant to 9691  
the lease agreements for bonds or notes issued under Section 2i of 9692  
Article VIII of the Ohio Constitution and Chapter 152. of the 9693  
Revised Code. Payments shall be made upon certification by the 9694  
Ohio Building Authority of the dates and amounts due on those 9695  
dates. 9696

**Section 509.20.** LEASE AND DEBT SERVICE PAYMENTS TO OBA AND 9697  
TREASURER 9698

Certain appropriations are in this act for the purpose of 9699  
lease rental and other payments to the Ohio Building Authority or 9700  
to the Treasurer of State under leases and agreements relating to 9701  
bonds or notes issued by the Ohio Building Authority or the 9702  
Treasurer of State under the Ohio Constitution and acts of the 9703  
General Assembly. If it is determined that additional 9704  
appropriations are necessary for this purpose, such amounts are 9705

hereby appropriated. 9706

**Section 509.30.** FLEXIBILITY TO PROCESS JULY 1, 2011 PAYCHECK 9707  
IN FISCAL YEAR 2011 9708

Notwithstanding section 127.14 of the Revised Code, if the 9709  
Director of Budget and Management determines that cash is 9710  
available, the Director may authorize additional expenditures as 9711  
necessary in fiscal year 2011 from various General Revenue Fund 9712  
and non-General Revenue Fund appropriation items in order to pay 9713  
agency payroll costs for employees who are paid on a biweekly 9714  
current or biweekly delayed pay cycle for the pay period ending 9715  
June 18, 2011, which was not included in agencies' appropriations 9716  
for fiscal year 2011. The Director of Budget and Management also 9717  
may authorize additional expenditures as necessary in fiscal year 9718  
2011 from various General Revenue Fund and non-General Revenue 9719  
Fund appropriation items in order to pay agency payroll costs for 9720  
employees who are not paid on a biweekly current or biweekly 9721  
delayed pay cycle for similar pay periods that were not included 9722  
in agencies' appropriations for fiscal year 2011. Any expenditures 9723  
authorized by the Director of Budget and Management under this 9724  
section are hereby appropriated. The Director of Budget and 9725  
Management may transfer cash between funds if necessary to make 9726  
these expenditures and to reimburse funds from which cash was 9727  
transferred for this purpose. 9728

**Section 509.30.** FLEXIBILITY TO PROCESS JULY 1, 2011 PAYCHECK 9729  
IN FISCAL YEAR 2011 9730

Notwithstanding section 127.14 of the Revised Code, if the 9731  
Director of Budget and Management determines that cash is 9732  
available, the Director may authorize additional expenditures as 9733  
necessary in fiscal year 2011 from various General Revenue Fund 9734  
and non-General Revenue Fund appropriation items in order to pay 9735

agency payroll costs for employees who are paid on a biweekly 9736  
current or biweekly delayed pay cycle for the pay period ending 9737  
June 18, 2011, which was not included in agencies' appropriations 9738  
for fiscal year 2011. The Director of Budget and Management also 9739  
may authorize additional expenditures as necessary in fiscal year 9740  
2011 from various General Revenue Fund and non-General Revenue 9741  
Fund appropriation items in order to pay agency payroll costs for 9742  
employees who are not paid on a biweekly current or biweekly 9743  
delayed pay cycle for similar pay periods that were not included 9744  
in agencies' appropriations for fiscal year 2011. Any expenditures 9745  
authorized by the Director of Budget and Management under this 9746  
section are hereby appropriated. The Director of Budget and 9747  
Management may transfer cash between funds if necessary to make 9748  
these expenditures and to reimburse funds from which cash was 9749  
transferred for this purpose. 9750

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 9751**  
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 9752

Upon the request of the Director of Transportation, the 9753  
Director of Budget and Management may transfer cash from the 9754  
Highway Operating Fund (Fund 7002) to the Highway Capital 9755  
Improvement Fund (Fund 7042) created in section 5528.53 of the 9756  
Revised Code. The Director of Budget and Management may transfer 9757  
from Fund 7042 to Fund 7002 up to the amounts previously 9758  
transferred to Fund 7042 under this section. 9759

**Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 9760**

The Director of Budget and Management shall transfer cash in 9761  
equal monthly increments totaling \$163,918,656 in fiscal year 2012 9762  
and in equal monthly increments totaling \$170,424,912 in fiscal 9763  
year 2013 from the Highway Operating Fund, created in section 9764  
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 9765

created in division (A) of section 5735.27 of the Revised Code. 9766  
The monthly amounts transferred under this section shall be 9767  
distributed as follows: 42.86 per cent shall be distributed among 9768  
the municipal corporations within the state under division (A)(2) 9769  
of section 5735.27 of the Revised Code; 37.14 per cent shall be 9770  
distributed among the counties within the state under division 9771  
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 9772  
shall be distributed among the townships within the state under 9773  
division (A)(5)(b) of section 5735.27 of the Revised Code. 9774

**Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING** 9775

On July 1, 2011, and on January 1, 2012, or as soon as 9776  
possible thereafter, respectively, the Director of Budget and 9777  
Management shall transfer \$200,000 in cash, for each period, from 9778  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9779  
General for ODOT Fund (Fund 5FA0). 9780

On July 1, 2012, and on January 1, 2013, or as soon as 9781  
possible thereafter, respectively, the Director of Budget and 9782  
Management shall transfer \$200,000 in cash, for each period, from 9783  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9784  
General for ODOT Fund (Fund 5FA0). 9785

Should additional amounts be necessary, the Inspector 9786  
General, with the consent of the Director of Budget and 9787  
Management, may seek Controlling Board approval for additional 9788  
transfers of cash and to increase the amount appropriated from 9789  
appropriation item 965603, Deputy Inspector General for ODOT, in 9790  
the amount of the additional transfers. 9791

**Section 512.40. CASH TRANSFER TO GRF** 9792

On July 1, 2011, or as soon as possible thereafter, the 9793  
Director of Budget and Management shall transfer the cash balance 9794  
of the Transit Capital Fund (Fund 5E70), as of June 30, 2011, to 9795

the General Revenue Fund. 9796

**Section 512.50.** Notwithstanding division (A)(3) of section 9797  
4501.044 and division (A)(1) of section 4501.045 of the Revised 9798  
Code, commencing July 1, 2011, and extending through June 30, 9799  
2012, the Director of Public Safety shall deposit the money 9800  
otherwise deposited and distributed in accordance with those 9801  
divisions into the State Highway Safety Fund created by section 9802  
4501.06 of the Revised Code until such time as the deposits equal 9803  
a cumulative total of \$25,000,000. At that point, the Director 9804  
shall cease depositing any such money into the State Highway 9805  
Safety Fund and shall deposit and distribute that money as 9806  
prescribed in division (A)(3) of section 4501.044 and division 9807  
(A)(1) of section 4501.045 of the Revised Code. 9808

Notwithstanding division (A)(3) of section 4501.044 and 9809  
division (A)(1) of section 4501.045 of the Revised Code, 9810  
commencing July 1, 2012, and extending through June 30, 2013, the 9811  
Director of Public Safety shall deposit the money otherwise 9812  
deposited and distributed in accordance with those divisions into 9813  
the State Highway Safety Fund created by section 4501.06 of the 9814  
Revised Code until such time as the deposits equal a cumulative 9815  
total of \$24,000,000. At that point, the Director shall cease 9816  
depositing any such money into the State Highway Safety Fund and 9817  
shall deposit and distribute that money as prescribed in division 9818  
(A)(3) of section 4501.044 and division (A)(1) of section 4501.045 9819  
of the Revised Code. 9820

**Section 512.60.** TRANSFER OF FUNDS FOR CASINO CONTROL 9821  
COMMISSION OPERATIONS 9822

During state fiscal year 2011 and 2012, the Director of 9823  
Budget and Management may, in consultation with the Executive 9824  
Director of the Casino Control Commission, transfer such funds as 9825



necessary for initial operating expenses and casino investigations 9826  
 by the Office of Inspector General and the Ohio Ethics Commission 9827  
 prior to the receipt of other deposits into the fund. The transfer 9828  
 shall be made from the General Revenue Fund to the Casino Control 9829  
 Commission Operating Fund (Fund 5HSO). Once funds from upfront 9830  
 license application fees and gross casino revenue taxes have been 9831  
 accumulated to sustain operations, the Director of Budget and 9832  
 Management, in consultation with the Executive Director of the 9833  
 Casino Control Commission, shall establish a repayment schedule 9834  
 for transfers to the General Revenue Fund from the Casino Control 9835  
 Commission Operating Fund (Fund 5HSO). 9836

**Section 610.10.** That Sections 343.10 and 512.90 of Am. Sub. 9837  
 H.B. 1 of the 128th General Assembly be amended to read as 9838  
 follows: 9839

**Sec. 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 9840

General Revenue Fund				9841
GRF	725401	Wildlife-GRF Central	\$ 1,950,000 \$ 2,000,000	9842
Support				
GRF	725413	Lease Rental Payments	\$ 20,760,600 \$ 21,556,500	9843
GRF	725456	Canal Lands	\$ 150,000 \$ 150,000	9844
GRF	725502	Soil and Water	\$ 6,900,000 \$ 2,900,000	9845
Districts				
GRF	725903	Natural Resources	\$ 25,438,000 \$ 26,549,400	9846
General Obligation				
Debt Service				
GRF	727321	Division of Forestry	\$ 5,906,376 \$ 5,420,376	9847
GRF	728321	Division of Geological	\$ 1,100,000 \$ 0	9848
Survey				
GRF	730321	Division of Parks and	\$ 31,806,918 \$ 32,693,791	9849
Recreation				

GRF	733321	Division of Water	\$	2,300,000	\$	2,546,000	9850
GRF	736321	Division of Engineering	\$	2,300,000	\$	2,572,000	9851
GRF	737321	Division of Soil and Water Resources	\$	2,828,562	\$	3,128,562	9852
GRF	738321	Division of Real Estate and Land Management	\$	1,475,000	\$	1,546,000	9853
GRF	741321	Division of Natural Areas and Preserves	\$	1,739,873	\$	0	9854
GRF	744321	Division of Mineral Resources Management	\$	2,800,000	\$	1,000,000	9855
TOTAL GRF General Revenue Fund			\$	107,455,329	\$	102,062,629	9856
General Services Fund Group							9857
1550	725601	Departmental Projects	\$	2,100,000	\$	2,100,000	9858
1570	725651	Central Support Indirect	\$	6,000,000	\$	6,000,000	9859
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	9860
2070	725690	Real Estate Services	\$	130,000	\$	132,000	9861
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	9862
2270	725406	Parks Projects Personnel	\$	150,000	\$	150,000	9863
4300	725671	Canal Lands	\$	916,541	\$	922,424	9864
4D50	725618	Recycled Materials	\$	50,000	\$	50,000	9865
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740	9866
4X80	725662	Water Resources Council	\$	138,900	\$	138,900	9867
5080	725684	Natural Resources Publications	\$	150,000	\$	150,000	9868
5100	725631	Maintenance - State-owned Residences	\$	258,919	\$	258,919	9869

5160	725620	Water Management	\$	2,500,000	\$	2,500,000	9870
6350	725664	Fountain Square	\$	3,500,000	\$	3,500,000	9871
		Facilities Management					
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011	9872
TOTAL GSF General Services							9873
Fund Group			\$	23,641,521	\$	23,549,852	9874
Federal Special Revenue Fund Group							9875
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102	9876
		Grant					
3B30	725640	Federal Forest	\$	600,000	\$	600,000	9877
		Pass-Thru					
3B40	725641	Federal Flood	\$	700,000	\$	700,000	9878
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667	9879
		Mine Lands					
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000	9880
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775	9881
		Regulatory					
3P00	725630	Natural Areas and	\$	215,000	\$	215,000	9882
		Preserves - Federal					
3P10	725632	Geological Survey -	\$	689,506	\$	692,401	9883
		Federal					
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	9884
3P30	725650	Coastal Management -	\$	1,711,237	\$	1,711,237	9885
		Federal					
3P40	725660	Federal - Soil and	\$	316,734	\$	316,734	9886
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	2,025,001	\$	2,025,001	9887
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,850,000	\$	1,850,000	9888
		and Trails					

TOTAL FED Federal Special Revenue				9889
Fund Group	\$	27,299,268	\$ 27,299,426	9890
State Special Revenue Fund Group				9891
4J20 725628 Injection Well Review	\$	68,933	\$ 68,933	9892
4M70 725686 Wildfire Suppression	\$	75,000	\$ 75,000	9893
4U60 725668 Scenic Rivers	\$	100,000	\$ 100,000	9894
Protection				
5090 725602 State Forest	\$	7,200,000	\$ 7,200,000	9895
5110 725646 Ohio Geological	\$	724,310	\$ 723,515	9896
Mapping				
5120 725605 State Parks Operations	\$	31,885,528	\$ 31,885,528	9897
5140 725606 Lake Erie Shoreline	\$	1,074,113	\$ 974,113	9898
5180 725643 Oil and Gas Permit	\$	2,974,378	\$ 2,974,378	9899
Fees				
5180 725677 Oil and Gas Well	\$	800,000	\$ 800,000	9900
Plugging				
5210 725627 Off-Road Vehicle	\$	143,490	\$ 143,490	9901
Trails				
5220 725656 Natural Areas and	\$	1,400,000	\$ 1,400,000	9902
Preserves				
5260 725610 Strip Mining	\$	3,267,587	\$ 3,364,361	9903
Administration Fee				
5270 725637 Surface Mining	\$	1,946,591	\$ 1,946,591	9904
Administration				
5290 725639 Unreclaimed Land Fund	\$	2,021,713	\$ 2,023,831	9905
5310 725648 Reclamation Forfeiture	\$	1,500,000	\$ 1,500,000	9906
5320 725644 Litter Control and	\$	6,280,681	\$ 6,280,681	9907
Recycling				
5860 725633 Scrap Tire Program	\$	1,000,000	\$ 1,000,000	9908
5B30 725674 Mining Regulation		28,850	28,850	9909
5BV0 725683 Soil and Water	\$	10,875,577	\$ 18,104,906	9910
Districts				
5CU0 725647 Mine Safety	\$	3,053,843	\$ 3,199,923	9911

5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	9912
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	9913
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	9914
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	9915
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	9916
6150	725661	Dam Safety	\$	807,403	\$	807,403	9917
TOTAL SSR State Special Revenue							9918
Fund Group			\$	77,528,497	\$	84,902,003	9919
Clean Ohio Conservation Fund Group							9920
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	9921
TOTAL CLF Clean Ohio Conservation							9922
Fund Group			\$	310,000	\$	310,000	9922
Wildlife Fund Group							9923
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000	9924
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000	9925
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	9926
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	9927
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000	9928
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	9929
8190	725685	Ohio River Management	\$	128,584	\$	128,584	9930
TOTAL WLF Wildlife Fund Group							9931
Waterways Safety Fund Group			\$	66,130,354	\$	62,421,918	9932

7086	725414	Waterways Improvement	\$	4,265,575	\$	<del>4,265,575</del>	9933
						<u>5,015,575</u>	
7086	725418	Buoy Placement	\$	52,182	\$	52,182	9934
7086	725501	Waterway Safety	\$	137,867	\$	137,867	9935
		Grants					
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	9936
		Patrol					
7086	725513	Watercraft	\$	366,643	\$	366,643	9937
		Educational Grants					
7086	739401	Division of	\$	19,949,181	\$	19,949,181	9938
		Watercraft					
TOTAL WSF Waterways Safety Fund							9939
Group			\$	25,347,601	\$	<del>25,347,601</del>	9940
						<u>26,097,601</u>	
Accrued Leave Liability Fund Group							9941
4M80	725675	FOP Contract	\$	20,844	\$	20,844	9942
TOTAL ALF Accrued Leave							9943
Liability Fund Group			\$	20,844	\$	20,844	9944
Holding Account Redistribution Fund Group							9945
R017	725659	Performance Cash Bond	\$	296,263	\$	296,263	9946
		Refunds					
R043	725624	Forestry	\$	2,000,000	\$	2,000,000	9947
TOTAL 090 Holding Account							9948
Redistribution Fund Group			\$	2,296,263	\$	2,296,263	9949
TOTAL ALL BUDGET FUND GROUPS			\$	330,029,677	\$	<del>328,210,536</del>	9950
						<u>328,960,536</u>	

**Sec. 512.90.** CASH TRANSFERS FROM THE TOBACCO USE PREVENTION 9952  
AND CONTROL FOUNDATION ENDOWMENT FUND 9953

The Director of Budget and Management may request the 9954  
Treasurer of State to transfer \$258,622,890 cash from moneys in 9955  
the custody of the Treasurer of State that were formerly to the 9956

credit of the Tobacco Use Prevention and Control Foundation 9957  
Endowment Fund, to the General Health and Human Service 9958  
Pass-Through Fund (Fund 5HC0). If any cash is transferred to the 9959  
General Health and Human Service Pass-Through Fund (Fund 5HC0) the 9960  
Director of Budget and Management shall transfer the cash as 9961  
follows: 9962

(A) Up to \$46,000,000 cash in each fiscal year to the Child 9963  
and Adult Protective Services Fund (Fund 5GV0), used by the 9964  
Department of Job and Family Services, to support child and adult 9965  
protective services under Title XX of the "Social Security Act," 9966  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and any 9967  
allowable service activity defined in Section 309.45.21 of Am. 9968  
Sub. H.B. 1 of the 128th General Assembly. The amount transferred 9969  
is hereby appropriated. 9970

(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health 9971  
Care Services - Other Fund (Fund 5HA0), used by the Department of 9972  
Job and Family Services and up to \$129,814,027 cash in fiscal year 9973  
2011 to Fund 5HA0, to support health care services under the state 9974  
Medicaid plan. The amount transferred is hereby appropriated. 9975

(C) Up to \$2,500,000 cash in each fiscal year to the Breast 9976  
and Cervical Cancer Fund (Fund 5HB0), used by the Department of 9977  
Health, to support breast and cervical cancer screenings. The 9978  
amount transferred is hereby appropriated. 9979

**Section 610.11.** That existing Sections 343.10 and 512.90 of 9980  
Am. Sub. H.B. 1 of the 128th General Assembly are hereby repealed. 9981

**Section 610.20.** That Sections 103.90, 105.43.10, 105.45.40, 9982  
105.45.70, and 105.49.80 of Sub. H.B. 462 of the 128th General 9983  
Assembly be amended to read as follows: 9984

**Sec. 103.90.** All items set forth in this section are hereby 9985

appropriated out of any moneys in the state treasury to the credit 9986  
 of the Cultural and Sports Facilities Building Fund (Fund 7030) 9987  
 that are not otherwise appropriated: 9988

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 9989

C37114	Woodward Opera House Renovation	\$	1,200,000	9990
C37116	Center Exhibit Replacement	\$	415,000	9991
C37122	Akron Art Museum	\$	700,000	9992
C37131	Bramley Historic House	\$	75,000	9993
C37133	Delaware County Cultural Arts Center	\$	140,000	9994
C37137	West Side Arts Consortium	\$	138,000	9995
C37139	Stan Hywet Hall & Gardens	\$	1,050,000	9996
C37141	Spring Hill Historic Home	\$	125,000	9997
C37142	Midland Theatre	\$	300,000	9998
C37143	Lorain Palace Civic Theatre	\$	113,550	9999
C37144	Great Lakes Historical Society	\$	1,175,000	10000
C37153	Historic Sites and Museums	\$	299,725	10001
C37155	Buffington Island State Memorial	\$	33,475	10002
C37163	Harding Home State Memorial	\$	100,000	10003
C37185	McConnellsville Opera House	\$	75,000	10004
C37186	Secrest Auditorium	\$	75,000	10005
C37188	Trumpet in the Land	\$	150,000	10006
C37189	Mid-Ohio Valley Players	\$	80,000	10007
C37190	The Anchorage	\$	50,000	10008
C37193	Galion Historic Big Four Depot Restoration	\$	200,000	10009
C37196	Hancock Historical Society	\$	75,000	10010
C37198	Ft. Piqua Hotel	\$	200,000	10011
C371A1	Lima Historic Athletic Field	\$	100,000	10012
C371A3	Voice of America Museum	\$	500,000	10013
C371A4	Oxford Arts Center ADA Project	\$	174,000	10014
C371A5	Clark County Community Arts Expansion Project	\$	500,000	10015



C371B9	Ariel Theatre	\$	100,000	10016
C371C2	Ensemble Theatre	\$	1,200,000	10017
C371C4	Art Academy of Cincinnati	\$	600,000	10018
C371C7	Music Hall: Over-The-Rhine	\$	2,850,000	10019
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	10020
C371D1	Art Deco Markay Theatre	\$	200,000	10021
C371D4	Broad Street Historical Renovation	\$	300,000	10022
C371D5	Amherst Historical Society	\$	35,000	10023
C371D7	Ohio Theatre - Toledo	\$	100,000	10024
C371E2	Aurora Outdoor Sports Complex	\$	50,000	10025
C371E3	Preble County Historical Society	\$	350,000	10026
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	10027
C371F6	Marietta Colony Theatre	\$	585,000	10028
C371F8	Beavercreek Community Theater	\$	50,000	10029
C371G4	Collections Facility Planning	\$	1,240,000	10030
C371H2	National Underground Railroad Freedom Center	\$	850,000	10031
C371H8	Columbus Museum of Art	\$	2,500,000	10032
C371I3	Horvitz Center for the Arts	\$	750,000	10033
C371J5	The Mandel Center	\$	250,000	10034
C371J9	Stambaugh Hall Improvements	\$	925,000	10035
C371K4	City of Avon Stadium Complex	\$	200,000	10036
C371K8	Maumee Valley Historical Society	\$	150,000	10037
C371L0	First Lunar Flight Project	\$	25,000	10038
C371L5	Moreland Theatre Renovation	\$	100,000	10039
C371M1	The Octagon House	\$	100,000	10040
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	10041
C371M4	Paul Brown Museum	\$	75,000	10042
C371N2	Johnny Appleseed Museum	\$	50,000	10043
C371N5	Little Brown Jug Facility Improvements	\$	50,000	10044
C371N6	Applecreek Historical Society	\$	50,000	10045
C371N7	Wyandot Historic Courthouse	\$	50,000	10046
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	10047

C37103	Portland Civil War Museum and Historical Displays	\$	25,000	10048
C37104	Morgan County Opera House	\$	25,000	10049
C37105	Crawford Antique Museum	\$	9,000	10050
C37106	Monroe City Historical Society Building Repair	\$	5,000	10051
C37107	Wright Dunbar Historical Facility	\$	250,000	10052
C37108	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	10053
C371P8	AB Graham Center	\$	40,000	10054
C371Q2	Ballpark Village Project	\$	2,000,000	10055
C371Q5	Cincinnati Zoo	\$	1,500,000	10056
C371Q6	Cincinnati Art Museum	\$	1,500,000	10057
C371R0	Lincoln Theatre	\$	350,000	10058
C371R4	Eagles Palace Theater	\$	100,052	10059
C371S0	Towpath Trail	\$	500,000	10060
<del>C371S1</del>	<del>Museum of Contemporary Art Cleveland</del>	<del>\$</del>	<del>450,000</del>	10061
C371S2	Arts in Stark Cultural Center	\$	150,000	10062
C371S5	The Fine Arts Association	\$	300,000	10063
C371S9	Portsmouth Mural	\$	250,000	10064
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	10065
C371T6	Baltimore Theatre	\$	50,000	10066
C371T9	Cozad-Bates House Historic Project	\$	100,000	10067
C371U3	Lake Erie Nature & Science Center	\$	200,000	10068
<del>C371U5</del>	<del>Cleveland Zoological Society</del>	<del>\$</del>	<del>150,000</del>	10069
C371U8	Kidron Historical Society - Sonnenberg Village Project	\$	200,000	10070
C371V0	Chesterhill Union Hall Theatre	\$	25,000	10071
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	10072
C371V2	Hallsville Historical Society	\$	100,000	10073
C371V6	Madeira Historical Society/Miller House	\$	60,000	10074
C371W0	Antwerp Railroad Depot Historic Building	\$	106,000	10075

C371W1	Village of Edinburg Veterans Memorial	\$	35,000	10076
C371W3	North Ridgeville Historic Community Theater	\$	175,000	10077
C371W4	Redbrick Center for the Arts	\$	200,000	10078
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	10079
C371W7	BalletTech	\$	200,000	10080
C371W9	Rickenbacker Boyhood Home	\$	139,000	10081
C371X0	Rivers Edge Amphitheater Project	\$	100,000	10082
C371X1	Variety Theater	\$	85,000	10083
C371X3	Salem Community Theater	\$	53,000	10084
C371X5	Belle's Opera House Improvements	\$	50,000	10085
C371X6	Warren Veterans Memorial	\$	50,000	10086
C371X7	Huntington Playhouse	\$	40,000	10087
C371X8	Cambridge Performing Arts Center	\$	37,500	10088
C371X9	Old Harvey Historic School Restoration	\$	25,000	10089
C371Y0	Dalton Community Historical Society	\$	10,000	10090
C371Y1	Mohawk Veterans' Memorial	\$	15,000	10091
C371Y2	Cleveland Museum of Natural History	\$	150,000	10092
C371Y4	New Town Indian Artifact Museum	\$	300,000	10093
C371Y6	Historic League Park Restoration	\$	150,000	10094
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	10095
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	10096
C371Z3	Lorain Lighthouse Restoration	\$	190,000	10097
Total Cultural Facilities Commission		\$	<del>34,290,302</del>	10098
			<u>33,690,302</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	<del>34,290,302</del>	10099
			<u>33,690,302</u>	

Reappropriations

<b>Sec. 105.43.10. UCN UNIVERSITY OF CINCINNATI</b>				10101
C26500	Basic Renovations	\$	8,729,960	10102
C26501	Basic Renovations - Clermont	\$	722,495	10103

C26502	Raymond Walters Renovations	\$	1,291,364	10104
C26503	Instructional & Data Processing Equipment	\$	1,887,563	10105
C26504	Infrastructure Assessment	\$	1,639	10106
C26505	Science and Allied Health Building - Walters	\$	118,748	10107
C26508	ADA Modifications	\$	50,376	10108
C26509	ADA Modifications - Clermont	\$	6,039	10109
C26510	Molecular Components/Simulation Network	\$	14,154	10110
C26512	Surface Engineering	\$	9,104	10111
C26516	Rapid Prototype Process	\$	41,626	10112
C26520	Nano Particles	\$	1,103	10113
C26521	Transgenic Core Capacity	\$	1,633	10114
C26522	Thin Film Analysis	\$	82,952	10115
C26523	Electronic Reconstruction	\$	1,784	10116
C26525	TC/Dyer Rehabilitation - Phase 1A	\$	8,532	10117
C26530	Medical Science Building Rehabilitation	\$	14,412,509	10118
C26537	Van Wormer Administrative Building Rehabilitation	\$	8,152	10119
C26540	Biomedical Engineering	\$	17,145	10120
C26541	Student Services	\$	111,750	10121
C26553	Developmental Neurobiology	\$	303,750	10122
C26559	Proteomics in the Post Genome Era	\$	1,024	10123
C26560	Nanoscale Hybrid Materials	\$	1,980	10124
C26567	GRI Building F240 Renovation	\$	5,393	10125
C26568	Peters-Jones Building Restroom Upgrade	\$	1,943	10126
C26571	Gas Turbine Spray Combustion	\$	150,000	10127
C26572	Bridging the Skills Gap	\$	6,789	10128
C26586	People Working Cooperatively	\$	100,000	10129
C26591	Clermont Snyder Masonry Restoration	\$	6,909	10130
C26595	Remediation Technology	\$	6,131	10131
C26597	RWC-Flory 100 Level PDI Renovation	\$	49,376	10132
C26601	Elevator Modernization - Blegen/Wherry	\$	170	10133
C26603	RWC Technology Center	\$	1,534,608	10134

C26604	Barrett Cancer Center	\$	1,320,403	10135
C26606	Hebrew Union College	\$	173,603	10136
C26607	Consolidated Communications Project of Clermont County	\$	475,000	10137
C26609	CAS High Voltage	\$	25,127	10138
C26610	Zimmer Rehabilitation	\$	16,241	10139
C26612	Clermont Renovations	\$	751,132	10140
C26613	New Building	\$	1,582,233	10141
C26614	Barrett Cancer Center	\$	1,500,000	10142
C26615	Beech Acres	\$	125,000	10143
C26616	Forest Park Homeland Security Facility	\$	50,000	10144
C26617	Health Care Connection - Lincoln Heights	\$	150,000	10145
C26618	People Working Cooperatively	\$	120,000	10146
C26619	Sharonville Convention Center	\$	14,250	10147
C26620	Society for the Prevention of Cruelty to Animals	\$	100,000	10148
C26622	Medical Science Building Interim Clinical Pathology	\$	128,023	10149
C26623	Medical Science Building East Receiving Elevator	\$	199	10150
C26624	Medical Science Building Floors 4, 5, 6, 7 Renovation	\$	3,856	10151
C26627	Eden Retaining Wall	\$	80,921	10152
C26628	Rieveschl 500 Teaching Lab	\$	5,851,949	10153
C26629	Procter Facade Improvements	\$	341,340	10154
C26630	W/C Site Lighting	\$	48,368	10155
C26631	Clermont Air Handling Unit	\$	4,597	10156
C26632	Crosley Facade Renovation	\$	3,807	10157
C26633	Clermont Educational Services	\$	55	10158
C26634	Kehoe 223-240 Renovation	\$	995,458	10159
C26635	Memorial Hall Walkway Renovation	\$	5,213	10160
C26638	WC Perimeter Access Control Phase 2	\$	64,033	10161
C26640	Crosley/Rieveschl Upgrade Wiring	\$	15,377	10162

C26641	Old Chemistry Facade	\$	454,259	10163
C26642	Nanoscale Lithography System	\$	180,234	10164
<u>C26657</u>	<u>Blue Ash City Conference Center</u>	<u>\$</u>	<u>150,000</u>	10165
Total University of Cincinnati		\$	<del>44,267,379</del>	10166
			<u>44,417,379</u>	

The amount reappropriated for the foregoing appropriation 10167  
item C26500, Basic Renovations, is the unencumbered and unallotted 10168  
balance as of June 30, 2010, in appropriation item C26500, Basic 10169  
Renovations, plus \$7,564.33. 10170

The amount reappropriated for the foregoing appropriation 10171  
item C26501, Basic Renovations - Clermont, is the unencumbered and 10172  
unallotted balance as of June 30, 2010, in appropriation item 10173  
C26501, Basic Renovations - Clermont, plus \$476.00. 10174

The amount reappropriated for the foregoing appropriation 10175  
item C26628, Rieveschl 500 Teaching Lab, is the unencumbered and 10176  
unallotted balance as of June 30, 2010, in appropriation item 10177  
C26628, Rieveschl 500 Teaching Lab, plus \$80,584.50. 10178

Reappropriations

<b>Sec. 105.45.40.</b>	<b>CTC CINCINNATI STATE TECHNICAL AND COMMUNITY</b>			10179
	COLLEGE			10180
C36100	Interior Renovations	\$	2,258	10181
C36101	Basic Renovations	\$	2,360,899	10182
C36102	Health Professions Building Planning	\$	1,468	10183
C36103	Instructional and Data Processing	\$	240,432	10184
	Equipment			
C36107	Classroom Technology Enhancements	\$	17,887	10185
C36109	Brick Repair and Weatherproofing	\$	3,380	10186
C36114	Lot C Parking Lot	\$	250,000	10187
C36115	Ceiling Replacement	\$	75,000	10188
C36116	Electrical Surge Protection	\$	100,000	10189
C36117	Campus Signage	\$	75,000	10190

C36119	Window Replacement	\$	10,875	10191
<del>C36120</del>	<del>Blue Ash City Conference Center</del>	<del>\$</del>	<del>150,000</del>	10192
C36121	Hebrew Union College Archives	\$	185,000	10193
C36122	Mayerson Center	\$	700,000	10194
Total Cincinnati State Community College		\$	<del>4,172,199</del>	10195
			<u>4,022,199</u>	

Reappropriations

<b>Sec. 105.45.70. CCC CUYAHOGA COMMUNITY COLLEGE</b>				10197
C37800	Basic Renovations	\$	4,406,772	10198
C37803	Technology Learning Center - Western	\$	43,096	10199
C37807	Cleveland Art Museum - Improvements	\$	3,100,000	10200
C37812	Building A Expansion Module - Western	\$	124,332	10201
C37816	College-Wide Wayfinding Signage System	\$	145,893	10202
C37817	College-Wide Asset Protection & Building	\$	631,205	10203
C37818	Healthcare Technology Building - Eastern	\$	13,464,866	10204
C37821	Hospitality Management Program	\$	2,452,728	10205
C37822	Theater Renovations	\$	2,243,769	10206
C37824	Rock and Roll Hall of Fame Archive	\$	18,000	10207
C37826	CW Roof Replacement	\$	190,735	10208
C37829	College of Podiatric Medicine	\$	250,000	10209
C37830	Auto Lab Improvements	\$	240	10210
C37831	Visiting Nurse Association	\$	150,000	10211
C37832	Western Reserve Hospice Center	\$	1,500	10212
<u>C37833</u>	<u>Cleveland Zoological Society</u>	<u>\$</u>	<u>150,000</u>	10213
<u>C37834</u>	<u>Museum of Contemporary Art Cleveland</u>	<u>\$</u>	<u>450,000</u>	10214
<u>C37835</u>	<u>Western Reserve Historical Society</u>	<u>\$</u>	<u>2,800,000</u>	10215
Total Cuyahoga Community College		\$	<del>27,223,136</del>	10216
			<u>30,623,136</u>	

On July 1, 2011, or as soon as possible thereafter, the 10217  
Director of Budget and Management shall cancel any existing 10218  
encumbrances against appropriation item C371A9, Western Reserve 10219  
Historical Society, and reestablish them against the foregoing 10220

appropriation item C37835, Western Reserve Historical Society. 10221

Reappropriations

<b>Sec. 105.49.80. STC STARK TECHNICAL COLLEGE</b>			10222
C38900	Basic Renovations	\$ 100,713	10223
C38913	Business Technologies Building	\$ 2,034,537	10224
C38914	Corporate and Community Services Facility	\$ 500,000	10225
C38915	High Pressure Test System	\$ 2,595,121	10226
Total Stark Technical College			\$ 5,230,371 10227
TOTAL Higher Education Improvement Fund			\$ <del>681,859,327</del> 10228
			<u>685,259,327</u>

**Section 610.21.** That existing Sections 103.90, 105.43.10, 10230  
 105.45.40, 105.45.70, and 105.49.80 of Sub. H.B. 462 of the 128th 10231  
 General Assembly are hereby repealed. 10232

**Section 701.10.** The Auditor of State shall conduct a 10233  
 performance audit of the Department of Transportation. The 10234  
 Department shall cooperate fully with the Auditor of State in the 10235  
 conduct of the performance audit. 10236

**Section 733.10. ARRA COMPLIANCE FUND TRANSFERS** 10237

The State Fiscal Stabilization Fund requirements under the 10238  
 American Recovery and Reinvestment Act are that the state maintain 10239  
 support for elementary and secondary education to at least the 10240  
 level supported for fiscal year 2006, and that state payments 10241  
 under the primary funding formula to local education agencies for 10242  
 fiscal year 2010 and fiscal year 2011 be not less than payments 10243  
 under the primary funding formula for fiscal year 2009. However, 10244  
 if payments under the primary funding formula for fiscal year 2010 10245  
 or fiscal year 2011 are lower than payments under the primary 10246  
 funding formula for fiscal year 2009, the shortfall in state 10247



payments must be filled with federal stabilization funding so that 10248  
it is proportional to the corresponding shortfall in state aid to 10249  
public institutions of higher education. 10250

If state payments for elementary and secondary education for 10251  
fiscal year 2010 or fiscal year 2011 provided under the primary 10252  
funding formula used to meet State Fiscal Stabilization Fund 10253  
requirements under the American Recovery and Reinvestment Act are 10254  
less than required, as described above, on or before June 1, 2011, 10255  
or as soon as possible thereafter, the Superintendent of Public 10256  
Instruction shall certify to the Director of Budget and Management 10257  
the amount by which funding levels are lower than required as the 10258  
"ARRA compliance difference." The Superintendent of Public 10259  
Instruction, in consultation with the Director of Budget and 10260  
Management, shall identify encumbrances that are no longer needed 10261  
for fiscal year 2011 and prior years against General Revenue Fund 10262  
appropriations in the Department of Education's budget equal to 10263  
the ARRA compliance difference for fiscal year 2010 and fiscal 10264  
year 2011. The Director of Budget and Management shall transfer 10265  
cash in the amount of the identified encumbered balances no longer 10266  
needed in appropriation item 200502, Pupil Transportation, and 10267  
appropriation item 200550, Foundation Funding, and up to 10268  
\$20,000,000 for each fiscal year of identified encumbered balances 10269  
no longer needed in other General Revenue Fund appropriation items 10270  
in the Department of Education's budget, from the General Revenue 10271  
Fund to the ARRA Compliance Fund (Fund 5JA0). The amount of 10272  
transferred encumbered balances from appropriation items other 10273  
than 200502 and 200550 shall not total more than \$20,000,000 for 10274  
each fiscal year. The Department of Education shall seek 10275  
Controlling Board approval if the needed cash transfer into the 10276  
ARRA Compliance Fund (Fund 5JA0) exceeds \$25,000,000 for each 10277  
fiscal year. The transferred cash shall be used by the Department 10278  
of Education to provide additional subsidy, on a per pupil basis, 10279  
to city, local, and exempted village school districts, community 10280

schools, and STEM schools. 10281

**Section 753.10.** (A) The Governor is authorized to execute a 10282  
deed in the name of the state conveying to the City of Massillon 10283  
(hereinafter the "grantee"), its successors and assigns, all of 10284  
the right, title, and interest of the state in the following 10285  
described real estate: 10286

Situated in the City of Massillon, County of Stark, State of 10287  
Ohio and being part of Massillon City Out Lot 538. Also being part 10288  
of a 40.00 acre tract conveyed to State of Ohio Youth Commission. 10289

Beginning at a 1/2-inch iron bar with an H&A cap set at the 10290  
southeast corner of said Out Lot 538 and the true place of 10291  
beginning; 10292

1. Thence N 60°13'44" W along the north line of a tract now 10293  
or formerly owned by Massillon Materials, Inc. (O.R. Vol. 1167, 10294  
Pg. 223) a distance of 1411.25 feet to a 1/2-inch iron bar with an 10295  
H&A cap set; 10296

2. Thence N 39°37'36" E along the east line a tract of land 10297  
now or formerly owned by the City of Massillon (21.46 ac.) a 10298  
distance of 34.07 feet to a 1/2-inch iron bar with an H&A cap set; 10299

3. Thence N 48°54'16" E continuing along the east line of 10300  
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 10301  
to a 1/2-inch iron bar with an H&A cap set; 10302

4. Thence N 56°10'56" E continuing along the east line of 10303  
said City of Massillon tract (21.46 ac.) a distance of 101.15 feet 10304  
to a 1/2-inch iron bar with an H&A cap set; 10305

5. Thence N 55°38'06" E continuing along the east line of 10306  
said City of Massillon tract (21.46 ac.) a distance of 89.92 feet 10307  
to a 1/2-inch iron bar with an H&A cap set; 10308

6. Thence N 55°25'36" E continuing along the east line of 10309  
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 10310

to a 1/2-inch iron bar with an H&A cap set; 10311

7. Thence N 54°13'26" E continuing along the east line of 10312  
said City of Massillon tract (21.46 ac.) a distance of 100.00 10313  
feet to a 1/2-inch iron bar with an H&A cap set; 10314

8. Thence N 44°40'56" E continuing along the east line of 10315  
said City of Massillon tract (21.46 ac.) a distance of 101.37 feet 10316  
to a 1/2-inch iron bar with an H&A cap set; 10317

9. Thence S 06°28'18" E along a new division line a distance 10318  
of 469.59 feet to a 1/2-inch iron bar with an H&A cap set; 10319

10. Thence S 60°13'44" E continuing along a new division line 10320  
a distance of 700.00 feet to a 1/2-inch iron bar with an H&A cap 10321  
set; 10322

11. Thence N 74°46'16" E continuing along a new division line 10323  
a distance of 282.84 feet to a 1/2-inch iron bar with an H&A cap 10324  
set; 10325

12. Thence S 29°46'16" W along the west line of said 10326  
Massillon Materials, Inc. tract (O.R. Vol. 1167, Pg. 223) a 10327  
distance of 400.00 feet to a 1/2-inch iron bar with an H&A cap set 10328  
and the true place of beginning. 10329

The above described tract contains 8.622 acres of which no 10330  
acres lie within the public right-of-way as surveyed under the 10331  
supervision of Gary L. Toussant, P.S. #6332 of Hammontree and 10332  
Associates, Limited, Engineers, Planners and Surveyors of North 10333  
Canton, Ohio on November 2, 2006. 10334

The basis of bearings is the Ohio State Plane Coordinate 10335  
System, North Zone, NAD83 from the City of Massillon Control 10336  
Survey. 10337

In preparing the deed, the Auditor of State, with the 10338  
assistance of the Attorney General, may modify the foregoing 10339  
description insofar as necessary to bring it into conformity with 10340

the actual bounds of the real estate being described. 10341

(B) Consideration for the conveyance of the real estate is 10342  
fifteen thousand dollars, to be paid to the state at closing, as 10343  
derived by mutual agreement reached between the state and the 10344  
grantee through an executed Offer to Purchase (hereinafter the 10345  
"Offer to Purchase"). 10346

(C) The grantee, following the conveyance of the real estate, 10347  
and in accordance with the terms of the Offer to Purchase, shall 10348  
do all of the following: 10349

(1) Construct and maintain, at the grantee's sole expense, a 10350  
detention basin on the real estate; 10351

(2) Permit the state to discharge water into the detention 10352  
basin; and 10353

(3) Maintain or relocate the state's existing storm sewer 10354  
connections. 10355

(D) The real estate shall be sold as an entire tract and not 10356  
in parcels. 10357

(E) Upon payment of the purchase price, the Auditor of State, 10358  
with the assistance of the Attorney General, shall prepare a deed 10359  
to the real estate. The deed shall state the consideration and the 10360  
conditions, and shall be executed by the Governor in the name of 10361  
the state, countersigned by the Secretary of State, sealed with 10362  
the Great Seal of the State, presented in the Office of the 10363  
Auditor of State for recording, and delivered to the grantee. The 10364  
grantee shall present the deed for recording in the Office of the 10365  
Stark County Recorder. 10366

(F) The grantee shall pay the costs of the conveyance of the 10367  
real estate, including recordation costs of the deed. 10368

(G) This section expires one year after its effective date. 10369

**Section 753.20.** (A) The Governor is authorized to execute a deed in the name of the state conveying to Taylor Chevrolet, Inc. (hereinafter the "grantee"), its successors and assigns, all of the state's right, title, and interest in Ohio State Highway Patrol Post 23, 1125 Ety Road, in the City of Lancaster, County of Fairfield, State of Ohio, and in the land on which the post is situated.

(B) In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the real estate in conformity with the actual bounds of the real estate.

(C) Consideration for conveyance of the real estate shall be agreed upon between the Superintendent of the State Highway Patrol and the grantee.

(D) The deed may contain any condition or restriction that the Governor determines is reasonably necessary to protect the state's interests.

(E) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including recordation costs of the deed.

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and any conditions or restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Fairfield County Recorder.

(G) The proceeds of the conveyance of the real estate shall

be deposited into the state treasury to the credit of the State Highway Safety Fund.

(H) This section expires one year after its effective date.

**Section 753.30.** (A) The Governor is authorized to execute a deed in the name of Kent State University conveying to Delta Upsilon KSU Alumni Chapter, Inc., its successors and assigns all of the university's right, title, and interest in the following described real estate:

Known as being part of Franklin Township Lot 14 and further described as follows: Starting at an angle point in the original centerline of Summit Street, C.H.148, N. 54 deg. 30' W., 1325.96 feet as measured along said centerline from the southeast corner of Lot 14; thence N. 49 deg. 29' 20" W., 299.67 feet to a point in said original centerline and the Grantor's northwest corner; thence S. 26 deg. 14' 40" W., 190.68 feet along the westerly line of a private drive to an iron pipe at an angle point and the true place of beginning; thence S. 7 deg. 24' 10" E., 52.71 feet to an iron pipe at an angle point in said westerly line; thence S. 19 deg. 48' 50" E., 366.40 feet along said westerly line to an iron pipe; thence N. 65 deg. 17' 30" W., 293.12 feet to an iron pipe in the Grantor's west line; thence N. 26 deg. 14' 40" E., 306.00 feet along said west line to the beginning; and containing 0.981 acres of land, be the same more or less, but subject to all legal highways, as surveyed by R.E. Stockman, Reg. Sur. No. 5134.

Subject to an easement 5 feet wide along the easterly line of the above described parcel for utilities (East Ohio Gas Company), and an easement 15 feet wide along the westerly line of said parcel from the south line of said parcel to a point about 60 feet south of the northwest corner; thence widening easterly by line placed at right angles to the east line of said parcel to the east line of said parcel, together with the right to use said private

driveway. As surveyed by Stockman and Associates May 5, 1967. With 10431  
a street address of 1061 Fraternity Circle, Kent, Ohio 44240. 10432

Together with all such rights to which the ownership of the 10433  
premises are entitled to the use in common with others of all 10434  
private streets and roadways for ingress and egress to and from 10435  
Summit Street, Kent, or other public street with which said 10436  
streets and roadways may now or hereafter connect. 10437

The above premises are to be conveyed subject to all 10438  
covenants, restrictions, and conditions in Deed Volume 812, Page 10439  
503, Portage County Records of Deeds, to the same extent as if 10440  
fully rewritten herein and except as modified in accordance with 10441  
the terms thereof. 10442

(B) Consideration for conveyance of the real estate shall be 10443  
determined by Kent State University and Delta Upsilon KSU Alumni 10444  
Chapter, Inc. 10445

(C) Delta Upsilon KSU Alumni Chapter, Inc., shall pay the 10446  
costs of the conveyance. 10447

(D) The Auditor of State, with the assistance of the Attorney 10448  
General, shall prepare a deed to the real estate. The deed shall 10449  
state the consideration and the conditions. The deed shall be 10450  
executed by the Governor in the name of the state, countersigned 10451  
by the Secretary of State, sealed with the Great Seal of the 10452  
State, presented in the Office of the Auditor of State for 10453  
recording, and delivered to Delta Upsilon KSU Alumni Chapter, 10454  
Inc., 83 Hawthorne Avenue, Akron, Ohio 44303. Delta Upsilon KSU 10455  
Alumni Chapter, Inc., shall present the deed for recording in the 10456  
Office of the Portage County Recorder. 10457

(E) This section expires three years after its effective 10458  
date. 10459

**Section 755.30.** Notwithstanding Chapter 5735. of the Revised 10460

Code, the following shall apply for the period of July 1, 2011, 10461  
through June 30, 2013: 10462

(A) For the discount under section 5735.06 of the Revised 10463  
Code, if the monthly report is timely filed and the tax is timely 10464  
paid, one per cent of the total number of gallons of motor fuel 10465  
received by the motor fuel dealer within the state during the 10466  
preceding calendar month, less the total number of gallons 10467  
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10468  
the Revised Code, less one-half of one per cent of the total 10469  
number of gallons of motor fuel that were sold to a retail dealer 10470  
during the preceding calendar month. 10471

(B) For the semiannual periods ending December 31, 2011, June 10472  
30, 2012, December 31, 2012, and June 30, 2013, the refund 10473  
provided to retail dealers under section 5735.141 of the Revised 10474  
Code shall be one-half of one per cent of the Ohio motor fuel 10475  
taxes paid on fuel purchased during those semiannual periods. 10476

**Section 755.40.** On July 1, 2011, and on the first day of the 10477  
month for each month thereafter, the Treasurer of State, before 10478  
making any of the distributions specified in sections 5735.23, 10479  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 10480  
the first two per cent of the amount of motor fuel tax received 10481  
for the preceding calendar month to the credit of the Highway 10482  
Operating Fund (Fund 7002). 10483

Upon the written request of the Director of Public Safety, 10484  
the Director of Budget and Management may make periodic transfers 10485  
of cash totaling \$16,200,000 in each fiscal year from the Highway 10486  
Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 10487  
7036). 10488

**Section 755.50.** To the extent permitted by federal law, 10489  
federal money received by the state for fiscal stabilization and 10490



recovery purposes shall be used in accordance with the preferences 10491  
for products and services made or performed in the United States 10492  
and Ohio established in section 125.09 of the Revised Code. 10493

**Section 755.60.** No state or federal funds may be encumbered, 10494  
transferred, or spent pursuant to this or any other appropriations 10495  
act for the Cincinnati Streetcar Project. 10496

**Section 757.10.** The amendment by this act of section 5751.01 10497  
of the Revised Code is intended to clarify the law as it existed 10498  
prior to the enactment of this act and shall be construed 10499  
accordingly. The amendment shall apply to all tax periods 10500  
beginning on or after July 1, 2005. 10501

**Section 757.20.** As used in this section, "qualified property" 10502  
means real property that is owned by the state and satisfies the 10503  
qualifications for tax exemption under section 5709.08 of the 10504  
Revised Code. 10505

Notwithstanding section 5713.081 of the Revised Code, when 10506  
qualified property has not received tax exemption due to a failure 10507  
to comply with Chapter 5713. or section 5715.27 of the Revised 10508  
Code, the owner of the property, at any time on or before twelve 10509  
months after the effective date of this section, may file with the 10510  
Tax Commissioner an application requesting that the property be 10511  
placed on the tax-exempt list and that all unpaid taxes, 10512  
penalties, and interest on the property be abated. 10513

The application shall be made on the form prescribed by the 10514  
Tax Commissioner under section 5715.27 of the Revised Code and 10515  
shall list the name of the county in which the property is 10516  
located; the property's legal description; its taxable value; the 10517  
amount in dollars of the unpaid taxes, penalties, and interest; 10518  
the date of acquisition of title to the property; the use of the 10519

property during any time that the unpaid taxes accrued; and any 10520  
other information required by the Tax Commissioner. The county 10521  
auditor shall supply the required information upon request of the 10522  
applicant. 10523

Upon request of the applicant, the county treasurer shall 10524  
determine if all taxes, penalties, and interest that became a lien 10525  
on the qualified property before it first was used for an exempt 10526  
purpose and all special assessments charged against the property 10527  
have been paid in full. If so, the county treasurer shall issue a 10528  
certificate to the applicant stating that all such taxes, 10529  
penalties, interest, and assessments have been paid in full. Prior 10530  
to filing the application with the Tax Commissioner, the applicant 10531  
shall attach the county treasurer's certificate to it. The Tax 10532  
Commissioner shall not consider an application filed under this 10533  
section unless such a certificate is attached to it. 10534

Upon receipt of the application and after consideration of 10535  
it, the Tax Commissioner shall determine if the applicant meets 10536  
the qualifications set forth in this section, and if so shall 10537  
issue an order directing that the property be placed on the 10538  
tax-exempt list of the county and that all unpaid taxes, 10539  
penalties, and interest for every year the property met the 10540  
qualifications for exemption described in section 5709.08 of the 10541  
Revised Code be abated. If the Tax Commissioner finds that the 10542  
property is not now being so used or is being used for a purpose 10543  
that would foreclose its right to tax exemption, the Tax 10544  
Commissioner shall issue an order denying the application. 10545

If the Tax Commissioner finds that the property is not 10546  
entitled to tax exemption and to the abatement of unpaid taxes, 10547  
penalties, and interest for any of the years for which the current 10548  
or prior owner claims an exemption or abatement, the Tax 10549  
Commissioner shall order the county treasurer of the county in 10550  
which the property is located to collect all taxes, penalties, and 10551

interest due on the property for those years in accordance with 10552  
law. 10553

The Tax Commissioner may apply this section to any qualified 10554  
property that is the subject of an application for exemption 10555  
pending before the Tax Commissioner on the effective date of this 10556  
section, without requiring the property owner to file an 10557  
additional application. The Tax Commissioner also may apply this 10558  
section to any qualified property that is the subject of an 10559  
application for exemption filed on or after the effective date of 10560  
this section and on or before twelve months after that effective 10561  
date, even though the application does not expressly request 10562  
abatement of unpaid taxes, penalties, and interest. 10563

**Section 801.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO 10564  
APPROPRIATIONS 10565

Law contained in the main operating appropriations act of the 10566  
129th General Assembly that is generally applicable to the 10567  
appropriations made in the main operating appropriations act also 10568  
is generally applicable to the appropriations made in this act. 10569

**Section 801.20.** As used in the uncodified law of this act, 10570  
"American Recovery and Reinvestment Act of 2009" means the 10571  
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 10572  
111-5, 123 Stat. 115. 10573

**Section 806.10.** The items of law contained in this act, and 10574  
their applications, are severable. If any item of law contained in 10575  
this act, or if any application of any item of law contained in 10576  
this act, is held invalid, the invalidity does not affect other 10577  
items of law contained in this act and their applications that can 10578  
be given effect without the invalid item or application. 10579

**Section 812.10.** Except as otherwise provided in this act, the 10580

amendment, enactment, or repeal by this act of a section of law is 10581  
subject to the referendum under Ohio Constitution, Article II, 10582  
Section 1c and therefore takes effect on the ninety-first day 10583  
after this act is filed with the Secretary of State or, if a later 10584  
effective date is specified below, on that date. 10585

**Section 812.20.** In this section, an "appropriation" includes 10586  
another provision of law in this act that relates to the subject 10587  
of the appropriation. 10588

An appropriation of money made in this act is not subject to 10589  
the referendum insofar as a contemplated expenditure authorized 10590  
thereby is wholly to meet a current expense within the meaning of 10591  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 10592  
Revised Code. To that extent, the appropriation takes effect 10593  
immediately when this act becomes law. Conversely, the 10594  
appropriation is subject to the referendum insofar as a 10595  
contemplated expenditure authorized thereby is wholly or partly 10596  
not to meet a current expense within the meaning of Ohio 10597  
Constitution, Article II, Section 1d and section 1.471 of the 10598  
Revised Code. To that extent, the appropriation takes effect on 10599  
the ninety-first day after this act is filed with the Secretary of 10600  
State. 10601

**Section 812.30.** Section 733.10 of this act is exempt from the 10602  
referendum under Ohio Constitution, Article II, Section 1d and 10603  
section 1.471 of the Revised Code and therefore takes effect 10604  
immediately when this act becomes law. 10605

**Section 815.10.** Section 4511.191 of the Revised Code is 10606  
presented in this act as a composite of the section as amended by 10607  
both Am. Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General 10608  
Assembly. The General Assembly, applying the principle stated in 10609  
division (B) of section 1.52 of the Revised Code that amendments 10610

are to be harmonized if reasonably capable of simultaneous	10611
operation, finds that the composite is the resulting version of	10612
the section in effect prior to the effective date of the section	10613
as presented in this act.	10614