

As Concurred by the House

129th General Assembly

Regular Session

2011-2012

Am. Sub. H. B. No. 114

Representative McGregor

Cosponsors: Representatives Amstutz, Carey, Adams, R., Anielski, Baker, Beck, Blair, Blessing, Boose, Brenner, Bubp, Buchy, Combs, Derickson, Dovilla, Duffey, Garland, Gonzales, Goodwin, Hackett, Hagan, C., Hall, Hayes, Henne, Hollington, Huffman, Johnson, Landis, McClain, McKenney, Mecklenborg, Newbold, Patmon, Peterson, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Uecker, Young Senators Bacon, Beagle, Brown, Daniels, Gillmor, Hite, Hughes, LaRose, Lehner, Manning, Obhof, Patton, Sawyer, Tavares, Turner, Widener, Wilson

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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

<u>Code.</u>	75
(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.	76 77 78 79 80
(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.	81 82
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	83 84
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	85 86
(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.	87 88
(7) "Incremental cost" means either of the following:	89
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	90 91 92
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	93 94 95
(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers,	96 97 98 99 100 101 102 103 104

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 196

state where sufficient competition can be generated within this 197
state to ensure that compliance with these requirements will not 198
result in an excessive price for the product or acquiring a 199
disproportionately inferior product. ~~If there are two or more 200
qualified bids that offer products that have been produced or 201
mined in this state, it shall be deemed that there is sufficient 202
competition to prevent an excessive price for the product or the 203
acquiring of a disproportionately inferior product.~~ 204

(C) Division (B) of this section applies to contracts for 205
which competitive bidding is waived by the controlling board. 206

(D) Division (B) of this section does not apply to the 207
purchase by the division of liquor control of spirituous liquor. 208

(E) The director of administrative services shall publish in 209
the form of a model act for use by counties, townships, municipal 210
corporations, or any other political subdivision described in 211
division (B) of section 125.04 of the Revised Code, a system of 212
preferences for products mined and produced in this state and in 213
the United States and for Ohio-based contractors. The model act 214
shall reflect substantial equivalence to the system of preferences 215
in purchasing and public improvement contracting procedures under 216
which the state operates pursuant to this chapter and section 217
153.012 of the Revised Code. To the maximum extent possible, 218
consistent with the Ohio system of preferences in purchasing and 219
public improvement contracting procedures, the model act shall 220
incorporate all of the requirements of the federal "Buy America 221
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 222
the rules adopted under that act. 223

Before and during the development and promulgation of the 224
model act, the director shall consult with appropriate statewide 225
organizations representing counties, townships, and municipal 226
corporations so as to identify the special requirements and 227
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 trustees located within the district; one member shall be appointed by a majority of the county engineers of the district and shall be a county engineer; and one member, who shall have experience in local infrastructure planning and economic development and who shall represent the interests of private industry within the district, shall be appointed by a majority of the members of the committee or their alternates. If there is a county in the district in which there are no cities, the member that is to be appointed by the chief executive officers of the cities within that county shall be appointed by the chief executive officer of the village with the largest population in that county.

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

(8) In districts fifteen and eighteen organized in accordance with division (A)(6) of this section, an eleven-member executive

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 Revised Code. 545
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(5) After the allocation required by division (B)(3) of this section is made, the director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share. 547
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(6) After making the allocation required by division (B)(5) of this section, the director shall allocate the remaining amount to each district on a per capita basis. 556
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(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions for capital improvements pursuant to this chapter. Investment earnings on moneys in the fund shall be credited to the fund. 559
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(2) There may also be deposited in the state capital improvements revolving loan fund moneys obtained from federal or private grants, or from other sources, which are to be used for any of the purposes authorized by this chapter. Such moneys shall be allocated each year in accordance with division (B)(6) of this section. 564
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(3) Moneys deposited into the state capital improvements revolving loan fund shall be used to make loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions. 570
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(4) Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required 574
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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), 605
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 606

(D) Investment earnings credited to the state capital 607
improvements fund that exceed the amounts required to meet 608
estimated federal arbitrage rebate requirements shall be used to 609
pay costs incurred by the public works commission in administering 610
sections 164.01 to 164.12 of the Revised Code. 611

(E) The director of the Ohio public works commission shall 612
notify the director of budget and management of the amounts 613
allocated pursuant to this section and such information shall be 614
entered into the state accounting system. The director of budget 615
and management shall establish appropriation line items as needed 616
to track these allocations. 617

(F) If the amount of a district's allocation in a program 618
year exceeds the amount of financial assistance approved for the 619
district by the commission for that year, the remaining portion of 620
the district's allocation shall be added to the district's 621
allocation pursuant to division (B) of this section for the next 622
succeeding year for use in the same manner and for the same 623
purposes as it was originally allocated, except that any portion 624
of a district's allocation which was available for use on new or 625
expanded infrastructure pursuant to division (H) of section 164.05 626
of the Revised Code shall be available in succeeding years only 627
for the repair and replacement of existing infrastructure. 628

(G) When an allocation based on population is made by the 629
director pursuant to division (B) of this section, the director 630
shall use the most recent decennial census statistics, and shall 631
not make any reallocations based upon a change in a district's 632
population. 633

Sec. 1515.29. The board of county commissioners, or, if a 634
joint board of county commissioners has been created under section 635
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 district⁷. 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 667
is subject to division (A)(1) of this section within, into, or 668

through the state, the executive director of the emergency 669
management agency shall immediately notify the director of public 670
safety, the director of environmental protection, the director of 671
health, the chairperson of the public utilities commission, and 672
the county emergency management agency and sheriff of each county 673
along the proposed route, or any alternate route, of the shipment. 674

(C) The executive director of the emergency management agency 675
shall not disclose to any person other than those persons 676
enumerated in division (B) of this section any information 677
pertaining to any shipment of special nuclear material or 678
by-product material prior to the time that the shipment is 679
completed. 680

(D) This section does not apply to radioactive materials, 681
other than by-products, shipped by or for the United States 682
department of defense and United States department of energy for 683
military or national defense purposes. Nothing in this section 684
requires the disclosure of any defense information or restricted 685
data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 686
42 U.S.C. 2011, as amended. 687

(E) No person shall transport or cause to be transported 688
within, into, or through the state any material that is subject to 689
division (A)(1) of this section without first providing the notice 690
required in that division. 691

(F) Whoever violates division (E) of this section, in 692
addition to any penalty imposed under section 4163.99 of the 693
Revised Code, is liable for a civil penalty in an amount not to 694
exceed ~~ten times the amount of the fee due under section 4905.801~~ 695
~~of the Revised Code. The~~ the following, as applicable: 696

(1) Twenty-five thousand dollars for a motor carrier; 697

(2) Forty-five thousand dollars for the first cask designated 698
for transport by rail and thirty thousand dollars for each 699

additional cask designated for transport by rail that is shipped 700
by the same person or entity in the same shipment. 701

The attorney general, upon the request of the executive 702
director of the emergency management agency, shall bring a civil 703
action to collect the penalty. Fines collected pursuant to this 704
section shall be deposited into the state treasury to the credit 705
of the radioactive waste transportation fund created in section 706
~~4905.802~~ 4905.801 of the Revised Code. 707

Sec. 4301.10. (A) The division of liquor control shall do all 708
of the following: 709

(1) Control the traffic in beer and intoxicating liquor in 710
this state, including the manufacture, importation, and sale of 711
beer and intoxicating liquor; 712

(2) Grant or refuse permits for the manufacture, 713
distribution, transportation, and sale of beer and intoxicating 714
liquor and the sale of alcohol, as authorized or required by this 715
chapter and Chapter 4303. of the Revised Code. A certificate, 716
signed by the superintendent of liquor control and to which is 717
affixed the official seal of the division, stating that it appears 718
from the records of the division that no permit has been issued to 719
the person specified in the certificate, or that a permit, if 720
issued, has been revoked, canceled, or suspended, shall be 721
received as prima-facie evidence of the facts recited in the 722
certificate in any court or before any officer of this state. 723

(3) Put into operation, manage, and control a system of state 724
liquor stores for the sale of spirituous liquor at retail and to 725
holders of permits authorizing the sale of spirituous liquor; 726
however, the division shall not establish any drive-in state 727
liquor stores; and by means of those types of stores, and any 728
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 warehouse receipt from obtaining or transporting to the resident's residence for the resident's own consumption and not for resale spirituous liquor stored in a government bonded warehouse in this state or in another state prior to December 1933, subject to such terms as are prescribed by the division of liquor control;

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

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

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

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

(G) The manufacture and sale of tinctures or of toilet, medicinal, and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages, and which are

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
four and one-half liters of wine, or two hundred eighty-eight 976
ounces of beer 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 group of not fewer than forty musicians playing various musical instruments.

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

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

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

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

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

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

(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 shall sell only wine that the permit holder has manufactured to a personal consumer.

(4) The holder of an S permit shall renew the permit in

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 consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

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

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

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

(c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter,

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 self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

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

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

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

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

(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 1565
of the director of public safety, may do all of the following: 1566

(1) Adopt such forms and rules as are necessary to carry out 1567
all laws the registrar is required to administer; 1568

(2) Appoint such number of assistants, deputies, clerks, 1569

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
request.

All laws relating to the licensing of motor vehicle dealers,
motor vehicle leasing dealers, distributors, and salespersons, and
of motor vehicle salvage dealers, salvage motor vehicle auctions,

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 courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program.

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

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

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

The registrar shall pay the contributions the registrar receives pursuant to section 4503.751 of the Revised Code to the Ohio association of realtors, which shall deposit the contributions into a property disaster relief fund maintained under the Ohio realtors charitable and education foundation.

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

The registrar shall pay the contributions the registrar

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 1999
person's spouse or a member of the person's immediate family has 2000
made, within the current calendar year or any one of the previous 2001
three calendar years, one or more contributions totaling in excess 2002
of one hundred dollars to any person or entity included in 2003
division (A)(2) of section 4503.033 of the Revised Code. As used 2004
in this division, "immediate family" has the same meaning as in 2005
division (D) of section 102.01 of the Revised Code, and "entity" 2006

includes any political party and any "continuing association" as 2007
defined in division (B)(4) of section 3517.01 of the Revised Code 2008
or "political action committee" as defined in division (B)(8) of 2009
that section that is primarily associated with that political 2010
party. For purposes of this division, contributions to any 2011
continuing association or any political action committee that is 2012
primarily associated with a political party shall be aggregated 2013
with contributions to that political party. 2014

The contribution limitations contained in this division do 2015
not apply to any county auditor or clerk of a court of common 2016
pleas. A county auditor or clerk of a court of common pleas is not 2017
required to file the disclosure statement or pay the filing fee 2018
required under section 4503.033 of the Revised Code. The 2019
limitations of this division also do not apply to a deputy 2020
registrar who, subsequent to being awarded a deputy registrar 2021
contract, is elected to an office of a political subdivision. 2022

The registrar shall not contract with either of the following 2023
to act as a deputy registrar: 2024

(1) Any elected public official other than a county auditor 2025
or, as authorized by division (A)(1)(b) of this section, a clerk 2026
of a court of common pleas, acting in an official capacity, except 2027
that, the registrar shall continue and may renew a contract with 2028
any deputy registrar who, subsequent to being awarded a deputy 2029
registrar contract, is elected to an office of a political 2030
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 2256
registrar may elect to occupy a location at which neither the 2257
clerk nor the deputy currently is an occupant. Any such 2258
arrangement is subject to the approval of the registrar, who shall 2259
give due consideration to all issues and aspects of the proposed 2260
arrangement, including security at the location and service to the 2261

public. 2262

(B) The registrar and the superintendent of the state highway 2263
patrol shall cooperate to the fullest extent possible in locating 2264
a driver's license examination station at or near a deputy 2265
registrar's office. For each driver's license examination station 2266
located at a deputy registrar's office, the superintendent of the 2267
state highway patrol shall remit to the deputy a rental fee equal 2268
to the percentage of space occupied for the driver's license 2269
examination station multiplied by the rental fee or mortgage cost 2270
paid for the entire deputy registrar's office plus a pro rata 2271
share of all utility costs. 2272

(C) During the regular business hours of deputy registrars, 2273
the registrar shall keep the central office open and sufficiently 2274
staffed to be able to respond to the technical needs of the 2275
deputies. 2276

(D) The registrar shall adopt rules to promote public 2277
information regarding motor vehicle registration. The rules shall 2278
include: 2279

(1) The operation by the registrar, during the regular 2280
business hours of deputy registrars, of a toll-free telephone 2281
number to give information and receive complaints; 2282

(2) The listing by the registrar, of each deputy registrar, 2283
together with the toll-free telephone number required under 2284
division (D)(1) of this section, in the local business and 2285
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 travel trailer, ten dollars;	2326 2327
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	2328 2329 2330 2331 2332 2333
(E) For each noncommercial trailer, the license tax is:	2334
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	2335 2336 2337
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including three <u>ten</u> thousand pounds.	2338 2339 2340
(F) Notwithstanding its weight, twelve dollars for any:	2341
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	2342 2343 2344
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	2345 2346 2347 2348
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older;	2349 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 than a farm truck, a motorized bicycle, or motorcycle is ten dollars and eighty cents, and for each noncommercial trailer, five dollars.

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

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

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

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

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

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

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

(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 2413
any tax imposed on the truck under Chapter 4504. of the Revised 2414
Code. 2415

(3) A farm bus may be registered for a period of ninety days 2416
from the date of issue of the license plates for the bus, for a 2417
fee of ten dollars, provided such license plates shall not be 2418
issued for more than any two ninety-day periods in any calendar 2419
year. Such use does not include the operation of trucks by 2420
commercial processors of agricultural products. 2421

(4) License plates for farm trucks and for farm buses shall 2422
have some distinguishing marks, letters, colors, or other 2423
characteristics to be determined by the director of public safety. 2424

(5) Every person registering a farm truck or bus under this 2425
section shall furnish an affidavit certifying that the truck or 2426
bus licensed to that person is to be so used as to meet the 2427
requirements necessary for the farm truck or farm bus 2428
classification. 2429

Any farmer may use a truck owned by the farmer for commercial 2430
purposes by paying the difference between the commercial truck 2431
registration fee and the farm truck registration fee for the 2432
remaining part of the registration period for which the truck is 2433
registered. Such remainder shall be calculated from the beginning 2434
of the semiannual period in which application for such commercial 2435
license is made. 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 2532
operation of a farm, including one or more homes located on and 2533
used in the operation of one or more farms, and furniture and 2534
other things used in and around such homes. 2535

Sec. 4503.521. (A) The owner or lessee of any passenger car, 2536

noncommercial motor vehicle, recreational vehicle, or other 2537
vehicle of a class approved by the registrar of motor vehicles may 2538
apply to the registrar for the registration of the vehicle and 2539
issuance of "share the road" license plates. The application for 2540
"share the road" license plates may be combined with a request for 2541
a special reserved license plate under section 4503.40 or 4503.42 2542
of the Revised Code. Upon receipt of the completed application and 2543
compliance with division (B) of this section, the registrar shall 2544
issue to the applicant the appropriate vehicle registration and a 2545
set of "share the road" license plates with a validation sticker 2546
or a validation sticker alone when required by section 4503.191 of 2547
the Revised Code. 2548

In addition to the letters and numbers ordinarily inscribed 2549
on the license plates, "share the road" license plates shall be 2550
inscribed with the words "share the road" and markings designed by 2551
the organization known on ~~the effective date of this section~~ March 2552
23, 2005, as the Ohio bicycle federation and approved by the 2553
registrar. "Share the road" license plates shall bear county 2554
identification stickers that identify the county of registration 2555
by name or number. 2556

(B) "Share the road" license plates and validation stickers 2557
shall be issued upon receipt of a contribution as provided in 2558
division (C) of this section and upon payment of the regular 2559
license tax as prescribed under section 4503.04 of the Revised 2560
Code, a fee of ten dollars for the purpose of compensating the 2561
bureau of motor vehicles for additional services required in the 2562
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 Helen ecology institute and approved by the registrar. Glen Helen nature preserve license plates shall bear county identification stickers that identify the county of registration by name or number. 2600
2601
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(B) The Glen Helen nature preserve license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license fees as prescribed under section 4503.04 of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for Glen Helen nature preserve license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the contribution, fees, and taxes contained in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code. 2605
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(C) For each application for registration and registration renewal submitted under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the license plate contribution fund created in section 4501.21 of the Revised Code. 2620
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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. 2626
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Sec. 4503.62. (A) Application for the registration of an 2631
apportionable vehicle shall be made to the registrar of motor 2632
vehicles in accordance with division (J) of section 4503.10 of the 2633
Revised Code. 2634

(B) Any person applying to register a vehicle or combination 2635
vehicle that has a gross vehicle weight of twenty-six thousand 2636
pounds or less or two axles, or that is a bus used in charter 2637
party service, also may register the vehicle in accordance with 2638
division (J) of section 4503.10 of the Revised Code if the vehicle 2639
is used or intended for use in two or more international 2640
registration plan member jurisdictions. 2641

(C) No later than December 31, 2011, the registrar shall 2642
adopt rules under Chapter 119. of the Revised Code to establish a 2643
program to accept applications for vehicle registration 2644
transactions of apportionable vehicles electronically over the 2645
internet. The program also may provide for vehicle registration 2646
transactions of nonapportionable commercial motor vehicles over 2647
the internet. 2648

(D) The internet registration program shall provide an option 2649
for the payment of all registration taxes and fees by use of a 2650
financial transaction device. In providing for payment by the use 2651
of a financial transaction device, the registrar may, but is not 2652
required to, comply with section 113.40 of the Revised Code. The 2653
registrar, with the approval of the director of public safety, may 2654
contract with a third party to accept and process payments made by 2655
use of a financial transaction device on behalf of the bureau of 2656
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 Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 3074
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 3166
subdivisions, a church, or an organization whose purchases are 3167
exempted by section 5739.02 of the Revised Code; 3168

(2) When the transaction in this state is not a retail sale 3169

as defined by section 5739.01 of the Revised Code;	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, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt	3195 3196 3197 3198 3199 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 3637
section on or after July 1, 1998, who has not attained the age of 3638
eighteen years, may operate a motor vehicle upon a highway or any 3639

public or private property used by the public for purposes of 3640
vehicular travel or parking between the hours of midnight and six 3641
a.m. if, at the time of such operation, the holder is accompanied 3642
by the holder's parent, guardian, or custodian, and the parent, 3643
guardian, or custodian holds a current valid driver's or 3644
commercial driver's license issued by this state, is actually 3645
occupying a seat beside the permit holder, and does not have a 3646
prohibited concentration of alcohol in the whole blood, blood 3647
serum or plasma, breath, or urine as provided in division (A) of 3648
section 4511.19 of the Revised Code. 3649

(G)(1) Notwithstanding any other provision of law to the 3650
contrary, no law enforcement officer shall cause the operator of a 3651
motor vehicle being operated on any street or highway to stop the 3652
motor vehicle for the sole purpose of determining whether each 3653
occupant of the motor vehicle is wearing all of the available 3654
elements of a properly adjusted occupant restraining device as 3655
required by division (A) of this section, or for the sole purpose 3656
of issuing a ticket, citation, or summons if the requirement in 3657
that division has been or is being violated, or for causing the 3658
arrest of or commencing a prosecution of a person for a violation 3659
of that requirement. 3660

(2) Notwithstanding any other provision of law to the 3661
contrary, no law enforcement officer shall cause the operator of a 3662
motor vehicle being operated on any street or highway to stop the 3663
motor vehicle for the sole purpose of determining whether a 3664
violation of division (F)(2) of this section has been or is being 3665
committed or for the sole purpose of issuing a ticket, citation, 3666
or summons for such a violation or for causing the arrest of or 3667
commencing a prosecution of a person for such violation. 3668

(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 department of public safety;

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

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

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

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

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

Sec. 4507.1612. The registrar of motor vehicles shall not restore any operating privileges or reissue a probationary driver's license, restricted license, driver's license, or probationary commercial driver's license suspended under section 2923.122 of the Revised Code until the person whose license was suspended pays a reinstatement fee of thirty dollars to the ~~bureau of motor vehicles~~ registrar or an eligible deputy registrar. In addition, each deputy registrar shall collect 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, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

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

Sec. 4507.23. (A) Except as provided in division ~~(J)~~(I) of

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 class E suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section.

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

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

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of

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 shall establish an installment payment plan or a payment extension plan under this division in accordance with the requirements of divisions (D)(1) and (2) of this section.

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

(1) Establishes a reasonable payment plan of not less than fifty dollars per month, to be paid by the offender to the ~~bureau~~ registrar of motor vehicles or an eligible deputy registrar, in all succeeding months until all reinstatement fees required of the offender are paid in full. If the person is making payments to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars each time the deputy registrar collects a payment 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 payments, plus two dollars of each service fee, to the registrar in the manner the registrar shall determine.

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

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
	7257
<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
	7261
	7262
<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
	7264
	7265
<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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	7269
<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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7304

(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
7312

(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
	7318
<u>(3) Potential contribution of the proposal to the department's mission;</u>	7319
	7320
<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
	7331
<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
	7339
<u>(4) Reject the unsolicited proposal and any competing proposals.</u>	7340
	7341
<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>	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
7803

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
aforementioned 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
(B) of this section: 8258

(1) The applicable penalty prescribed in section 5577.99 of 8259
the Revised Code; 8260

(2) The civil liability imposed by section 5577.12 of the 8261
Revised Code. 8262

~~(C)~~(D)(1) Division (B) of this section does not apply to the 8263
operation of a farm truck, log truck, or farm machinery 8264
transporting farm commodities during the months of February and 8265
March. 8266

(2) Regardless of when the operation occurs, division (B) of 8267
this section does not apply to the operation of a coal truck, a 8268
farm truck, a log truck, a solid waste haul vehicle, or farm 8269
machinery transporting farm commodities on either of the 8270
following: 8271

(a) A highway that is part of the interstate system;	8272
(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.	8273 8274 8275
<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>	8276 8277 8278 8279 8280 8281
<u>(1) A surface mining truck transporting minerals from the place where the minerals are loaded to any of the following:</u>	8282 8283
<u>(a) The construction site where the minerals are discharged;</u>	8284
<u>(b) The place where title to the minerals is transferred;</u>	8285
<u>(c) The place of processing.</u>	8286
<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>	8287 8288 8289
<u>(3) A vehicle transporting concrete from the place where the material is first mixed to the site where the material is discharged;</u>	8290 8291 8292
<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>	8293 8294 8295
<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>	8296 8297 8298 8299
<u>(B) In addition, if any of the vehicles listed in division</u>	8300

(A) of this section and operated under the conditions described in 8301
that division does not exceed by more than five per cent the gross 8302
vehicle weight provisions of sections 5577.01 to 5577.09 of the 8303
Revised Code, no wheel or axle load limits shall apply 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
of sections 5577.01 to 5577.09 of the Revised Code, both of the 8310
following apply without regard to the allowance provided by 8311
division (A) of this section: 8312

(1) The applicable penalty prescribed in section 5577.99 of 8313
the Revised Code; 8314

(2) The civil liability imposed by section 5577.12 of the 8315
Revised Code. 8316

(D) Divisions (A) and (B) of this section do not apply to the 8317
operation of a vehicle listed in division (A) of this section on 8318
either of the following: 8319

(1) A highway that is part of the interstate system; 8320

(2) A highway, road, or bridge that is subject to reduced 8321
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 8322
5577.09, or 5591.42 of the Revised Code. 8323

Sec. 5751.01. As used in this chapter: 8324

(A) "Person" means, but is not limited to, individuals, 8325
combinations of individuals of any form, receivers, assignees, 8326
trustees in bankruptcy, firms, companies, joint-stock companies, 8327
business trusts, estates, partnerships, limited liability 8328
partnerships, limited liability companies, associations, joint 8329
ventures, clubs, societies, for-profit corporations, S 8330

corporations, qualified subchapter S subsidiaries, qualified 8331
subchapter S trusts, trusts, entities that are disregarded for 8332
federal income tax purposes, and any other entities. 8333

(B) "Consolidated elected taxpayer" means a group of two or 8334
more persons treated as a single taxpayer for purposes of this 8335
chapter as the result of an election made under section 5751.011 8336
of the Revised Code. 8337

(C) "Combined taxpayer" means a group of two or more persons 8338
treated as a single taxpayer for purposes of this chapter under 8339
section 5751.012 of the Revised Code. 8340

(D) "Taxpayer" means any person, or any group of persons in 8341
the case of a consolidated elected taxpayer or combined taxpayer 8342
treated as one taxpayer, required to register or pay tax under 8343
this chapter. "Taxpayer" does not include excluded persons. 8344

(E) "Excluded person" means any of the following: 8345

(1) Any person with not more than one hundred fifty thousand 8346
dollars of taxable gross receipts during the calendar year. 8347
Division (E)(1) of this section does not apply to a person that is 8348
a member of a consolidated elected taxpayer; 8349

(2) A public utility that paid the excise tax imposed by 8350
section 5727.24 or 5727.30 of the Revised Code based on one or 8351
more measurement periods that include the entire tax period under 8352
this chapter, except that a public utility that is a combined 8353
company is a taxpayer with regard to the following gross receipts: 8354

(a) Taxable gross receipts directly attributed to a public 8355
utility activity, but not directly attributed to an activity that 8356
is subject to the excise tax imposed by section 5727.24 or 5727.30 8357
of the Revised Code; 8358

(b) Taxable gross receipts that cannot be directly attributed 8359
to any activity, multiplied by a fraction whose numerator is the 8360

taxable gross receipts described in division (E)(2)(a) of this 8361
section and whose denominator is the total taxable gross receipts 8362
that can be directly attributed to any activity; 8363

(c) Except for any differences resulting from the use of an 8364
accrual basis method of accounting for purposes of determining 8365
gross receipts under this chapter and the use of the cash basis 8366
method of accounting for purposes of determining gross receipts 8367
under section 5727.24 of the Revised Code, the gross receipts 8368
directly attributed to the activity of a natural gas company shall 8369
be determined in a manner consistent with division (D) of section 8370
5727.03 of the Revised Code. 8371

As used in division (E)(2) of this section, "combined 8372
company" and "public utility" have the same meanings as in section 8373
5727.01 of the Revised Code. 8374

(3) A financial institution, as defined in section 5725.01 of 8375
the Revised Code, that paid the corporation franchise tax charged 8376
by division (D) of section 5733.06 of the Revised Code based on 8377
one or more taxable years that include the entire tax period under 8378
this chapter; 8379

(4) A dealer in intangibles, as defined in section 5725.01 of 8380
the Revised Code, that paid the dealer in intangibles tax levied 8381
by division (D) of section 5707.03 of the Revised Code based on 8382
one or more measurement periods that include the entire tax period 8383
under this chapter; 8384

(5) A financial holding company as defined in the "Bank 8385
Holding Company Act," 12 U.S.C. 1841(p); 8386

(6) A bank holding company as defined in the "Bank Holding 8387
Company Act," 12 U.S.C. 1841(a); 8388

(7) A savings and loan holding company as defined in the 8389
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 8390
only in activities or investments permissible for a financial 8391

holding company under 12 U.S.C. 1843(k); 8392

(8) A person directly or indirectly owned by one or more 8393
financial institutions, financial holding companies, bank holding 8394
companies, or savings and loan holding companies described in 8395
division (E)(3), (5), (6), or (7) of this section that is engaged 8396
in activities permissible for a financial holding company under 12 8397
U.S.C. 1843(k), except that any such person held pursuant to 8398
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 8399
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 8400
directly or indirectly owned by one or more insurance companies 8401
described in division (E)(9) of this section that is authorized to 8402
do the business of insurance in this state. 8403

For the purposes of division (E)(8) of this section, a person 8404
owns another person under the following circumstances: 8405

(a) In the case of corporations issuing capital stock, one 8406
corporation owns another corporation if it owns fifty per cent or 8407
more of the other corporation's capital stock with current voting 8408
rights; 8409

(b) In the case of a limited liability company, one person 8410
owns the company if that person's membership interest, as defined 8411
in section 1705.01 of the Revised Code, is fifty per cent or more 8412
of the combined membership interests of all persons owning such 8413
interests in the company; 8414

(c) In the case of a partnership, trust, or other 8415
unincorporated business organization other than a limited 8416
liability company, one person owns the organization if, under the 8417
articles of organization or other instrument governing the affairs 8418
of the organization, that person has a beneficial interest in the 8419
organization's profits, surpluses, losses, or distributions of 8420
fifty per cent or more of the combined beneficial interests of all 8421
persons having such an interest in the organization; 8422

(d) In the case of multiple ownership, the ownership 8423
interests of more than one person may be aggregated to meet the 8424
fifty per cent ownership tests in this division only when each 8425
such owner is described in division (E)(3), (5), (6), or (7) of 8426
this section and is engaged in activities permissible for a 8427
financial holding company under 12 U.S.C. 1843(k) or is a person 8428
directly or indirectly owned by one or more insurance companies 8429
described in division (E)(9) of this section that is authorized to 8430
do the business of insurance in this state. 8431

(9) A domestic insurance company or foreign insurance 8432
company, as defined in section 5725.01 of the Revised Code, that 8433
paid the insurance company premiums tax imposed by section 5725.18 8434
or Chapter 5729. of the Revised Code based on one or more 8435
measurement periods that include the entire tax period under this 8436
chapter; 8437

(10) A person that solely facilitates or services one or more 8438
securitizations or similar transactions for any person described 8439
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 8440
For purposes of this division, "securitization" means transferring 8441
one or more assets to one or more persons and then issuing 8442
securities backed by the right to receive payment from the asset 8443
or assets so transferred. 8444

(11) Except as otherwise provided in this division, a 8445
pre-income tax trust as defined in division (FF)(4) of section 8446
5747.01 of the Revised Code and any pass-through entity of which 8447
such pre-income tax trust owns or controls, directly, indirectly, 8448
or constructively through related interests, more than five per 8449
cent of the ownership or equity interests. If the pre-income tax 8450
trust has made a qualifying pre-income tax trust election under 8451
division (FF)(3) of section 5747.01 of the Revised Code, then the 8452
trust and the pass-through entities of which it owns or controls, 8453
directly, indirectly, or constructively through related interests, 8454

more than five per cent of the ownership or equity interests, 8455
shall not be excluded persons for purposes of the tax imposed 8456
under section 5751.02 of the Revised Code. 8457

(12) Nonprofit organizations or the state and its agencies, 8458
instrumentalities, or political subdivisions. 8459

(F) Except as otherwise provided in divisions (F)(2), (3), 8460
and (4) of this section, "gross receipts" means the total amount 8461
realized by a person, without deduction for the cost of goods sold 8462
or other expenses incurred, that contributes to the production of 8463
gross income of the person, including the fair market value of any 8464
property and any services received, and any debt transferred or 8465
forgiven as consideration. 8466

(1) The following are examples of gross receipts: 8467

(a) Amounts realized from the sale, exchange, or other 8468
disposition of the taxpayer's property to or with another; 8469

(b) Amounts realized from the taxpayer's performance of 8470
services for another; 8471

(c) Amounts realized from another's use or possession of the 8472
taxpayer's property or capital; 8473

(d) Any combination of the foregoing amounts. 8474

(2) "Gross receipts" excludes the following amounts: 8475

(a) Interest income except interest on credit sales; 8476

(b) Dividends and distributions from corporations, and 8477
distributive or proportionate shares of receipts and income from a 8478
pass-through entity as defined under section 5733.04 of the 8479
Revised Code; 8480

(c) Receipts from the sale, exchange, or other disposition of 8481
an asset described in section 1221 or 1231 of the Internal Revenue 8482
Code, without regard to the length of time the person held the 8483
asset. Notwithstanding section 1221 of the Internal Revenue Code, 8484

receipts from hedging transactions also are excluded to the extent 8485
the transactions are entered into primarily to protect a financial 8486
position, such as managing the risk of exposure to (i) foreign 8487
currency fluctuations that affect assets, liabilities, profits, 8488
losses, equity, or investments in foreign operations; (ii) 8489
interest rate fluctuations; or (iii) commodity price fluctuations. 8490
As used in division (F)(2)(c) of this section, "hedging 8491
transaction" has the same meaning as used in section 1221 of the 8492
Internal Revenue Code and also includes transactions accorded 8493
hedge accounting treatment under statement of financial accounting 8494
standards number 133 of the financial accounting standards board. 8495
For the purposes of division (F)(2)(c) of this section, the actual 8496
transfer of title of real or tangible personal property to another 8497
entity is not a hedging transaction. 8498

(d) Proceeds received attributable to the repayment, 8499
maturity, or redemption of the principal of a loan, bond, mutual 8500
fund, certificate of deposit, or marketable instrument; 8501

(e) The principal amount received under a repurchase 8502
agreement or on account of any transaction properly characterized 8503
as a loan to the person; 8504

(f) Contributions received by a trust, plan, or other 8505
arrangement, any of which is described in section 501(a) of the 8506
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 8507
1, Subchapter (D) of the Internal Revenue Code applies; 8508

(g) Compensation, whether current or deferred, and whether in 8509
cash or in kind, received or to be received by an employee, former 8510
employee, or the employee's legal successor for services rendered 8511
to or for an employer, including reimbursements received by or for 8512
an individual for medical or education expenses, health insurance 8513
premiums, or employee expenses, or on account of a dependent care 8514
spending account, legal services plan, any cafeteria plan 8515
described in section 125 of the Internal Revenue Code, or any 8516

similar employee reimbursement;	8517
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	8518 8519 8520
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	8521 8522 8523
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	8524 8525 8526 8527 8528 8529 8530
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	8531 8532 8533
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	8534 8535 8536
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	8537 8538 8539 8540 8541 8542 8543 8544 8545 8546
(n) Pension reversions;	8547

(o) Contributions to capital;	8548
(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;	8549 8550 8551 8552 8553
(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;	8554 8555 8556 8557 8558 8559 8560
(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;	8561 8562 8563 8564 8565 8566
(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;	8567 8568 8569 8570 8571 8572 8573
(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only	8574 8575 8576 8577 8578

if the sale or other transfer was based upon the transferee's need 8579
to meet a specific customer's preference for a motor vehicle; 8580

(u) Receipts from a financial institution described in 8581
division (E)(3) of this section for services provided to the 8582
financial institution in connection with the issuance, processing, 8583
servicing, and management of loans or credit accounts, if such 8584
financial institution and the recipient of such receipts have at 8585
least fifty per cent of their ownership interests owned or 8586
controlled, directly or constructively through related interests, 8587
by common owners; 8588

(v) Receipts realized from administering anti-neoplastic 8589
drugs and other cancer chemotherapy, biologicals, therapeutic 8590
agents, and supportive drugs in a physician's office to patients 8591
with cancer; 8592

(w) Funds received or used by a mortgage broker that is not a 8593
dealer in intangibles, other than fees or other consideration, 8594
pursuant to a table-funding mortgage loan or warehouse-lending 8595
mortgage loan. Terms used in division (F)(2)(w) of this section 8596
have the same meanings as in section 1322.01 of the Revised Code, 8597
except "mortgage broker" means a person assisting a buyer in 8598
obtaining a mortgage loan for a fee or other consideration paid by 8599
the buyer or a lender, or a person engaged in table-funding or 8600
warehouse-lending mortgage loans that are first lien mortgage 8601
loans. 8602

(x) Property, money, and other amounts received by a 8603
professional employer organization, as defined in section 4125.01 8604
of the Revised Code, from a client employer, as defined in that 8605
section, in excess of the administrative fee charged by the 8606
professional employer organization to the client employer; 8607

(y) In the case of amounts retained as commissions by a 8608
permit holder under Chapter 3769. of the Revised Code, an amount 8609

equal to the amounts specified under that chapter that must be 8610
paid to or collected by the tax commissioner as a tax and the 8611
amounts specified under that chapter to be used as purse money; 8612

(z) Qualifying distribution center receipts. 8613

(i) For purposes of division (F)(2)(z) of this section: 8614

(I) "Qualifying distribution center receipts" means receipts 8615
of a supplier from qualified property that is delivered to a 8616
qualified distribution center, multiplied by a quantity that 8617
equals one minus the Ohio delivery percentage. 8618

(II) "Qualified property" means tangible personal property 8619
delivered to a qualified distribution center that is shipped to 8620
that qualified distribution center solely for further shipping by 8621
the qualified distribution center to another location in this 8622
state or elsewhere. "Further shipping" includes storing and 8623
repackaging such property into smaller or larger bundles, so long 8624
as such property is not subject to further manufacturing or 8625
processing. 8626

(III) "Qualified distribution center" means a warehouse or 8627
other similar facility in this state that, for the qualifying 8628
year, is operated by a person that is not part of a combined 8629
taxpayer group and that has a qualifying certificate. However, all 8630
warehouses or other similar facilities that are operated by 8631
persons in the same taxpayer group and that are located within one 8632
mile of each other shall be treated as one qualified distribution 8633
center. 8634

(IV) "Qualifying year" means the calendar year to which the 8635
qualifying certificate applies. 8636

(V) "Qualifying period" means the period of the first day of 8637
July of the second year preceding the qualifying year through the 8638
thirtieth day of June of the year preceding the qualifying year. 8639

(VI) "Qualifying certificate" means the certificate issued by 8640
the tax commissioner after the operator of a distribution center 8641
files an annual application with the commissioner. The application 8642
and annual fee shall be filed and paid for each qualified 8643
distribution center on or before the first day of September before 8644
the qualifying year or within forty-five days after the 8645
distribution center opens, whichever is later. 8646

The applicant must substantiate to the commissioner's 8647
satisfaction that, for the qualifying period, all persons 8648
operating the distribution center have more than fifty per cent of 8649
the cost of the qualified property shipped to a location such that 8650
it would be situated outside this state under the provisions of 8651
division (E) of section 5751.033 of the Revised Code. The 8652
applicant must also substantiate that the distribution center 8653
cumulatively had costs from its suppliers equal to or exceeding 8654
five hundred million dollars during the qualifying period. (For 8655
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 8656
excludes any person that is part of the consolidated elected 8657
taxpayer group, if applicable, of the operator of the qualified 8658
distribution center.) The commissioner may require the applicant 8659
to have an independent certified public accountant certify that 8660
the calculation of the minimum thresholds required for a qualified 8661
distribution center by the operator of a distribution center has 8662
been made in accordance with generally accepted accounting 8663
principles. The commissioner shall issue or deny the issuance of a 8664
certificate within sixty days after the receipt of the 8665
application. A denial is subject to appeal under section 5717.02 8666
of the Revised Code. If the operator files a timely appeal under 8667
section 5717.02 of the Revised Code, the operator shall be granted 8668
a qualifying certificate, provided that the operator is liable for 8669
any tax, interest, or penalty upon amounts claimed as qualifying 8670
distribution center receipts, other than those receipts exempt 8671
under division (C)(1) of section 5751.011 of the Revised Code, 8672

that would have otherwise not been owed by its suppliers if the 8673
qualifying certificate was valid. 8674

(VII) "Ohio delivery percentage" means the proportion of the 8675
total property delivered to a destination inside Ohio from the 8676
qualified distribution center during the qualifying period 8677
compared with total deliveries from such distribution center 8678
everywhere during the qualifying period. 8679

(ii) If the distribution center is new and was not open for 8680
the entire qualifying period, the operator of the distribution 8681
center may request that the commissioner grant a qualifying 8682
certificate. If the certificate is granted and it is later 8683
determined that more than fifty per cent of the qualified property 8684
during that year was not shipped to a location such that it would 8685
be situated outside of this state under the provisions of division 8686
(E) of section 5751.033 of the Revised Code or if it is later 8687
determined that the person that operates the distribution center 8688
had average monthly costs from its suppliers of less than forty 8689
million dollars during that year, then the operator of the 8690
distribution center shall be liable for any tax, interest, or 8691
penalty upon amounts claimed as qualifying distribution center 8692
receipts, other than those receipts exempt under division (C)(1) 8693
of section 5751.011 of the Revised Code, that would have not 8694
otherwise been owed by its suppliers during the qualifying year if 8695
the qualifying certificate was valid. (For purposes of division 8696
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 8697
is part of the consolidated elected taxpayer group, if applicable, 8698
of the operator of the qualified distribution center.) 8699

(iii) When filing an application for a qualifying certificate 8700
under division (F)(2)(z)(i)(VI) of this section, the operator of a 8701
qualified distribution center also shall provide documentation, as 8702
the commissioner requires, for the commissioner to ascertain the 8703
Ohio delivery percentage. The commissioner, upon issuing the 8704

qualifying certificate, also shall certify the Ohio delivery 8705
percentage. The operator of the qualified distribution center may 8706
appeal the commissioner's certification of the Ohio delivery 8707
percentage in the same manner as an appeal is taken from the 8708
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 8709
of this section. 8710

Within thirty days after all appeals have been exhausted, the 8711
operator of the qualified distribution center shall notify the 8712
affected suppliers of qualified property that such suppliers are 8713
required to file, within sixty days after receiving notice from 8714
the operator of the qualified distribution center, amended reports 8715
for the impacted calendar quarter or quarters or calendar year, 8716
whichever the case may be. Any additional tax liability or tax 8717
overpayment shall be subject to interest but shall not be subject 8718
to the imposition of any penalty so long as the amended returns 8719
are timely filed. The supplier of tangible personal property 8720
delivered to the qualified distribution center shall include in 8721
its report of taxable gross receipts the receipts from the total 8722
sales of property delivered to the qualified distribution center 8723
for the calendar quarter or calendar year, whichever the case may 8724
be, multiplied by the Ohio delivery percentage for the qualifying 8725
year. Nothing in division (F)(2)(z)(iii) of this section shall be 8726
construed as imposing liability on the operator of a qualified 8727
distribution center for the tax imposed by this chapter arising 8728
from any change to the Ohio delivery percentage. 8729

(iv) In the case where the distribution center is new and not 8730
open for the entire qualifying period, the operator shall make a 8731
good faith estimate of an Ohio delivery percentage for use by 8732
suppliers in their reports of taxable gross receipts for the 8733
remainder of the qualifying period. The operator of the facility 8734
shall disclose to the suppliers that such Ohio delivery percentage 8735
is an estimate and is subject to recalculation. By the due date of 8736

the next application for a qualifying certificate, the operator 8737
shall determine the actual Ohio delivery percentage for the 8738
estimated qualifying period and proceed as provided in division 8739
(F)(2)(z)(iii) of this section with respect to the calculation and 8740
recalculation of the Ohio delivery percentage. The supplier is 8741
required to file, within sixty days after receiving notice from 8742
the operator of the qualified distribution center, amended reports 8743
for the impacted calendar quarter or quarters or calendar year, 8744
whichever the case may be. Any additional tax liability or tax 8745
overpayment shall be subject to interest but shall not be subject 8746
to the imposition of any penalty so long as the amended returns 8747
are timely filed. 8748

(v) Qualifying certificates and Ohio delivery percentages 8749
issued by the commissioner shall be open to public inspection and 8750
shall be timely published by the commissioner. A supplier relying 8751
in good faith on a certificate issued under this division shall 8752
not be subject to tax on the qualifying distribution center 8753
receipts under division (F)(2)(z) of this section. A person 8754
receiving a qualifying certificate is responsible for paying the 8755
tax, interest, and penalty upon amounts claimed as qualifying 8756
distribution center receipts that would not otherwise have been 8757
owed by the supplier if the qualifying certificate were available 8758
when it is later determined that the qualifying certificate should 8759
not have been issued because the statutory requirements were in 8760
fact not met. 8761

(vi) The annual fee for a qualifying certificate shall be one 8762
hundred thousand dollars for each qualified distribution center. 8763
If a qualifying certificate is not issued, the annual fee is 8764
subject to refund after the exhaustion of all appeals provided for 8765
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 8766
under this division may be assessed in the same manner as the tax 8767
imposed under this chapter. The first one hundred thousand dollars 8768

of the annual application fees collected each calendar year shall 8769
be credited to the commercial activity tax administrative fund. 8770
The remainder of the annual application fees collected shall be 8771
distributed in the same manner required under section 5751.20 of 8772
the Revised Code. 8773

(vii) The tax commissioner may require that adequate security 8774
be posted by the operator of the distribution center on appeal 8775
when the commissioner disagrees that the applicant has met the 8776
minimum thresholds for a qualified distribution center as set 8777
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 8778
section. 8779

(aa) Receipts of an employer from payroll deductions relating 8780
to the reimbursement of the employer for advancing moneys to an 8781
unrelated third party on an employee's behalf; 8782

(bb) Cash discounts allowed and taken; 8783

(cc) Returns and allowances; 8784

(dd) Bad debts from receipts on the basis of which the tax 8785
imposed by this chapter was paid in a prior quarterly tax payment 8786
period. For the purpose of this division, "bad debts" means any 8787
debts that have become worthless or uncollectible between the 8788
preceding and current quarterly tax payment periods, have been 8789
uncollected for at least six months, and that may be claimed as a 8790
deduction under section 166 of the Internal Revenue Code and the 8791
regulations adopted under that section, or that could be claimed 8792
as such if the taxpayer kept its accounts on the accrual basis. 8793
"Bad debts" does not include repossessed property, uncollectible 8794
amounts on property that remains in the possession of the taxpayer 8795
until the full purchase price is paid, or expenses in attempting 8796
to collect any account receivable or for any portion of the debt 8797
recovered; 8798

(ee) Any amount realized from the sale of an account 8799

receivable to the extent the receipts from the underlying 8800
transaction giving rise to the account receivable were included in 8801
the gross receipts of the taxpayer; 8802

(ff) Any receipts for which the tax imposed by this chapter 8803
is prohibited by the Constitution or laws of the United States or 8804
the Constitution of Ohio. 8805

(gg) Amounts realized by licensed motor fuel dealers or 8806
licensed permissive motor fuel dealers from the exchange of 8807
petroleum products, including motor fuel, between such dealers, 8808
provided that delivery of the petroleum products occurs at a 8809
refinery, terminal, pipeline, or marine vessel and that the 8810
exchanging dealers agree neither dealer shall require monetary 8811
compensation from the other for the value of the exchanged 8812
petroleum products other than such compensation for differences in 8813
product location or grade. Division (F)(2)(gg) of this section 8814
does not apply to amounts realized as a result of differences in 8815
location or grade of exchanged petroleum products or from 8816
handling, lubricity, dye, or other additive injections fees, 8817
pipeline security fees, or similar fees. As used in this division, 8818
"motor fuel," "licensed motor fuel dealer," "licensed permissive 8819
motor fuel dealer," and "terminal" have the same meanings as in 8820
section 5735.01 of the Revised Code. 8821

(3) In the case of a taxpayer when acting as a real estate 8822
broker, "gross receipts" includes only the portion of any fee for 8823
the service of a real estate broker, or service of a real estate 8824
salesperson associated with that broker, that is retained by the 8825
broker and not paid to an associated real estate salesperson or 8826
another real estate broker. For the purposes of this division, 8827
"real estate broker" and "real estate salesperson" have the same 8828
meanings as in section 4735.01 of the Revised Code. 8829

(4) A taxpayer's method of accounting for gross receipts for 8830
a tax period shall be the same as the taxpayer's method of 8831

accounting for federal income tax purposes for the taxpayer's 8832
federal taxable year that includes the tax period. If a taxpayer's 8833
method of accounting for federal income tax purposes changes, its 8834
method of accounting for gross receipts under this chapter shall 8835
be changed accordingly. 8836

(G) "Taxable gross receipts" means gross receipts sitused to 8837
this state under section 5751.033 of the Revised Code. 8838

(H) A person has "substantial nexus with this state" if any 8839
of the following applies. The person: 8840

(1) Owns or uses a part or all of its capital in this state; 8841

(2) Holds a certificate of compliance with the laws of this 8842
state authorizing the person to do business in this state; 8843

(3) Has bright-line presence in this state; 8844

(4) Otherwise has nexus with this state to an extent that the 8845
person can be required to remit the tax imposed under this chapter 8846
under the Constitution of the United States. 8847

(I) A person has "bright-line presence" in this state for a 8848
reporting period and for the remaining portion of the calendar 8849
year if any of the following applies. The person: 8850

(1) Has at any time during the calendar year property in this 8851
state with an aggregate value of at least fifty thousand dollars. 8852
For the purpose of division (I)(1) of this section, owned property 8853
is valued at original cost and rented property is valued at eight 8854
times the net annual rental charge. 8855

(2) Has during the calendar year payroll in this state of at 8856
least fifty thousand dollars. Payroll in this state includes all 8857
of the following: 8858

(a) Any amount subject to withholding by the person under 8859
section 5747.06 of the Revised Code; 8860

(b) Any other amount the person pays as compensation to an 8861

individual under the supervision or control of the person for work 8862
done in this state; and 8863

(c) Any amount the person pays for services performed in this 8864
state on its behalf by another. 8865

(3) Has during the calendar year taxable gross receipts of at 8866
least five hundred thousand dollars. 8867

(4) Has at any time during the calendar year within this 8868
state at least twenty-five per cent of the person's total 8869
property, total payroll, or total gross receipts. 8870

(5) Is domiciled in this state as an individual or for 8871
corporate, commercial, or other business purposes. 8872

(J) "Tangible personal property" has the same meaning as in 8873
section 5739.01 of the Revised Code. 8874

(K) "Internal Revenue Code" means the Internal Revenue Code 8875
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 8876
this chapter that is not otherwise defined has the same meaning as 8877
when used in a comparable context in the laws of the United States 8878
relating to federal income taxes unless a different meaning is 8879
clearly required. Any reference in this chapter to the Internal 8880
Revenue Code includes other laws of the United States relating to 8881
federal income taxes. 8882

(L) "Calendar quarter" means a three-month period ending on 8883
the thirty-first day of March, the thirtieth day of June, the 8884
thirtieth day of September, or the thirty-first day of December. 8885

(M) "Tax period" means the calendar quarter or calendar year 8886
on the basis of which a taxpayer is required to pay the tax 8887
imposed under this chapter. 8888

(N) "Calendar year taxpayer" means a taxpayer for which the 8889
tax period is a calendar year. 8890

(O) "Calendar quarter taxpayer" means a taxpayer for which 8891

the tax period is a calendar quarter. 8892

(P) "Agent" means a person authorized by another person to 8893
act on its behalf to undertake a transaction for the other, 8894
including any of the following: 8895

(1) A person receiving a fee to sell financial instruments; 8896

(2) A person retaining only a commission from a transaction 8897
with the other proceeds from the transaction being remitted to 8898
another person; 8899

(3) A person issuing licenses and permits under section 8900
1533.13 of the Revised Code; 8901

(4) A lottery sales agent holding a valid license issued 8902
under section 3770.05 of the Revised Code; 8903

(5) A person acting as an agent of the division of liquor 8904
control under section 4301.17 of the Revised Code. 8905

(Q) "Received" includes amounts accrued under the accrual 8906
method of accounting. 8907

(R) "Reporting person" means a person in a consolidated 8908
elected taxpayer or combined taxpayer group that is designated by 8909
that group to legally bind the group for all filings and tax 8910
liabilities and to receive all legal notices with respect to 8911
matters under this chapter, or, for the purposes of section 8912
5751.04 of the Revised Code, a separate taxpayer that is not a 8913
member of such a group. 8914

Sec. 6137.112. (A) At the time that the board of county 8915
commissioners reviews the permanent base of an improvement for 8916
maintenance fund assessments after six annual maintenance fund 8917
assessments have been made as provided in section 6137.11 of the 8918
Revised Code, the board may request the county engineer to 8919
estimate the construction cost of the improvement if that 8920
improvement were to be constructed at the time of the permanent 8921

base review. Not less than thirty days prior to a hearing at which 8922
the board will consider the estimate as the construction cost of 8923
the improvement, the clerk of the board shall send to each owner 8924
that would be affected a notice by certified mail, return receipt 8925
requested, or by first class mail in a five-day return envelope. 8926
For each improvement, all individual notices shall be sent by the 8927
same type of mail. Whichever method the board chooses, the words 8928
"legal notice" shall be printed in plain view on the face of the 8929
envelope. The notice shall state the amount of the present 8930
permanent base for maintenance assessment, the proposed new 8931
permanent base amount with respect to the owner, and the date of 8932
the hearing on the proposed change. 8933

(B) The board of county commissioners, by adoption of a 8934
resolution at the hearing required under division (A) of this 8935
section, may approve the estimate as the construction cost of the 8936
improvement in lieu of the original construction cost of the 8937
improvement. If approved, the estimate of construction cost shall 8938
be the permanent base that is used to calculate maintenance fund 8939
assessments for owners benefiting from the improvement. The 8940
approved estimate of construction cost shall serve as the 8941
permanent base for the purposes of this chapter until such time as 8942
it is revised in accordance with this section. 8943

Section 101.02. That existing sections 122.075, 125.11, 8944
127.12, 164.04, 164.08, 1515.29, 4163.07, 4301.10, 4301.20, 8945
4301.62, 4303.232, 4501.01, 4501.02, 4501.06, 4501.21, 4501.81, 8946
4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4503.701, 4503.94, 8947
4505.06, 4505.08, 4505.09, 4506.08, 4507.05, 4507.1612, 4507.23, 8948
4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.43, 4510.72, 8949
4511.108, 4511.191, 4511.53, 4511.69, 4513.24, 4513.263, 4513.61, 8950
4517.01, 4517.02, 4517.03, 4517.33, 4582.12, 4582.31, 4905.802, 8951
5501.51, 5501.55, 5502.011, 5502.11, 5503.02, 5517.011, 5525.15, 8952

5531.12, 5531.18, 5540.01, 5577.042, and 5751.01 of the Revised Code are hereby repealed. 8953
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Section 105.01. That sections 4501.14 and 4905.801 of the Revised Code are hereby repealed. 8955
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Section 201.10. Except as otherwise provided, all appropriation items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2012 and the amounts in the second column are for fiscal year 2013. 8957
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Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 8964

FUND	TITLE	FY 2012	FY 2013	
Highway Operating Fund Group				8965
2120 772426	Highway Infrastructure Bank - Federal	\$ 6,775,000	\$ 6,725,000	8967
2120 772427	Highway Infrastructure Bank - State	\$ 12,700,000	\$ 12,750,000	8968
2120 772430	Infrastructure Debt Reserve Title 23-49	\$ 525,000	\$ 525,000	8969
2130 772431	Roadway Infrastructure Bank - State	\$ 2,500,000	\$ 2,500,000	8970
2130 772433	Infrastructure Debt Reserve - State	\$ 1,000,000	\$ 1,000,000	8971
2130 775457	Transit Infrastructure Bank - State	\$ 250,000	\$ 250,000	8972

2130	777477	Aviation	\$	1,250,000	\$	1,250,000	8973
		Infrastructure Bank - State					
7002	771411	Planning and Research	\$	23,474,971	\$	23,057,800	8974
		- State					
7002	771412	Planning and Research	\$	28,647,965	\$	28,925,138	8975
		- Federal					
7002	772421	Highway Construction	\$	499,073,672	\$	476,482,710	8976
		- State					
7002	772422	Highway Construction	\$	1,146,641,723	\$	1,180,471,714	8977
		- Federal					
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000	8978
		- Other					
7002	772437	GARVEE Debt Service -	\$	31,918,500	\$	33,276,100	8979
		State					
7002	772438	GARVEE Debt Service -	\$	139,155,600	\$	144,590,400	8980
		Federal					
7002	773431	Highway Maintenance -	\$	454,853,435	\$	469,400,101	8981
		State					
7002	775452	Public Transportation	\$	27,060,785	\$	27,060,785	8982
		- Federal					
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000	8983
		- Other					
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000	8984
		Special Equipment					
7002	776462	Grade Crossings -	\$	14,200,000	\$	14,240,000	8985
		Federal					
7002	777472	Airport Improvements	\$	405,000	\$	405,000	8986
		- Federal					
7002	777475	Aviation	\$	5,453,108	\$	5,374,144	8987
		Administration					
7002	779491	Administration -	\$	136,462,349	\$	140,904,501	8988
		State					

TOTAL HOF Highway Operating				8989
Fund Group		\$ 2,618,577,108	\$ 2,655,418,393	8990
State Special Revenue Fund Group				8991
4N40 776663 Panhandle Lease	\$	764,300	\$ 0	8992
Reserve Payments				
4N40 776664 Rail Transportation -	\$	2,111,500	\$ 2,875,800	8993
Other				
5W90 777615 County Airport	\$	620,000	\$ 620,000	8994
Maintenance				
TOTAL SSR State Special Revenue				8995
Fund Group	\$	3,495,800	\$ 3,495,800	8996
Infrastructure Bank Obligations Fund Group				8997
7045 772428 Highway	\$	45,400,000	\$ 98,000,000	8998
Infrastructure Bank -				
Bonds				
TOTAL 045 Infrastructure Bank				8999
Obligations Fund Group	\$	45,400,000	\$ 98,000,000	9000
Highway Capital Improvement Fund Group				9001
7042 772723 Highway Construction	\$	36,600,000	\$ 91,600,000	9002
- Bonds				
TOTAL 042 Highway Capital				9003
Improvement Fund Group	\$	36,600,000	\$ 91,600,000	9004
TOTAL ALL BUDGET FUND GROUPS	\$	2,704,072,908	\$ 2,848,514,193	9005

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 9007

Of the foregoing appropriation item 772421, Highway 9008
Construction - State, \$5,000,000 shall be used in each fiscal year 9009
for the construction, reconstruction, or maintenance of public 9010
access roads, including support features, to and within state 9011
facilities owned or operated by the Department of Natural 9012
Resources. 9013

Section 203.30. PUBLIC ACCESS FOR ROADS FOR PARKS AND 9014
EXPOSITIONS COMMISSION'S FACILITIES 9015

Notwithstanding section 5511.06 of the Revised Code, of the 9016
foregoing appropriation item 772421, Highway Construction - State, 9017
\$2,228,000 in each fiscal year shall be used for the construction, 9018
reconstruction, or maintenance of park drives or park roads within 9019
the boundaries of metropolitan parks. 9020

The Department of Transportation may use the foregoing 9021
appropriation item 772421, Highway Construction - State, to 9022
perform related road work on behalf of the Ohio Expositions 9023
Commission at the state fairgrounds, including reconstruction or 9024
maintenance of public access roads and support features to and 9025
within fairgrounds facilities, as requested by the Commission and 9026
approved by the Director of Transportation. 9027

Section 203.30.20. TRANSPORTATION IMPROVEMENT DISTRICTS 9028

(A) Notwithstanding section 5540.151 of the Revised Code, of 9029
the foregoing appropriation item 772421, Highway Construction - 9030
State, \$3,500,000 in each fiscal year shall be made available for 9031
distribution by the Director of Transportation to Transportation 9032
Improvement Districts that have facilitated funding for the cost 9033
of a project or projects, as defined in division (C) of section 9034
5540.01 of the Revised Code, in conjunction with and through other 9035
governmental agencies, as defined in division (B) of section 9036
5540.01 of the Revised Code. 9037

(B) A Transportation Improvement District shall submit 9038
requests for project funding to the Ohio Department of 9039
Transportation no later than the first day of September in each 9040
fiscal year. The Ohio Department of Transportation shall notify 9041
the Transportation Improvement District whether the Department has 9042
approved or disapproved the project funding request within 90 days 9043

after the day the request was submitted by the Transportation Improvement District. 9044
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(C) Any funding provided to a Transportation Improvement District specified in this section shall not be used for the purposes of administrative costs or administrative staffing and must be used to fund a specific project or projects within that District's area. The total amount of a specific project's cost shall not be fully funded by the amount of funds provided under this section. The total amount of funding provided for each project is limited to 10% of total project costs or \$250,000 per fiscal year, whichever is greater. Transportation Improvement Districts that are co-sponsoring a specific project may individually apply for up to \$250,000 for that project. However, no more than 10% of a project's total costs shall be funded through moneys provided under this section. 9046
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(D) Funds provided under this section may be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of the specific project and such other project costs that are defined in section 5540.01 of the Revised Code and approved by the Director of Transportation. Upon receipt of a copy of an invoice for work performed on the specific project, the Director of Transportation shall reimburse a Transportation Improvement District for the expenditures described above, subject to the requirements of this section. 9059
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(E) Any Transportation Improvement District that is requesting funds under this section shall register with the Director of Transportation. The Director of Transportation shall register a Transportation Improvement District only if the district has a specific, eligible project and may cancel the registration of a Transportation Improvement District that is not eligible to receive funds under this section. The Director shall not provide funds to any Transportation Improvement District under 9068
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this section if the district is not registered. 9076

Section 203.40. ISSUANCE OF BONDS 9077

The Treasurer of State, upon the request of the Director of 9078
Transportation, is authorized to issue and sell, in accordance 9079
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9080
151. and particularly sections 151.01 and 151.06 of the Revised 9081
Code, obligations, including bonds and notes, in the aggregate 9082
amount of \$123,000,000 in addition to the original issuance of 9083
obligations authorized by prior acts of the General Assembly. 9084

The obligations shall be issued and sold from time to time in 9085
amounts necessary to provide sufficient moneys to the credit of 9086
the Highway Capital Improvement Fund (Fund 7042) created by 9087
section 5528.53 of the Revised Code to pay costs charged to the 9088
fund when due as estimated by the Director of Transportation, 9089
provided, however, that such obligations shall be issued and sold 9090
at such time or times so that not more than \$220,000,000 original 9091
principal amount of obligations, plus the principal amount of 9092
obligations that in prior fiscal years could have been, but were 9093
not, issued within the \$220,000,000 limit, may be issued in any 9094
fiscal year, and not more than \$1,200,000,000 original principal 9095
amount of such obligations are outstanding at any one time. 9096

Section 203.50. TRANSFER OF HIGHWAY OPERATING FUND (FUND 9097
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9098
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9099
ADMINISTRATION 9100

The Director of Budget and Management may approve requests 9101
from the Director of Transportation for transfer of Highway 9102
Operating Fund (Fund 7002) appropriations for planning and 9103
research (appropriation items 771411 and 771412), highway 9104
construction and debt service (appropriation items 772421, 772422, 9105

772424, 772437, and 772438), highway maintenance (appropriation 9106
item 773431), public transportation - federal (appropriation item 9107
775452), elderly and disabled special equipment (appropriation 9108
item 775459), rail grade crossings (appropriation item 776462), 9109
aviation (appropriation item 777475), and administration 9110
(appropriation item 779491). The Director of Budget and Management 9111
may not make transfers out of debt service appropriation items 9112
unless the Director determines that the appropriated amounts 9113
exceed the actual and projected debt service requirements. 9114
Transfers of appropriations may be made upon the written request 9115
of the Director of Transportation and with the approval of the 9116
Director of Budget and Management. The transfers shall be reported 9117
to the Controlling Board at the next regularly scheduled meeting 9118
of the board. 9119

This transfer authority is intended to provide for emergency 9120
situations and flexibility to meet unforeseen conditions that 9121
could arise during the budget period. It also is intended to allow 9122
the department to optimize the use of available resources and 9123
adjust to circumstances affecting the obligation and expenditure 9124
of federal funds. 9125

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9126
AVIATION, AND RAIL AND LOCAL TRANSIT 9127

The Director of Budget and Management may approve written 9128
requests from the Director of Transportation for the transfer of 9129
appropriations between appropriation items 772422, Highway 9130
Construction - Federal, 775452, Public Transportation - Federal, 9131
775454, Public Transportation - Other, 775459, Elderly and 9132
Disabled Special Equipment, 776475, Federal Rail Administration, 9133
and 777472, Airport Improvements - Federal. The transfers shall be 9134
reported to the Controlling Board at its next regularly scheduled 9135
meeting. 9136

TRANSFER OF APPROPRIATIONS - ARRA 9137

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

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE BANK

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

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

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS

The Director of Budget and Management may approve requests 9169
from the Director of Transportation for transfer of appropriations 9170
and cash of the Ohio Toll Fund and any subaccounts created in 9171
section 5531.14 of the Revised Code, including transfers between 9172
fiscal years 2012 and 2013. The transfers shall be reported to the 9173
Controlling Board at its next regularly scheduled meeting. 9174

INCREASING APPROPRIATIONS: STATE FUNDS 9175

In the event that receipts or unexpended balances credited to 9176
the Highway Operating Fund (Fund 7002) exceed the estimates upon 9177
which the appropriations have been made in this act, upon the 9178
request of the Director of Transportation, the Controlling Board 9179
may increase those appropriations in the manner prescribed in 9180
section 131.35 of the Revised Code. 9181

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 9182

In the event that receipts or unexpended balances credited to 9183
the Highway Operating Fund (Fund 7002) or apportionments or 9184
allocations made available from the federal and local government 9185
exceed the estimates upon which the appropriations have been made 9186
in this act, upon the request of the Director of Transportation, 9187
the Controlling Board may increase those appropriations in the 9188
manner prescribed in section 131.35 of the Revised Code. 9189

REAPPROPRIATIONS 9190

Upon approval of the Director of Budget and Management, all 9191
appropriations of the Highway Operating Fund (Fund 7002), the 9192
Highway Capital Improvement Fund (Fund 7042), and the 9193
Infrastructure Bank funds created in section 5531.09 of the 9194
Revised Code remaining unencumbered on June 30, 2011, are hereby 9195
reappropriated for the same purpose in fiscal year 2012. 9196

Upon approval of the Director of Budget and Management, all 9197
appropriations of the Highway Operating Fund (Fund 7002), the 9198
Highway Capital Improvement Fund (Fund 7042), and the 9199

Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2012, are hereby reappropriated for the same purpose in fiscal year 2013.

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

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

LIQUIDATION OF UNFORESEEN LIABILITIES

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

Section 203.60. MAINTENANCE OF INTERSTATE HIGHWAYS

The Director of Transportation may remove snow and ice and

maintain, repair, improve, or provide lighting upon interstate 9230
highways that are located within the boundaries of municipal 9231
corporations, adequate to meet the requirements of federal law. 9232
When agreed in writing by the Director of Transportation and the 9233
legislative authority of a municipal corporation and 9234
notwithstanding sections 125.01 and 125.11 of the Revised Code, 9235
the Department of Transportation may reimburse a municipal 9236
corporation for all or any part of the costs, as provided by such 9237
agreement, incurred by the municipal corporation in maintaining, 9238
repairing, lighting, and removing snow and ice from the interstate 9239
system. 9240

Section 203.70. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9241

The Director of Transportation may use revenues from the 9242
state motor vehicle fuel tax to match approved federal grants 9243
awarded to the Department of Transportation, regional transit 9244
authorities, or eligible public transportation systems, for public 9245
transportation highway purposes, or to support local or state 9246
funded projects for public transportation highway purposes. Public 9247
transportation highway purposes include: the construction or 9248
repair of high-occupancy vehicle traffic lanes, the acquisition or 9249
construction of park-and-ride facilities, the acquisition or 9250
construction of public transportation vehicle loops, the 9251
construction or repair of bridges used by public transportation 9252
vehicles or that are the responsibility of a regional transit 9253
authority or other public transportation system, or other similar 9254
construction that is designated as an eligible public 9255
transportation highway purpose. Motor vehicle fuel tax revenues 9256
may not be used for operating assistance or for the purchase of 9257
vehicles, equipment, or maintenance facilities. 9258

Section 203.80. The federal payments made to the state for 9259
highway infrastructure or for transit agencies under Title XII of 9260

Division A of the American Recovery and Reinvestment Act of 2009 9261
shall be deposited to the credit of the Highway Operating Fund 9262
(Fund 7002), which is created in section 5735.291 of the Revised 9263
Code. 9264

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 9265

State Highway Safety Fund Group 9266

4W40 762321 Operating Expense - \$ 80,003,146 \$ 82,403,240 9267
BMV

4W40 762410 Registrations \$ 28,945,176 \$ 29,813,532 9268
Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 9269
Contributions

7036 761321 Operating Expense - \$ 7,124,366 \$ 7,338,097 9270
Information and
Education

7036 761401 Lease Rental Payments \$ 9,978,300 \$ 2,315,700 9271

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 9272
Projects

7036 764321 Operating Expense - \$ 260,744,934 \$ 258,365,903 9273
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 9274
Enforcement Expenses

8300 761603 Salvage and Exchange \$ 19,469 \$ 20,053 9275
- Administration

8310 761610 Information and \$ 422,084 \$ 434,746 9276
Education - Federal

8310 764610 Patrol - Federal \$ 2,209,936 \$ 2,276,234 9277

8310 764659 Transportation \$ 5,519,333 \$ 5,684,913 9278
Enforcement - Federal

8310 765610 EMS - Federal \$ 532,007 \$ 532,007 9279

8310 769610 Food Stamp \$ 1,546,319 \$ 1,546,319 9280

		Trafficking Enforcement - Federal				
8310	769631	Homeland Security - Federal	\$	2,184,000	\$	2,184,000 9281
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565 9282
8350	762616	Financial Responsibility Compliance	\$	5,457,240	\$	5,549,068 9283
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 9284
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000 9285
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 9286
83F0	764657	Law Enforcement Automated Data System	\$	9,053,266	\$	9,053,266 9287
83G0	764633	OMVI Enforcement/Education	\$	623,230	\$	641,927 9288
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000 9289
83M0	765624	Operating Expense - Trauma and EMS	\$	2,632,106	\$	2,711,069 9290
83N0	761611	Elementary School Seat Belt Program	\$	305,600	\$	305,600 9291
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819 9292
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000 9293
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000 9294
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354 9295
8400	764617	Security and Investigations	\$	6,432,686	\$	6,432,686 9296
8400	764626	State Fairgrounds Police Force	\$	849,883	\$	849,883 9297

8400	769632	Homeland Security - Operating	\$	737,791	\$	737,791	9298
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	9299
8460	761625	Motorcycle Safety Education	\$	3,185,013	\$	3,280,563	9300
8490	762627	Automated Title Processing Board	\$	17,316,755	\$	14,335,513	9301
TOTAL HSF State Highway Safety Fund Group			\$	490,110,733	\$	481,261,100	9302
General Services Fund Group							9303
4P60	768601	Justice Program Services	\$	998,104	\$	1,028,047	9304
4S30	766661	Hilltop Utility Reimbursement	\$	540,800	\$	540,800	9305
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400	9306
5Y10	764695	Highway Patrol Continuing Professional Training	\$	170,000	\$	170,000	9307
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	9308
TOTAL GSF General Services Fund Group			\$	5,503,904	\$	5,647,247	9309
Federal Special Revenue Fund Group							9310
3290	763645	Federal Mitigation Program	\$	10,110,332	\$	10,413,642	9311
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	9312
3390	763647	Emergency Management Assistance and Training	\$	75,664,821	\$	77,934,765	9313

3CB0	768691	Federal Justice Grants - FFY06	\$	200,000	\$	50,000	9314
3CC0	768609	Justice Assistance Grants - FFY07	\$	583,222	\$	310,000	9315
3CD0	768610	Justice Assistance Grants - FFY08	\$	310,000	\$	150,000	9316
3CE0	768611	Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000	9317
3CV0	768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0	9318
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,015,000	\$	1,015,000	9319
3DH0	768613	Federal Stimulus - Justice Programs	\$	150,000	\$	150,000	9320
3DU0	762628	BMV Grants	\$	1,525,000	\$	1,580,000	9321
3EU0	768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000	9322
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000	9323
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	9324
TOTAL FED	Federal Special Revenue Fund Group		\$	130,214,683	\$	132,862,715	9325
	State Special Revenue Fund Group						9326
4V30	763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420	9327
5390	762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400	9328
5B90	766632	Private Investigator and Security Guard Provider	\$	1,562,637	\$	1,562,637	9329
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000	9330

		Services - Operating					
5BK0	768689	Family Violence	\$	750,000	\$	750,000	9331
		Shelter Programs					
5CM0	767691	Federal Investigative	\$	300,000	\$	300,000	9332
		Seizure					
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	9333
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000	9334
		and Alcohol					
		Monitoring					
5FL0	769634	Investigations	\$	899,300	\$	899,300	9335
6220	767615	Investigative	\$	375,000	\$	375,000	9336
		Contraband and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945	9337
		Safety					
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438	9338
		Planning					
8500	767628	Investigative Unit	\$	90,000	\$	92,700	9339
		Salvage					
TOTAL	SSR	State Special Revenue	\$	14,018,073	\$	14,157,224	9340
		Fund Group					
		Liquor Control Fund Group					9341
7043	767321	Liquor Enforcement -	\$	11,897,178	\$	11,897,178	9342
		Operating					
TOTAL	LCF	Liquor Control Fund Group	\$	11,897,178	\$	11,897,178	9343
		Agency Fund Group					9344
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	9345
TOTAL	AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	9346
		Holding Account Redistribution Fund Group					9347
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	9348
		Vehicle Receipts					
R052	762623	Security Deposits	\$	350,000	\$	350,000	9349

TOTAL 090 Holding Account	\$	2,235,000	\$	2,235,000	9350
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	655,479,571	\$	649,560,464	9351

MOTOR VEHICLE REGISTRATION 9352

The Registrar of Motor Vehicles may deposit revenues to meet 9353
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 9354
4W40) established in section 4501.25 of the Revised Code, obtained 9355
under sections 4503.02 and 4504.02 of the Revised Code, less all 9356
other available cash. Revenue deposited pursuant to this paragraph 9357
shall support, in part, appropriations for operating expenses and 9358
defray the cost of manufacturing and distributing license plates 9359
and license plate stickers and enforcing the law relative to the 9360
operation and registration of motor vehicles. Notwithstanding 9361
section 4501.03 of the Revised Code, the revenues shall be paid 9362
into Fund 4W40 before any revenues obtained pursuant to sections 9363
4503.02 and 4504.02 of the Revised Code are paid into any other 9364
fund. The deposit of revenues to meet the aforementioned cash 9365
needs shall be in approximately equal amounts on a monthly basis 9366
or as otherwise determined by the Director of Budget and 9367
Management pursuant to a plan submitted by the Registrar of Motor 9368
Vehicles. 9369

CAPITAL PROJECTS 9370

The Registrar of Motor Vehicles may transfer cash from the 9371
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 9372
Highway Safety Fund (Fund 7036) to meet its obligations for 9373
capital projects CIR-047, Department of Public Safety Office 9374
Building and CIR-049, Warehouse Facility. 9375

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 9376

The foregoing appropriation item 761401, Lease Rental 9377
Payments, shall be used for payments to the Ohio Building 9378
Authority for the period July 1, 2011, to June 30, 2013, under the 9379

primary leases and agreements for public safety related buildings 9380
financed by obligations issued under Chapter 152. of the Revised 9381
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 9382
Building Authority may, with approval of the Director of Budget 9383
and Management, lease capital facilities to the Department of 9384
Public Safety. 9385

HILLTOP TRANSFER 9386

The Director of Public Safety shall determine, per an 9387
agreement with the Director of Transportation, the share of each 9388
debt service payment made out of appropriation item 761401, Lease 9389
Rental Payments, that relates to the Department of 9390
Transportation's portion of the Hilltop Building Project, and 9391
shall certify to the Director of Budget and Management the amounts 9392
of this share. The Director of Budget and Management shall 9393
transfer the amounts of such shares from the Highway Operating 9394
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 9395

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 9396

On July 1, 2011, or as soon as possible thereafter, the 9397
Director of Budget and Management shall transfer the unexpended 9398
and unencumbered cash balance in the Seat Belt Education Fund 9399
(Fund 8440) to the Trauma and Emergency Medical Services Fund 9400
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 9401
abolished. The Director shall cancel any existing encumbrances 9402
against appropriation item 761613, Seat Belt Education Program, 9403
and reestablish them against appropriation item 765624, Operating 9404
Expense - Trauma and EMS. The reestablished encumbrance amounts 9405
are hereby appropriated. 9406

CASH TRANSFERS BETWEEN FUNDS 9407

Notwithstanding any provision of law to the contrary, the 9408
Director of Budget and Management, upon the written request of the 9409
Director of Public Safety, may approve the transfer of cash 9410

between the following six funds: the Trauma and Emergency Medical 9411
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 9412
the Investigations Fund (Fund 5FL0), the Emergency Management 9413
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 9414
Program Services Fund (Fund 4P60), and the State Bureau of Motor 9415
Vehicles Fund (Fund 4W40). 9416

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 9417

Notwithstanding any provision of law to the contrary, the 9418
Director Budget and Management, upon the written request of the 9419
Director of Public Safety, may approve the transfer of cash from 9420
the Continuing Professional Training Fund (Fund 5Y10), the State 9421
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 9422
and the Highway Safety Salvage and Exchange Highway Patrol Fund 9423
(Fund 8410) to the Security, Investigations, and Policing Fund 9424
(Fund 8400). 9425

CASH TRANSFERS OF SEAT BELT FINE REVENUES 9426

Notwithstanding any provision of law to the contrary, the 9427
Controlling Board, upon request of the Director of Public Safety, 9428
may approve the transfer of cash between the following four funds 9429
that receive fine revenues from enforcement of the mandatory seat 9430
belt law: the Trauma and Emergency Medical Services Fund (Fund 9431
83M0), the Elementary School Program Fund (Fund 83N0), and the 9432
Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 9433

STATE DISASTER RELIEF 9434

The State Disaster Relief Fund (Fund 5330) may accept 9435
transfers of cash and appropriations from Controlling Board 9436
appropriation items for Ohio Emergency Management Agency disaster 9437
response costs and disaster program management costs, and may also 9438
be used for the following purposes: 9439

(A) To accept transfers of cash and appropriations from 9440
Controlling Board appropriation items for Ohio Emergency 9441

Management Agency public assistance and mitigation program match 9442
costs to reimburse eligible local governments and private 9443
nonprofit organizations for costs related to disasters; 9444

(B) To accept and transfer cash to reimburse the costs 9445
associated with Emergency Management Assistance Compact (EMAC) 9446
deployments; 9447

(C) To accept disaster related reimbursement from federal, 9448
state, and local governments. The Director of Budget and 9449
Management may transfer cash from reimbursements received by this 9450
fund to other funds of the state from which transfers were 9451
originally approved by the Controlling Board. 9452

(D) To accept transfers of cash and appropriations from 9453
Controlling Board appropriation items to fund the State Disaster 9454
Relief Program, for disasters that have been declared by the 9455
Governor, and the State Individual Assistance Program for 9456
disasters that have been declared by the Governor and the federal 9457
Small Business Administration. The Ohio Emergency Management 9458
Agency shall publish and make available application packets 9459
outlining procedures for the State Disaster Relief Program and the 9460
State Individual Assistance Program. 9461

JUSTICE ASSISTANCE GRANT FUND 9462

The federal payments made to the state for the Byrne Justice 9463
Assistance Grants Program under Title II of Division A of the 9464
American Recovery and Reinvestment Act of 2009 shall be deposited 9465
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 9466
which is hereby created in the state treasury. All investment 9467
earnings of the fund shall be credited to the fund. 9468

FEDERAL STIMULUS - JUSTICE PROGRAMS 9469

The federal payments made to the state for the Violence 9470
Against Women Formula Grant under Title II of Division A of the 9471
American Recovery and Reinvestment Act of 2009 shall be deposited 9472

to the credit of the Federal Stimulus - Justice Programs Fund	9473
(Fund 3DH0).	9474
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	9475
AGENCY SERVICE AND REIMBURSEMENT FUND	9476
On July 1 of each fiscal year, or as soon as possible	9477
thereafter, the Director of Budget and Management shall transfer	9478
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to	9479
the Emergency Management Agency Service and Reimbursement Fund	9480
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban	9481
Search and Rescue Unit and other urban search and rescue programs	9482
around the state.	9483
FAMILY VIOLENCE PREVENTION FUND	9484
Notwithstanding any provision of law to the contrary, in each	9485
of fiscal years 2012 and 2013, the first \$750,000 received to the	9486
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be	9487
appropriated to appropriation item 768689, Family Violence Shelter	9488
Programs, and the next \$400,000 received to the credit of Fund	9489
5BK0 in each of those fiscal years shall be appropriated to	9490
appropriation item 768687, Criminal Justice Services - Operating.	9491
Any moneys received to the credit of Fund 5BK0 in excess of the	9492
aforementioned appropriated amounts in each fiscal year shall,	9493
upon the approval of the Controlling Board, be used to provide	9494
grants to family violence shelters in Ohio.	9495
SARA TITLE III HAZMAT PLANNING	9496
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	9497
entitled to receive grant funds from the Emergency Response	9498
Commission to implement the Emergency Management Agency's	9499
responsibilities under Chapter 3750. of the Revised Code.	9500
COLLECTIVE BARGAINING INCREASES	9501
Notwithstanding division (D) of section 127.14 and division	9502

(B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

CASH BALANCE FUND REVIEW

Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

Section 207.10. DEV DEPARTMENT OF DEVELOPMENT

State Special Revenue Fund Group					
4W00 195629 Roadwork Development	\$	15,199,900	\$	15,199,900	
TOTAL SSR State Special Revenue Fund Group	\$	15,199,900	\$	15,199,900	
TOTAL ALL BUDGET FUND GROUPS	\$	15,199,900	\$	15,199,900	

ROADWORK DEVELOPMENT FUND

The Roadwork Development Fund shall be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio. "Road improvements" are improvements to public roadway facilities located on, or serving or capable of serving, a project site.

The Department of Transportation, under the direction of the 9533
Department of Development, shall provide these funds in accordance 9534
with all guidelines and requirements established for Department of 9535
Development appropriation item 195412, Business Development, 9536
including Controlling Board review and approval as well as the 9537
requirements for usage of gas tax revenue prescribed in Section 5a 9538
of Article XII, Ohio Constitution. Should the Department of 9539
Development require the assistance of the Department of 9540
Transportation to bring a project to completion, the Department of 9541
Transportation shall use its authority under Title LV of the 9542
Revised Code to provide such assistance and may enter into 9543
contracts on behalf of the Department of Development. In addition, 9544
these funds may be used in conjunction with appropriation item 9545
195412, Business Development, or any other state funds 9546
appropriated for infrastructure improvements. 9547

The Director of Budget and Management, pursuant to a plan 9548
submitted by the Director of Development or as otherwise 9549
determined by the Director of Budget and Management, shall set a 9550
cash transfer schedule to meet the cash needs of the Department of 9551
Development's Roadwork Development Fund (Fund 4W00), less any 9552
other available cash. The Director shall transfer to the Roadwork 9553
Development Fund from the Highway Operating Fund (Fund 7002), 9554
established in section 5735.291 of the Revised Code, such amounts 9555
at such times as determined by the transfer schedule. 9556

SECURITY DEPOSIT FUND CASH TRANSFER 9557

Notwithstanding any other provision of law to the contrary, 9558
on July 1, 2011, or as soon as possible thereafter, the Director 9559
of Budget and Management shall transfer \$32,027.17 in cash from 9560
the Security Deposit Fund (Fund R052) to the Roadwork Development 9561
Fund (Fund 4W00). 9562

Section 209.10. PWC PUBLIC WORKS COMMISSION 9563

Local Transportation Improvements Fund Group				9564	
7052 150402 Local Transportation	\$	299,246	\$	296,555	9565
Improvement Program - Operating					
7052 150701 Local Transportation	\$	56,000,000	\$	56,000,000	9566
Improvement Program					
TOTAL 052 Local Transportation				9567	
Improvements Fund Group	\$	56,299,246	\$	56,296,555	9568
Local Infrastructure Improvements Fund Group				9569	
7038 150321 State Capital	\$	918,000	\$	910,000	9570
Improvements Program - Operating Expenses					
TOTAL LIF Local Infrastructure				9571	
Improvements Fund Group	\$	918,000	\$	910,000	9572
TOTAL ALL BUDGET FUND GROUPS	\$	57,217,246	\$	57,206,555	9573
PUBLIC WORKS OPERATING EXPENSES				9574	
The forgoing appropriation item 150321, State Capital				9575	
Improvements Program-Operating Expenses, shall be used by the Ohio				9576	
Public Works Commission to administer the State Capital				9577	
Improvement Program under sections 164.01 to 164.16 of the Revised				9578	
Code.				9579	
DISTRICT ADMINISTRATION COSTS				9580	
The Director of the Public Works Commission is authorized to				9581	
create a District Administration Costs Program from interest				9582	
earnings of the Capital Improvements Fund and Local Transportation				9583	
Improvement Program Fund proceeds. The program shall be used to				9584	
provide for the direct costs of district administration of the				9585	
nineteen public works districts. Districts choosing to participate				9586	
in the program shall only expend State Capital Improvements Fund				9587	
moneys for State Capital Improvements Fund costs and Local				9588	
Transportation Improvement Program Fund moneys for Local				9589	

Transportation Improvement Program Fund costs. The account shall 9590
not exceed \$1,235,000 per fiscal year. Each public works district 9591
may be eligible for up to \$65,000 per fiscal year from its 9592
district allocation as provided in sections 164.08 and 164.14 of 9593
the Revised Code. 9594

The Director, by rule, shall define allowable and 9595
nonallowable costs for the purpose of the District Administration 9596
Costs Program. Nonallowable costs include indirect costs, elected 9597
official salaries and benefits, and project-specific costs. No 9598
district public works committee may participate in the District 9599
Administration Costs Program without the approval of those costs 9600
by the district public works committee under section 164.04 of the 9601
Revised Code. 9602

REAPPROPRIATIONS 9603

All capital appropriations from the Local Transportation 9604
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 2 of the 9605
128th General Assembly remaining unencumbered as of June 30, 2011, 9606
are reappropriated for use during the period July 1, 2011, through 9607
June 30, 2012, for the same purpose. 9608

Notwithstanding division (B) of section 127.14 of the Revised 9609
Code, all capital appropriations and reappropriations from the 9610
Local Transportation Improvement Program Fund (Fund 7052) in this 9611
act remaining unencumbered as of June 30, 2012, are reappropriated 9612
for use during the period July 1, 2012, through June 30, 2013, for 9613
the same purposes, subject to the availability of revenue as 9614
determined by the Director of the Public Works Commission. 9615

Section 209.20. All items in this section are hereby 9616
appropriated as designated out of any moneys in the state treasury 9617
to the credit of the State Capital Improvements Fund (Fund 7038) 9618
that are not otherwise appropriated. The appropriations made in 9619
this section are in addition to any other appropriations made for 9620

the biennium ending June 30, 2012. 9621

Appropriations

PWC PUBLIC WORKS COMMISSION 9622

C15000 Local Public \$ 150,000,000 9623

Infrastructure

TOTAL Public Works Commission \$ 150,000,000 9624

TOTAL State Capital Improvements \$ 150,000,000 9625

Fund

The foregoing appropriation item C15000, Local Public 9626
Infrastructure, shall be used in accordance with sections 164.01 9627
to 164.12 of the Revised Code. The Director of the Public Works 9628
Commission may certify to the Director of Budget and Management 9629
that a need exists to appropriate investment earnings to be used 9630
in accordance with sections 164.01 to 164.12 of the Revised Code. 9631
If the Director of Budget and Management determines pursuant to 9632
division (D) of section 164.08 and section 164.12 of the Revised 9633
Code that investment earnings are available to support additional 9634
appropriations, such amounts are hereby appropriated. 9635

Section 209.21. The Ohio Public Facilities Commission is 9636
hereby authorized to issue and sell, in accordance with Section 2p 9637
of Article VIII, Ohio Constitution, and pursuant to sections 9638
151.01 and 151.08 of the Revised Code, original obligations of the 9639
state, in an aggregate principal amount not to exceed 9640
\$150,000,000, in addition to the original obligations heretofore 9641
authorized by prior acts of the General Assembly. These authorized 9642
obligations shall be issued and sold from time to time, subject to 9643
applicable constitutional and statutory limitations, as needed to 9644
ensure sufficient moneys to the credit of the State Capital 9645
Improvements Fund (Fund 7038) to pay costs of the state in 9646
financing or assisting in the financing of local subdivision 9647
capital improvement projects. 9648

Section 209.30. All items in this section are hereby 9649
appropriated as designated out of any moneys in the state treasury 9650
to the credit of the State Capital Improvements Revolving Loan 9651
Fund (Fund 7040) that are not otherwise appropriated. Revenues to 9652
the State Capital Improvements Revolving Loan Fund shall consist 9653
of all repayments of loans made to local subdivisions for capital 9654
improvements, investment earnings on moneys in the fund, and 9655
moneys obtained from federal or private grants or from other 9656
sources for the purpose of making loans to finance or to assist in 9657
the financing of the cost of capital improvement projects of local 9658
subdivisions. The appropriations made in this section are in 9659
addition to any other appropriations made for the biennium ending 9660
June 30, 2012. 9661

	Appropriations	
PWC PUBLIC WORKS COMMISSION		9662
C15030 Revolving Loan	\$ 49,000,000	9663
TOTAL Public Works Commission	\$ 49,000,000	9664
TOTAL State Capital Improvements Revolving Loan Fund	\$ 49,000,000	9665

The foregoing appropriation item C15030, Revolving Loan, 9666
shall be used in accordance with sections 164.01 to 164.12 of the 9667
Revised Code. 9668

Section 209.40. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 9669
AND MANAGEMENT 9670

Notwithstanding section 126.14 of the Revised Code, the 9671
appropriations from the State Capital Improvements Fund (Fund 9672
7038) and the State Capital Improvements Revolving Loan Fund (Fund 9673
7040) to the Public Works Commission shall be released upon 9674
presentation of a request to release the funds by the Director of 9675
the Public Works Commission to the Director of Budget and 9676
Management. 9677

Section 209.50. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 9678
REVISED CODE 9679

The capital improvements for which appropriations are made in 9680
this act from the State Capital Improvements Fund (Fund 7038) are 9681
determined to be capital improvements and capital facilities for 9682
local subdivision capital improvement projects and are designated 9683
as capital facilities to which proceeds of obligations issued 9684
under Chapter 151. of the Revised Code are to be applied. 9685

Section 509.10. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 9686
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 9687

The Director of Budget and Management shall initiate and 9688
process payments from lease rental payment appropriation items 9689
during the period from July 1, 2011, to June 30, 2013, pursuant to 9690
the lease agreements for bonds or notes issued under Section 2i of 9691
Article VIII of the Ohio Constitution and Chapter 152. of the 9692
Revised Code. Payments shall be made upon certification by the 9693
Ohio Building Authority of the dates and amounts due on those 9694
dates. 9695

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS TO OBA AND 9696
TREASURER 9697

Certain appropriations are in this act for the purpose of 9698
lease rental and other payments to the Ohio Building Authority or 9699
to the Treasurer of State under leases and agreements relating to 9700
bonds or notes issued by the Ohio Building Authority or the 9701
Treasurer of State under the Ohio Constitution and acts of the 9702
General Assembly. If it is determined that additional 9703
appropriations are necessary for this purpose, such amounts are 9704
hereby appropriated. 9705

Section 509.30. FLEXIBILITY TO PROCESS JULY 1, 2011 PAYCHECK 9706

IN FISCAL YEAR 2011 9707

Notwithstanding section 127.14 of the Revised Code, if the 9708
Director of Budget and Management determines that cash is 9709
available, the Director may authorize additional expenditures as 9710
necessary in fiscal year 2011 from various General Revenue Fund 9711
and non-General Revenue Fund appropriation items in order to pay 9712
agency payroll costs for employees who are paid on a biweekly 9713
current or biweekly delayed pay cycle for the pay period ending 9714
June 18, 2011, which was not included in agencies' appropriations 9715
for fiscal year 2011. The Director of Budget and Management also 9716
may authorize additional expenditures as necessary in fiscal year 9717
2011 from various General Revenue Fund and non-General Revenue 9718
Fund appropriation items in order to pay agency payroll costs for 9719
employees who are not paid on a biweekly current or biweekly 9720
delayed pay cycle for similar pay periods that were not included 9721
in agencies' appropriations for fiscal year 2011. Any expenditures 9722
authorized by the Director of Budget and Management under this 9723
section are hereby appropriated. The Director of Budget and 9724
Management may transfer cash between funds if necessary to make 9725
these expenditures and to reimburse funds from which cash was 9726
transferred for this purpose. 9727

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 9728
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 9729

Upon the request of the Director of Transportation, the 9730
Director of Budget and Management may transfer cash from the 9731
Highway Operating Fund (Fund 7002) to the Highway Capital 9732
Improvement Fund (Fund 7042) created in section 5528.53 of the 9733
Revised Code. The Director of Budget and Management may transfer 9734
from Fund 7042 to Fund 7002 up to the amounts previously 9735
transferred to Fund 7042 under this section. 9736

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 9737

The Director of Budget and Management shall transfer cash in 9738
equal monthly increments totaling \$163,918,656 in fiscal year 2012 9739
and in equal monthly increments totaling \$170,424,912 in fiscal 9740
year 2013 from the Highway Operating Fund, created in section 9741
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 9742
created in division (A) of section 5735.27 of the Revised Code. 9743
The monthly amounts transferred under this section shall be 9744
distributed as follows: 42.86 per cent shall be distributed among 9745
the municipal corporations within the state under division (A)(2) 9746
of section 5735.27 of the Revised Code; 37.14 per cent shall be 9747
distributed among the counties within the state under division 9748
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 9749
shall be distributed among the townships within the state under 9750
division (A)(5)(b) of section 5735.27 of the Revised Code. 9751

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 9752

On July 1, 2011, and on January 1, 2012, or as soon as 9753
possible thereafter, respectively, the Director of Budget and 9754
Management shall transfer \$200,000 in cash, for each period, from 9755
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9756
General for ODOT Fund (Fund 5FA0). 9757

On July 1, 2012, and on January 1, 2013, or as soon as 9758
possible thereafter, respectively, the Director of Budget and 9759
Management shall transfer \$200,000 in cash, for each period, from 9760
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9761
General for ODOT Fund (Fund 5FA0). 9762

Should additional amounts be necessary, the Inspector 9763
General, with the consent of the Director of Budget and 9764
Management, may seek Controlling Board approval for additional 9765
transfers of cash and to increase the amount appropriated from 9766

appropriation item 965603, Deputy Inspector General for ODOT, in 9767
the amount of the additional transfers. 9768

Section 512.40. CASH TRANSFER TO GRF 9769

On July 1, 2011, or as soon as possible thereafter, the 9770
Director of Budget and Management shall transfer the cash balance 9771
of the Transit Capital Fund (Fund 5E70), as of June 30, 2011, to 9772
the General Revenue Fund. 9773

Section 512.50. Notwithstanding division (A)(3) of section 9774
4501.044 and division (A)(1) of section 4501.045 of the Revised 9775
Code, commencing July 1, 2011, and extending through June 30, 9776
2012, the Director of Public Safety shall deposit the money 9777
otherwise deposited and distributed in accordance with those 9778
divisions into the State Highway Safety Fund created by section 9779
4501.06 of the Revised Code until such time as the deposits equal 9780
a cumulative total of \$25,000,000. At that point, the Director 9781
shall cease depositing any such money into the State Highway 9782
Safety Fund and shall deposit and distribute that money as 9783
prescribed in division (A)(3) of section 4501.044 and division 9784
(A)(1) of section 4501.045 of the Revised Code. 9785

Notwithstanding division (A)(3) of section 4501.044 and 9786
division (A)(1) of section 4501.045 of the Revised Code, 9787
commencing July 1, 2012, and extending through June 30, 2013, the 9788
Director of Public Safety shall deposit the money otherwise 9789
deposited and distributed in accordance with those divisions into 9790
the State Highway Safety Fund created by section 4501.06 of the 9791
Revised Code until such time as the deposits equal a cumulative 9792
total of \$24,000,000. At that point, the Director shall cease 9793
depositing any such money into the State Highway Safety Fund and 9794
shall deposit and distribute that money as prescribed in division 9795
(A)(3) of section 4501.044 and division (A)(1) of section 4501.045 9796

of the Revised Code. 9797

Section 512.60. TRANSFER OF FUNDS FOR CASINO CONTROL 9798
COMMISSION OPERATIONS 9799

During state fiscal year 2011 and 2012, the Director of 9800
Budget and Management may, in consultation with the Executive 9801
Director of the Casino Control Commission, transfer such funds as 9802
necessary for initial operating expenses and casino investigations 9803
by the Office of Inspector General and the Ohio Ethics Commission 9804
prior to the receipt of other deposits into the fund. The transfer 9805
shall be made from the General Revenue Fund to the Casino Control 9806
Commission Operating Fund (Fund 5HSO). Once funds from upfront 9807
license application fees and gross casino revenue taxes have been 9808
accumulated to sustain operations, the Director of Budget and 9809
Management, in consultation with the Executive Director of the 9810
Casino Control Commission, shall establish a repayment schedule 9811
for transfers to the General Revenue Fund from the Casino Control 9812
Commission Operating Fund (Fund 5HSO). 9813

Section 610.10. That Sections 343.10 and 512.90 of Am. Sub. 9814
H.B. 1 of the 128th General Assembly be amended to read as 9815
follows: 9816

Sec. 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 9817

General Revenue Fund					9818	
GRF 725401	Wildlife-GRF Central	\$	1,950,000	\$	2,000,000	9819
	Support					
GRF 725413	Lease Rental Payments	\$	20,760,600	\$	21,556,500	9820
GRF 725456	Canal Lands	\$	150,000	\$	150,000	9821
GRF 725502	Soil and Water	\$	6,900,000	\$	2,900,000	9822
	Districts					
GRF 725903	Natural Resources	\$	25,438,000	\$	26,549,400	9823

		General Obligation				
		Debt Service				
GRF	727321	Division of Forestry	\$	5,906,376	\$	5,420,376 9824
GRF	728321	Division of Geological	\$	1,100,000	\$	0 9825
		Survey				
GRF	730321	Division of Parks and	\$	31,806,918	\$	32,693,791 9826
		Recreation				
GRF	733321	Division of Water	\$	2,300,000	\$	2,546,000 9827
GRF	736321	Division of	\$	2,300,000	\$	2,572,000 9828
		Engineering				
GRF	737321	Division of Soil and	\$	2,828,562	\$	3,128,562 9829
		Water Resources				
GRF	738321	Division of Real	\$	1,475,000	\$	1,546,000 9830
		Estate and Land				
		Management				
GRF	741321	Division of Natural	\$	1,739,873	\$	0 9831
		Areas and Preserves				
GRF	744321	Division of Mineral	\$	2,800,000	\$	1,000,000 9832
		Resources Management				
TOTAL GRF		General Revenue Fund	\$	107,455,329	\$	102,062,629 9833
		General Services Fund Group				9834
1550	725601	Departmental Projects	\$	2,100,000	\$	2,100,000 9835
1570	725651	Central Support	\$	6,000,000	\$	6,000,000 9836
		Indirect				
2040	725687	Information Services	\$	4,200,000	\$	4,400,448 9837
2070	725690	Real Estate Services	\$	130,000	\$	132,000 9838
2230	725665	Law Enforcement	\$	2,062,410	\$	2,062,410 9839
		Administration				
2270	725406	Parks Projects	\$	150,000	\$	150,000 9840
		Personnel				
4300	725671	Canal Lands	\$	916,541	\$	922,424 9841
4D50	725618	Recycled Materials	\$	50,000	\$	50,000 9842
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740 9843

4X80	725662	Water Resources Council	\$	138,900	\$	138,900	9844
5080	725684	Natural Resources Publications	\$	150,000	\$	150,000	9845
5100	725631	Maintenance - State-owned Residences	\$	258,919	\$	258,919	9846
5160	725620	Water Management	\$	2,500,000	\$	2,500,000	9847
6350	725664	Fountain Square Facilities Management	\$	3,500,000	\$	3,500,000	9848
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011	9849
TOTAL GSF General Services							9850
Fund Group			\$	23,641,521	\$	23,549,852	9851
Federal Special Revenue Fund Group							9852
3320	725669	Federal Mine Safety Grant	\$	258,102	\$	258,102	9853
3B30	725640	Federal Forest Pass-Thru	\$	600,000	\$	600,000	9854
3B40	725641	Federal Flood Pass-Thru	\$	700,000	\$	700,000	9855
3B50	725645	Federal Abandoned Mine Lands	\$	14,307,667	\$	14,307,667	9856
3B60	725653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	9857
3B70	725654	Reclamation - Regulatory	\$	2,394,565	\$	2,388,775	9858
3P00	725630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	9859
3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	9860
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	9861
3P30	725650	Coastal Management -	\$	1,711,237	\$	1,711,237	9862

		Federal					
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	9863
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	9864
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	9865
TOTAL FED Federal Special Revenue							9866
Fund Group			\$	27,299,268	\$	27,299,426	9867
State Special Revenue Fund Group							9868
4J20	725628	Injection Well Review	\$	68,933	\$	68,933	9869
4M70	725686	Wildfire Suppression	\$	75,000	\$	75,000	9870
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	9871
5090	725602	State Forest	\$	7,200,000	\$	7,200,000	9872
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	9873
5120	725605	State Parks Operations	\$	31,885,528	\$	31,885,528	9874
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	9875
5180	725643	Oil and Gas Permit Fees	\$	2,974,378	\$	2,974,378	9876
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	9877
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	9878
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000	9879
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	9880
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	9881
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	9882
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000	9883

5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	9884
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	9885
5B30	725674	Mining Regulation		28,850		28,850	9886
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	18,104,906	9887
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	9888
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	9889
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	9890
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	9891
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	9892
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	9893
6150	725661	Dam Safety	\$	807,403	\$	807,403	9894
TOTAL SSR State Special Revenue							9895
Fund Group			\$	77,528,497	\$	84,902,003	9896
Clean Ohio Conservation Fund Group							9897
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	9898
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000	9899
Wildlife Fund Group							9900
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000	9901
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000	9902
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	9903
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	9904

8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000	9905
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	9906
8190	725685	Ohio River Management	\$	128,584	\$	128,584	9907
TOTAL WLF Wildlife Fund Group			\$	66,130,354	\$	62,421,918	9908
Waterways Safety Fund Group							9909
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	9910
						<u>5,015,575</u>	
7086	725418	Buoy Placement	\$	52,182	\$	52,182	9911
7086	725501	Waterway Safety Grants	\$	137,867	\$	137,867	9912
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	9913
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	9914
7086	739401	Division of Watercraft	\$	19,949,181	\$	19,949,181	9915
TOTAL WSF Waterways Safety Fund Group			\$	25,347,601	\$	25,347,601	9916
						<u>26,097,601</u>	9917
Accrued Leave Liability Fund Group							9918
4M80	725675	FOP Contract	\$	20,844	\$	20,844	9919
TOTAL ALF Accrued Leave Liability Fund Group			\$	20,844	\$	20,844	9920
Holding Account Redistribution Fund Group							9921
R017	725659	Performance Cash Bond Refunds	\$	296,263	\$	296,263	9922
R043	725624	Forestry	\$	2,000,000	\$	2,000,000	9923
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,296,263	\$	2,296,263	9924
TOTAL ALL BUDGET FUND GROUPS			\$	330,029,677	\$	328,210,536	9925

328,960,536

Sec. 512.90. CASH TRANSFERS FROM THE TOBACCO USE PREVENTION 9929
AND CONTROL FOUNDATION ENDOWMENT FUND 9930

The Director of Budget and Management may request the 9931
Treasurer of State to transfer \$258,622,890 cash from moneys in 9932
the custody of the Treasurer of State that were formerly to the 9933
credit of the Tobacco Use Prevention and Control Foundation 9934
Endowment Fund, to the General Health and Human Service 9935
Pass-Through Fund (Fund 5HC0). If any cash is transferred to the 9936
General Health and Human Service Pass-Through Fund (Fund 5HC0) the 9937
Director of Budget and Management shall transfer the cash as 9938
follows: 9939

(A) Up to \$46,000,000 cash in each fiscal year to the Child 9940
and Adult Protective Services Fund (Fund 5GV0), used by the 9941
Department of Job and Family Services, to support child and adult 9942
protective services under Title XX of the "Social Security Act," 9943
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and any 9944
allowable service activity defined in Section 309.45.21 of Am. 9945
Sub. H.B. 1 of the 128th General Assembly. The amount transferred 9946
is hereby appropriated. 9947

(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health 9948
Care Services - Other Fund (Fund 5HA0), used by the Department of 9949
Job and Family Services and up to \$129,814,027 cash in fiscal year 9950
2011 to Fund 5HA0, to support health care services under the state 9951
Medicaid plan. The amount transferred is hereby appropriated. 9952

(C) Up to \$2,500,000 cash in each fiscal year to the Breast 9953
and Cervical Cancer Fund (Fund 5HB0), used by the Department of 9954
Health, to support breast and cervical cancer screenings. The 9955
amount transferred is hereby appropriated. 9956

Section 610.11. That existing Sections 343.10 and 512.90 of 9957

Am. Sub. H.B. 1 of the 128th General Assembly are hereby repealed. 9958

Section 610.20. That Sections 103.90, 105.43.10, 105.45.40, 9959
105.45.70, and 105.49.80 of Sub. H.B. 462 of the 128th General 9960
Assembly be amended to read as follows: 9961

Sec. 103.90. All items set forth in this section are hereby 9962
appropriated out of any moneys in the state treasury to the credit 9963
of the Cultural and Sports Facilities Building Fund (Fund 7030) 9964
that are not otherwise appropriated: 9965

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 9966

C37114	Woodward Opera House Renovation	\$	1,200,000	9967
C37116	Center Exhibit Replacement	\$	415,000	9968
C37122	Akron Art Museum	\$	700,000	9969
C37131	Bramley Historic House	\$	75,000	9970
C37133	Delaware County Cultural Arts Center	\$	140,000	9971
C37137	West Side Arts Consortium	\$	138,000	9972
C37139	Stan Hywet Hall & Gardens	\$	1,050,000	9973
C37141	Spring Hill Historic Home	\$	125,000	9974
C37142	Midland Theatre	\$	300,000	9975
C37143	Lorain Palace Civic Theatre	\$	113,550	9976
C37144	Great Lakes Historical Society	\$	1,175,000	9977
C37153	Historic Sites and Museums	\$	299,725	9978
C37155	Buffington Island State Memorial	\$	33,475	9979
C37163	Harding Home State Memorial	\$	100,000	9980
C37185	McConnellsville Opera House	\$	75,000	9981
C37186	Secrest Auditorium	\$	75,000	9982
C37188	Trumpet in the Land	\$	150,000	9983
C37189	Mid-Ohio Valley Players	\$	80,000	9984
C37190	The Anchorage	\$	50,000	9985
C37193	Galion Historic Big Four Depot Restoration	\$	200,000	9986
C37196	Hancock Historical Society	\$	75,000	9987

C37198	Ft. Piqua Hotel	\$	200,000	9988
C371A1	Lima Historic Athletic Field	\$	100,000	9989
C371A3	Voice of America Museum	\$	500,000	9990
C371A4	Oxford Arts Center ADA Project	\$	174,000	9991
C371A5	Clark County Community Arts Expansion Project	\$	500,000	9992
C371B9	Ariel Theatre	\$	100,000	9993
C371C2	Ensemble Theatre	\$	1,200,000	9994
C371C4	Art Academy of Cincinnati	\$	600,000	9995
C371C7	Music Hall: Over-The-Rhine	\$	2,850,000	9996
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	9997
C371D1	Art Deco Markay Theatre	\$	200,000	9998
C371D4	Broad Street Historical Renovation	\$	300,000	9999
C371D5	Amherst Historical Society	\$	35,000	10000
C371D7	Ohio Theatre - Toledo	\$	100,000	10001
C371E2	Aurora Outdoor Sports Complex	\$	50,000	10002
C371E3	Preble County Historical Society	\$	350,000	10003
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	10004
C371F6	Marietta Colony Theatre	\$	585,000	10005
C371F8	Beavercreek Community Theater	\$	50,000	10006
C371G4	Collections Facility Planning	\$	1,240,000	10007
C371H2	National Underground Railroad Freedom Center	\$	850,000	10008
C371H8	Columbus Museum of Art	\$	2,500,000	10009
C371I3	Horvitz Center for the Arts	\$	750,000	10010
C371J5	The Mandel Center	\$	250,000	10011
C371J9	Stambaugh Hall Improvements	\$	925,000	10012
C371K4	City of Avon Stadium Complex	\$	200,000	10013
C371K8	Maumee Valley Historical Society	\$	150,000	10014
C371L0	First Lunar Flight Project	\$	25,000	10015
C371L5	Moreland Theatre Renovation	\$	100,000	10016
C371M1	The Octagon House	\$	100,000	10017
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	10018

C371M4	Paul Brown Museum	\$	75,000	10019
C371N2	Johnny Appleseed Museum	\$	50,000	10020
C371N5	Little Brown Jug Facility Improvements	\$	50,000	10021
C371N6	Applecreek Historical Society	\$	50,000	10022
C371N7	Wyandot Historic Courthouse	\$	50,000	10023
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	10024
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	10025
C371O4	Morgan County Opera House	\$	25,000	10026
C371O5	Crawford Antique Museum	\$	9,000	10027
C371O6	Monroe City Historical Society Building Repair	\$	5,000	10028
C371O7	Wright Dunbar Historical Facility	\$	250,000	10029
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	10030
C371P8	AB Graham Center	\$	40,000	10031
C371Q2	Ballpark Village Project	\$	2,000,000	10032
C371Q5	Cincinnati Zoo	\$	1,500,000	10033
C371Q6	Cincinnati Art Museum	\$	1,500,000	10034
C371R0	Lincoln Theatre	\$	350,000	10035
C371R4	Eagles Palace Theater	\$	100,052	10036
C371S0	Towpath Trail	\$	500,000	10037
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	10038
C371S2	Arts in Stark Cultural Center	\$	150,000	10039
C371S5	The Fine Arts Association	\$	300,000	10040
C371S9	Portsmouth Mural	\$	250,000	10041
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	10042
C371T6	Baltimore Theatre	\$	50,000	10043
C371T9	Cozad-Bates House Historic Project	\$	100,000	10044
C371U3	Lake Erie Nature & Science Center	\$	200,000	10045
C371U5	Cleveland Zoological Society	\$	150,000	10046
C371U8	Kidron Historical Society - Sonnenberg Village Project	\$	200,000	10047

C371V0	Chesterhill Union Hall Theatre	\$	25,000	10048
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	10049
C371V2	Hallsville Historical Society	\$	100,000	10050
C371V6	Madeira Historical Society/Miller House	\$	60,000	10051
C371W0	Antwerp Railroad Depot Historic Building	\$	106,000	10052
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	10053
C371W3	North Ridgeville Historic Community Theater	\$	175,000	10054
C371W4	Redbrick Center for the Arts	\$	200,000	10055
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	10056
C371W7	BalletTech	\$	200,000	10057
C371W9	Rickenbacker Boyhood Home	\$	139,000	10058
C371X0	Rivers Edge Amphitheater Project	\$	100,000	10059
C371X1	Variety Theater	\$	85,000	10060
C371X3	Salem Community Theater	\$	53,000	10061
C371X5	Belle's Opera House Improvements	\$	50,000	10062
C371X6	Warren Veterans Memorial	\$	50,000	10063
C371X7	Huntington Playhouse	\$	40,000	10064
C371X8	Cambridge Performing Arts Center	\$	37,500	10065
C371X9	Old Harvey Historic School Restoration	\$	25,000	10066
C371Y0	Dalton Community Historical Society	\$	10,000	10067
C371Y1	Mohawk Veterans' Memorial	\$	15,000	10068
C371Y2	Cleveland Museum of Natural History	\$	150,000	10069
C371Y4	New Town Indian Artifact Museum	\$	300,000	10070
C371Y6	Historic League Park Restoration	\$	150,000	10071
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	10072
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	10073
C371Z3	Lorain Lighthouse Restoration	\$	190,000	10074
Total Cultural Facilities Commission		\$	34,290,302	10075
			<u>33,690,302</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	34,290,302	10076

33,690,302

Reappropriations

Sec. 105.43.10. UCN UNIVERSITY OF CINCINNATI			10078
C26500	Basic Renovations	\$ 8,729,960	10079
C26501	Basic Renovations - Clermont	\$ 722,495	10080
C26502	Raymond Walters Renovations	\$ 1,291,364	10081
C26503	Instructional & Data Processing Equipment	\$ 1,887,563	10082
C26504	Infrastructure Assessment	\$ 1,639	10083
C26505	Science and Allied Health Building - Walters	\$ 118,748	10084
C26508	ADA Modifications	\$ 50,376	10085
C26509	ADA Modifications - Clermont	\$ 6,039	10086
C26510	Molecular Components/Simulation Network	\$ 14,154	10087
C26512	Surface Engineering	\$ 9,104	10088
C26516	Rapid Prototype Process	\$ 41,626	10089
C26520	Nano Particles	\$ 1,103	10090
C26521	Transgenic Core Capacity	\$ 1,633	10091
C26522	Thin Film Analysis	\$ 82,952	10092
C26523	Electronic Reconstruction	\$ 1,784	10093
C26525	TC/Dyer Rehabilitation - Phase 1A	\$ 8,532	10094
C26530	Medical Science Building Rehabilitation	\$ 14,412,509	10095
C26537	Van Wormer Administrative Building Rehabilitation	\$ 8,152	10096
C26540	Biomedical Engineering	\$ 17,145	10097
C26541	Student Services	\$ 111,750	10098
C26553	Developmental Neurobiology	\$ 303,750	10099
C26559	Proteomics in the Post Genome Era	\$ 1,024	10100
C26560	Nanoscale Hybrid Materials	\$ 1,980	10101
C26567	GRI Building F240 Renovation	\$ 5,393	10102
C26568	Peters-Jones Building Restroom Upgrade	\$ 1,943	10103
C26571	Gas Turbine Spray Combustion	\$ 150,000	10104
C26572	Bridging the Skills Gap	\$ 6,789	10105

C26586	People Working Cooperatively	\$	100,000	10106
C26591	Clermont Snyder Masonry Restoration	\$	6,909	10107
C26595	Remediation Technology	\$	6,131	10108
C26597	RWC-Flory 100 Level PDI Renovation	\$	49,376	10109
C26601	Elevator Modernization - Blegen/Wherry	\$	170	10110
C26603	RWC Technology Center	\$	1,534,608	10111
C26604	Barrett Cancer Center	\$	1,320,403	10112
C26606	Hebrew Union College	\$	173,603	10113
C26607	Consolidated Communications Project of Clermont County	\$	475,000	10114
C26609	CAS High Voltage	\$	25,127	10115
C26610	Zimmer Rehabilitation	\$	16,241	10116
C26612	Clermont Renovations	\$	751,132	10117
C26613	New Building	\$	1,582,233	10118
C26614	Barrett Cancer Center	\$	1,500,000	10119
C26615	Beech Acres	\$	125,000	10120
C26616	Forest Park Homeland Security Facility	\$	50,000	10121
C26617	Health Care Connection - Lincoln Heights	\$	150,000	10122
C26618	People Working Cooperatively	\$	120,000	10123
C26619	Sharonville Convention Center	\$	14,250	10124
C26620	Society for the Prevention of Cruelty to Animals	\$	100,000	10125
C26622	Medical Science Building Interim Clinical Pathology	\$	128,023	10126
C26623	Medical Science Building East Receiving Elevator	\$	199	10127
C26624	Medical Science Building Floors 4, 5, 6, 7 Renovation	\$	3,856	10128
C26627	Eden Retaining Wall	\$	80,921	10129
C26628	Rieveschl 500 Teaching Lab	\$	5,851,949	10130
C26629	Procter Facade Improvements	\$	341,340	10131
C26630	W/C Site Lighting	\$	48,368	10132
C26631	Clermont Air Handling Unit	\$	4,597	10133

C26632	Crosley Facade Renovation	\$	3,807	10134
C26633	Clermont Educational Services	\$	55	10135
C26634	Kehoe 223-240 Renovation	\$	995,458	10136
C26635	Memorial Hall Walkway Renovation	\$	5,213	10137
C26638	WC Perimeter Access Control Phase 2	\$	64,033	10138
C26640	Crosley/Rieveschl Upgrade Wiring	\$	15,377	10139
C26641	Old Chemistry Facade	\$	454,259	10140
C26642	Nanoscale Lithography System	\$	180,234	10141
<u>C26657</u>	<u>Blue Ash City Conference Center</u>	<u>\$</u>	<u>150,000</u>	10142
Total University of Cincinnati		\$	44,267,379	10143
			<u>44,417,379</u>	

The amount reappropriated for the foregoing appropriation 10144
item C26500, Basic Renovations, is the unencumbered and unallotted 10145
balance as of June 30, 2010, in appropriation item C26500, Basic 10146
Renovations, plus \$7,564.33. 10147

The amount reappropriated for the foregoing appropriation 10148
item C26501, Basic Renovations - Clermont, is the unencumbered and 10149
unallotted balance as of June 30, 2010, in appropriation item 10150
C26501, Basic Renovations - Clermont, plus \$476.00. 10151

The amount reappropriated for the foregoing appropriation 10152
item C26628, Rieveschl 500 Teaching Lab, is the unencumbered and 10153
unallotted balance as of June 30, 2010, in appropriation item 10154
C26628, Rieveschl 500 Teaching Lab, plus \$80,584.50. 10155

Reappropriations

Sec. 105.45.40.	CTC CINCINNATI STATE TECHNICAL AND COMMUNITY			10156
	COLLEGE			10157
C36100	Interior Renovations	\$	2,258	10158
C36101	Basic Renovations	\$	2,360,899	10159
C36102	Health Professions Building Planning	\$	1,468	10160
C36103	Instructional and Data Processing	\$	240,432	10161
	Equipment			

C36107	Classroom Technology Enhancements	\$	17,887	10162
C36109	Brick Repair and Weatherproofing	\$	3,380	10163
C36114	Lot C Parking Lot	\$	250,000	10164
C36115	Ceiling Replacement	\$	75,000	10165
C36116	Electrical Surge Protection	\$	100,000	10166
C36117	Campus Signage	\$	75,000	10167
C36119	Window Replacement	\$	10,875	10168
C36120	Blue Ash City Conference Center	\$	150,000	10169
C36121	Hebrew Union College Archives	\$	185,000	10170
C36122	Mayerson Center	\$	700,000	10171
Total Cincinnati State Community College		\$	4,172,199	10172
			<u>4,022,199</u>	

Reappropriations

Sec. 105.45.70. CCC CUYAHOGA COMMUNITY COLLEGE				10174
C37800	Basic Renovations	\$	4,406,772	10175
C37803	Technology Learning Center - Western	\$	43,096	10176
C37807	Cleveland Art Museum - Improvements	\$	3,100,000	10177
C37812	Building A Expansion Module - Western	\$	124,332	10178
C37816	College-Wide Wayfinding Signage System	\$	145,893	10179
C37817	College-Wide Asset Protection & Building	\$	631,205	10180
C37818	Healthcare Technology Building - Eastern	\$	13,464,866	10181
C37821	Hospitality Management Program	\$	2,452,728	10182
C37822	Theater Renovations	\$	2,243,769	10183
C37824	Rock and Roll Hall of Fame Archive	\$	18,000	10184
C37826	CW Roof Replacement	\$	190,735	10185
C37829	College of Podiatric Medicine	\$	250,000	10186
C37830	Auto Lab Improvements	\$	240	10187
C37831	Visiting Nurse Association	\$	150,000	10188
C37832	Western Reserve Hospice Center	\$	1,500	10189
<u>C37833</u>	<u>Cleveland Zoological Society</u>	<u>\$</u>	<u>150,000</u>	10190
<u>C37834</u>	<u>Museum of Contemporary Art Cleveland</u>	<u>\$</u>	<u>450,000</u>	10191
<u>C37835</u>	<u>Western Reserve Historical Society</u>	<u>\$</u>	<u>2,800,000</u>	10192

Total Cuyahoga Community College	\$	27,223,136	10193
		<u>30,623,136</u>	

<u>On July 1, 2011, or as soon as possible thereafter, the</u>	10194
<u>Director of Budget and Management shall cancel any existing</u>	10195
<u>encumbrances against appropriation item C371A9, Western Reserve</u>	10196
<u>Historical Society, and reestablish them against the foregoing</u>	10197
<u>appropriation item C37835, Western Reserve Historical Society.</u>	10198

Reappropriations

Sec. 105.49.80. STC STARK TECHNICAL COLLEGE		10199	
C38900 Basic Renovations	\$	100,713	10200
C38913 Business Technologies Building	\$	2,034,537	10201
C38914 Corporate and Community Services Facility	\$	500,000	10202
C38915 High Pressure Test System	\$	2,595,121	10203
Total Stark Technical College	\$	5,230,371	10204
TOTAL Higher Education Improvement Fund	\$	681,859,327	10205
		<u>685,259,327</u>	

Section 610.21. That existing Sections 103.90, 105.43.10,	10207
105.45.40, 105.45.70, and 105.49.80 of Sub. H.B. 462 of the 128th	10208
General Assembly are hereby repealed.	10209

Section 701.10. The Auditor of State shall conduct a	10210
performance audit of the Department of Transportation. The	10211
Department shall cooperate fully with the Auditor of State in the	10212
conduct of the performance audit.	10213

Section 733.10. ARRA COMPLIANCE FUND TRANSFERS	10214
The State Fiscal Stabilization Fund requirements under the	10215
American Recovery and Reinvestment Act are that the state maintain	10216
support for elementary and secondary education to at least the	10217
level supported for fiscal year 2006, and that state payments	10218

under the primary funding formula to local education agencies for 10219
fiscal year 2010 and fiscal year 2011 be not less than payments 10220
under the primary funding formula for fiscal year 2009. However, 10221
if payments under the primary funding formula for fiscal year 2010 10222
or fiscal year 2011 are lower than payments under the primary 10223
funding formula for fiscal year 2009, the shortfall in state 10224
payments must be filled with federal stabilization funding so that 10225
it is proportional to the corresponding shortfall in state aid to 10226
public institutions of higher education. 10227

If state payments for elementary and secondary education for 10228
fiscal year 2010 or fiscal year 2011 provided under the primary 10229
funding formula used to meet State Fiscal Stabilization Fund 10230
requirements under the American Recovery and Reinvestment Act are 10231
less than required, as described above, on or before June 1, 2011, 10232
or as soon as possible thereafter, the Superintendent of Public 10233
Instruction shall certify to the Director of Budget and Management 10234
the amount by which funding levels are lower than required as the 10235
"ARRA compliance difference." The Superintendent of Public 10236
Instruction, in consultation with the Director of Budget and 10237
Management, shall identify encumbrances that are no longer needed 10238
for fiscal year 2011 and prior years against General Revenue Fund 10239
appropriations in the Department of Education's budget equal to 10240
the ARRA compliance difference for fiscal year 2010 and fiscal 10241
year 2011. The Director of Budget and Management shall transfer 10242
cash in the amount of the identified encumbered balances no longer 10243
needed in appropriation item 200502, Pupil Transportation, and 10244
appropriation item 200550, Foundation Funding, and up to 10245
\$20,000,000 for each fiscal year of identified encumbered balances 10246
no longer needed in other General Revenue Fund appropriation items 10247
in the Department of Education's budget, from the General Revenue 10248
Fund to the ARRA Compliance Fund (Fund 5JA0). The amount of 10249
transferred encumbered balances from appropriation items other 10250
than 200502 and 200550 shall not total more than \$20,000,000 for 10251

each fiscal year. The Department of Education shall seek 10252
Controlling Board approval if the needed cash transfer into the 10253
ARRA Compliance Fund (Fund 5JA0) exceeds \$25,000,000 for each 10254
fiscal year. The transferred cash shall be used by the Department 10255
of Education to provide additional subsidy, on a per pupil basis, 10256
to city, local, and exempted village school districts, community 10257
schools, and STEM schools. 10258

Section 753.10. (A) The Governor is authorized to execute a 10259
deed in the name of the state conveying to the City of Massillon 10260
(hereinafter the "grantee"), its successors and assigns, all of 10261
the right, title, and interest of the state in the following 10262
described real estate: 10263

Situated in the City of Massillon, County of Stark, State of 10264
Ohio and being part of Massillon City Out Lot 538. Also being part 10265
of a 40.00 acre tract conveyed to State of Ohio Youth Commission. 10266

Beginning at a 1/2-inch iron bar with an H&A cap set at the 10267
southeast corner of said Out Lot 538 and the true place of 10268
beginning; 10269

1. Thence N 60°13'44" W along the north line of a tract now 10270
or formerly owned by Massillon Materials, Inc. (O.R. Vol. 1167, 10271
Pg. 223) a distance of 1411.25 feet to a 1/2-inch iron bar with an 10272
H&A cap set; 10273

2. Thence N 39°37'36" E along the east line a tract of land 10274
now or formerly owned by the City of Massillon (21.46 ac.) a 10275
distance of 34.07 feet to a 1/2-inch iron bar with an H&A cap set; 10276

3. Thence N 48°54'16" E continuing along the east line of 10277
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 10278
to a 1/2-inch iron bar with an H&A cap set; 10279

4. Thence N 56°10'56" E continuing along the east line of 10280
said City of Massillon tract (21.46 ac.) a distance of 101.15 feet 10281

to a 1/2-inch iron bar with an H&A cap set; 10282

5. Thence N 55°38'06" E continuing along the east line of 10283
said City of Massillon tract (21.46 ac.) a distance of 89.92 feet 10284
to a 1/2-inch iron bar with an H&A cap set; 10285

6. Thence N 55°25'36" E continuing along the east line of 10286
said City of Massillon tract (21.46 ac.) a distance of 100.03 feet 10287
to a 1/2-inch iron bar with an H&A cap set; 10288

7. Thence N 54°13'26" E continuing along the east line of 10289
said City of Massillon tract (21.46 ac.) a distance of 100.00 10290
feet to a 1/2-inch iron bar with an H&A cap set; 10291

8. Thence N 44°40'56" E continuing along the east line of 10292
said City of Massillon tract (21.46 ac.) a distance of 101.37 feet 10293
to a 1/2-inch iron bar with an H&A cap set; 10294

9. Thence S 06°28'18" E along a new division line a distance 10295
of 469.59 feet to a 1/2-inch iron bar with an H&A cap set; 10296

10. Thence S 60°13'44" E continuing along a new division line 10297
a distance of 700.00 feet to a 1/2-inch iron bar with an H&A cap 10298
set; 10299

11. Thence N 74°46'16" E continuing along a new division line 10300
a distance of 282.84 feet to a 1/2-inch iron bar with an H&A cap 10301
set; 10302

12. Thence S 29°46'16" W along the west line of said 10303
Massillon Materials, Inc. tract (O.R. Vol. 1167, Pg. 223) a 10304
distance of 400.00 feet to a 1/2-inch iron bar with an H&A cap set 10305
and the true place of beginning. 10306

The above described tract contains 8.622 acres of which no 10307
acres lie within the public right-of-way as surveyed under the 10308
supervision of Gary L. Toussant, P.S. #6332 of Hammontree and 10309
Associates, Limited, Engineers, Planners and Surveyors of North 10310
Canton, Ohio on November 2, 2006. 10311

The basis of bearings is the Ohio State Plane Coordinate System, North Zone, NAD83 from the City of Massillon Control Survey. 10312
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In preparing the deed, the Auditor of State, with the assistance of the Attorney General, may modify the foregoing description insofar as necessary to bring it into conformity with the actual bounds of the real estate being described. 10315
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(B) Consideration for the conveyance of the real estate is fifteen thousand dollars, to be paid to the state at closing, as derived by mutual agreement reached between the state and the grantee through an executed Offer to Purchase (hereinafter the "Offer to Purchase"). 10319
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(C) The grantee, following the conveyance of the real estate, and in accordance with the terms of the Offer to Purchase, shall do all of the following: 10324
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(1) Construct and maintain, at the grantee's sole expense, a detention basin on the real estate; 10327
10328

(2) Permit the state to discharge water into the detention basin; and 10329
10330

(3) Maintain or relocate the state's existing storm sewer connections. 10331
10332

(D) The real estate shall be sold as an entire tract and not in parcels. 10333
10334

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions, and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The 10335
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grantee shall present the deed for recording in the Office of the Stark County Recorder. 10342
10343

(F) The grantee shall pay the costs of the conveyance of the real estate, including recordation costs of the deed. 10344
10345

(G) This section expires one year after its effective date. 10346

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. 10347
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(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. 10354
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(C) Consideration for conveyance of the real estate shall be agreed upon between the Superintendent of the State Highway Patrol and the grantee. 10358
10359
10360

(D) The deed may contain any condition or restriction that the Governor determines is reasonably necessary to protect the state's interests. 10361
10362
10363

(E) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including recordation costs of the deed. 10364
10365
10366

(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, 10367
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sealed with the Great Seal of the State, presented in the Office 10372
of the Auditor of State for recording, and delivered to the 10373
grantee. The grantee shall present the deed for recording in the 10374
Office of the Fairfield County Recorder. 10375

(G) The proceeds of the conveyance of the real estate shall 10376
be deposited into the state treasury to the credit of the State 10377
Highway Safety Fund. 10378

(H) This section expires one year after its effective date. 10379

Section 753.30. (A) The Governor is authorized to execute a 10380
deed in the name of Kent State University conveying to Delta 10381
Upsilon KSU Alumni Chapter, Inc., its successors and assigns all 10382
of the university's right, title, and interest in the following 10383
described real estate: 10384

Known as being part of Franklin Township Lot 14 and further 10385
described as follows: Starting at an angle point in the original 10386
centerline of Summit Street, C.H.148, N. 54 deg. 30' W., 1325.96 10387
feet as measured along said centerline from the southeast corner 10388
of Lot 14; thence N. 49 deg. 29' 20" W., 299.67 feet to a point in 10389
said original centerline and the Grantor's northwest corner; 10390
thence S. 26 deg. 14' 40" W., 190.68 feet along the westerly line 10391
of a private drive to an iron pipe at an angle point and the true 10392
place of beginning; thence S. 7 deg. 24' 10" E., 52.71 feet to an 10393
iron pipe at an angle point in said westerly line; thence S. 19 10394
deg. 48' 50" E., 366.40 feet along said westerly line to an iron 10395
pipe; thence N. 65 deg. 17' 30" W., 293.12 feet to an iron pipe in 10396
the Grantor's west line; thence N. 26 deg. 14' 40" E., 306.00 feet 10397
along said west line to the beginning; and containing 0.981 acres 10398
of land, be the same more or less, but subject to all legal 10399
highways, as surveyed by R.E. Stockman, Reg. Sur. No. 5134. 10400

Subject to an easement 5 feet wide along the easterly line of 10401
the above described parcel for utilities (East Ohio Gas Company), 10402

and an easement 15 feet wide along the westerly line of said 10403
parcel from the south line of said parcel to a point about 60 feet 10404
south of the northwest corner; thence widening easterly by line 10405
placed at right angles to the east line of said parcel to the east 10406
line of said parcel, together with the right to use said private 10407
driveway. As surveyed by Stockman and Associates May 5, 1967. With 10408
a street address of 1061 Fraternity Circle, Kent, Ohio 44240. 10409

Together with all such rights to which the ownership of the 10410
premises are entitled to the use in common with others of all 10411
private streets and roadways for ingress and egress to and from 10412
Summit Street, Kent, or other public street with which said 10413
streets and roadways may now or hereafter connect. 10414

The above premises are to be conveyed subject to all 10415
covenants, restrictions, and conditions in Deed Volume 812, Page 10416
503, Portage County Records of Deeds, to the same extent as if 10417
fully rewritten herein and except as modified in accordance with 10418
the terms thereof. 10419

(B) Consideration for conveyance of the real estate shall be 10420
determined by Kent State University and Delta Upsilon KSU Alumni 10421
Chapter, Inc. 10422

(C) Delta Upsilon KSU Alumni Chapter, Inc., shall pay the 10423
costs of the conveyance. 10424

(D) The Auditor of State, with the assistance of the Attorney 10425
General, shall prepare a deed to the real estate. The deed shall 10426
state the consideration and the conditions. The deed shall be 10427
executed by the Governor in the name of the state, countersigned 10428
by the Secretary of State, sealed with the Great Seal of the 10429
State, presented in the Office of the Auditor of State for 10430
recording, and delivered to Delta Upsilon KSU Alumni Chapter, 10431
Inc., 83 Hawthorne Avenue, Akron, Ohio 44303. Delta Upsilon KSU 10432
Alumni Chapter, Inc., shall present the deed for recording in the 10433

Office of the Portage County Recorder. 10434

(E) This section expires three years after its effective 10435
date. 10436

Section 755.30. Notwithstanding Chapter 5735. of the Revised 10437
Code, the following shall apply for the period of July 1, 2011, 10438
through June 30, 2013: 10439

(A) For the discount under section 5735.06 of the Revised 10440
Code, if the monthly report is timely filed and the tax is timely 10441
paid, one per cent of the total number of gallons of motor fuel 10442
received by the motor fuel dealer within the state during the 10443
preceding calendar month, less the total number of gallons 10444
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10445
the Revised Code, less one-half of one per cent of the total 10446
number of gallons of motor fuel that were sold to a retail dealer 10447
during the preceding calendar month. 10448

(B) For the semiannual periods ending December 31, 2011, June 10449
30, 2012, December 31, 2012, and June 30, 2013, the refund 10450
provided to retail dealers under section 5735.141 of the Revised 10451
Code shall be one-half of one per cent of the Ohio motor fuel 10452
taxes paid on fuel purchased during those semiannual periods. 10453

Section 755.40. On July 1, 2011, and on the first day of the 10454
month for each month thereafter, the Treasurer of State, before 10455
making any of the distributions specified in sections 5735.23, 10456
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 10457
the first two per cent of the amount of motor fuel tax received 10458
for the preceding calendar month to the credit of the Highway 10459
Operating Fund (Fund 7002). 10460

Upon the written request of the Director of Public Safety, 10461
the Director of Budget and Management may make periodic transfers 10462
of cash totaling \$16,200,000 in each fiscal year from the Highway 10463

Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 10464
7036). 10465

Section 755.50. To the extent permitted by federal law, 10466
federal money received by the state for fiscal stabilization and 10467
recovery purposes shall be used in accordance with the preferences 10468
for products and services made or performed in the United States 10469
and Ohio established in section 125.09 of the Revised Code. 10470

Section 755.60. No state or federal funds may be encumbered, 10471
transferred, or spent pursuant to this or any other appropriations 10472
act for the Cincinnati Streetcar Project. 10473

Section 757.10. The amendment by this act of section 5751.01 10474
of the Revised Code is intended to clarify the law as it existed 10475
prior to the enactment of this act and shall be construed 10476
accordingly. The amendment shall apply to all tax periods 10477
beginning on or after July 1, 2005. 10478

Section 757.20. As used in this section, "qualified property" 10479
means real property that is owned by the state and satisfies the 10480
qualifications for tax exemption under section 5709.08 of the 10481
Revised Code. 10482

Notwithstanding section 5713.081 of the Revised Code, when 10483
qualified property has not received tax exemption due to a failure 10484
to comply with Chapter 5713. or section 5715.27 of the Revised 10485
Code, the owner of the property, at any time on or before twelve 10486
months after the effective date of this section, may file with the 10487
Tax Commissioner an application requesting that the property be 10488
placed on the tax-exempt list and that all unpaid taxes, 10489
penalties, and interest on the property be abated. 10490

The application shall be made on the form prescribed by the 10491
Tax Commissioner under section 5715.27 of the Revised Code and 10492

shall list the name of the county in which the property is 10493
located; the property's legal description; its taxable value; the 10494
amount in dollars of the unpaid taxes, penalties, and interest; 10495
the date of acquisition of title to the property; the use of the 10496
property during any time that the unpaid taxes accrued; and any 10497
other information required by the Tax Commissioner. The county 10498
auditor shall supply the required information upon request of the 10499
applicant. 10500

Upon request of the applicant, the county treasurer shall 10501
determine if all taxes, penalties, and interest that became a lien 10502
on the qualified property before it first was used for an exempt 10503
purpose and all special assessments charged against the property 10504
have been paid in full. If so, the county treasurer shall issue a 10505
certificate to the applicant stating that all such taxes, 10506
penalties, interest, and assessments have been paid in full. Prior 10507
to filing the application with the Tax Commissioner, the applicant 10508
shall attach the county treasurer's certificate to it. The Tax 10509
Commissioner shall not consider an application filed under this 10510
section unless such a certificate is attached to it. 10511

Upon receipt of the application and after consideration of 10512
it, the Tax Commissioner shall determine if the applicant meets 10513
the qualifications set forth in this section, and if so shall 10514
issue an order directing that the property be placed on the 10515
tax-exempt list of the county and that all unpaid taxes, 10516
penalties, and interest for every year the property met the 10517
qualifications for exemption described in section 5709.08 of the 10518
Revised Code be abated. If the Tax Commissioner finds that the 10519
property is not now being so used or is being used for a purpose 10520
that would foreclose its right to tax exemption, the Tax 10521
Commissioner shall issue an order denying the application. 10522

If the Tax Commissioner finds that the property is not 10523
entitled to tax exemption and to the abatement of unpaid taxes, 10524

penalties, and interest for any of the years for which the current 10525
or prior owner claims an exemption or abatement, the Tax 10526
Commissioner shall order the county treasurer of the county in 10527
which the property is located to collect all taxes, penalties, and 10528
interest due on the property for those years in accordance with 10529
law. 10530

The Tax Commissioner may apply this section to any qualified 10531
property that is the subject of an application for exemption 10532
pending before the Tax Commissioner on the effective date of this 10533
section, without requiring the property owner to file an 10534
additional application. The Tax Commissioner also may apply this 10535
section to any qualified property that is the subject of an 10536
application for exemption filed on or after the effective date of 10537
this section and on or before twelve months after that effective 10538
date, even though the application does not expressly request 10539
abatement of unpaid taxes, penalties, and interest. 10540

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 10541
APPROPRIATIONS 10542

Law contained in the main operating appropriations act of the 10543
129th General Assembly that is generally applicable to the 10544
appropriations made in the main operating appropriations act also 10545
is generally applicable to the appropriations made in this act. 10546

Section 801.20. As used in the uncodified law of this act, 10547
"American Recovery and Reinvestment Act of 2009" means the 10548
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 10549
111-5, 123 Stat. 115. 10550

Section 806.10. The items of law contained in this act, and 10551
their applications, are severable. If any item of law contained in 10552
this act, or if any application of any item of law contained in 10553
this act, is held invalid, the invalidity does not affect other 10554

items of law contained in this act and their applications that can 10555
be given effect without the invalid item or application. 10556

Section 812.10. Except as otherwise provided in this act, the 10557
amendment, enactment, or repeal by this act of a section of law is 10558
subject to the referendum under Ohio Constitution, Article II, 10559
Section 1c and therefore takes effect on the ninety-first day 10560
after this act is filed with the Secretary of State or, if a later 10561
effective date is specified below, on that date. 10562

Section 812.20. In this section, an "appropriation" includes 10563
another provision of law in this act that relates to the subject 10564
of the appropriation. 10565

An appropriation of money made in this act is not subject to 10566
the referendum insofar as a contemplated expenditure authorized 10567
thereby is wholly to meet a current expense within the meaning of 10568
Ohio Constitution, Article II, Section 1d and section 1.471 of the 10569
Revised Code. To that extent, the appropriation takes effect 10570
immediately when this act becomes law. Conversely, the 10571
appropriation is subject to the referendum insofar as a 10572
contemplated expenditure authorized thereby is wholly or partly 10573
not to meet a current expense within the meaning of Ohio 10574
Constitution, Article II, Section 1d and section 1.471 of the 10575
Revised Code. To that extent, the appropriation takes effect on 10576
the ninety-first day after this act is filed with the Secretary of 10577
State. 10578

Section 812.30. Section 733.10 of this act is exempt from the 10579
referendum under Ohio Constitution, Article II, Section 1d and 10580
section 1.471 of the Revised Code and therefore takes effect 10581
immediately when this act becomes law. 10582

Section 815.10. Section 4511.191 of the Revised Code is 10583

presented in this act as a composite of the section as amended by	10584
both Am. Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General	10585
Assembly. The General Assembly, applying the principle stated in	10586
division (B) of section 1.52 of the Revised Code that amendments	10587
are to be harmonized if reasonably capable of simultaneous	10588
operation, finds that the composite is the resulting version of	10589
the section in effect prior to the effective date of the section	10590
as presented in this act.	10591