

As Passed by the House

**130th General Assembly
Regular Session
2013-2014**

Sub. H. B. No. 35

Representative McGregor

**Cosponsors: Representatives Amstutz, Baker, Beck, Buchy, Damschroder,
Grossman, Hackett, Hill, Huffman, McClain, Sears, Sprague, Stebelton,
Wachtmann, Young Speaker Speaker Batchelder**

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A B I L L

To amend sections 9.33, 126.06, 127.14, 153.01,	1
153.65, 164.05, 307.05, 307.051, 307.055, 505.37,	2
505.375, 505.44, 505.72, 718.01, 3705.242,	3
3791.12, 3791.13, 3791.99, 4501.03, 4501.04,	4
4501.041, 4501.042, 4501.043, 4501.06, 4503.04,	5
4503.042, 4503.07, 4503.42, 4503.45, 4503.49,	6
4504.19, 4504.21, 4506.08, 4506.09, 4507.011,	7
4507.05, 4507.23, 4511.13, 4513.263, 4513.34,	8
4513.53, 4513.66, 4517.021, 4561.21, 4743.05,	9
4765.02, 4765.03, 4765.04, 4765.05, 4765.06,	10
4765.07, 4765.08, 4765.09, 4765.10, 4765.101,	11
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4766.13, 4766.15, 4766.22, 5501.03, 5501.51,	20
5501.73, 5501.77, 5502.01, 5503.01, 5503.03,	21

5503.04, 5515.01, 5517.02, 5525.01, 5525.16, 22
5577.04, 5577.05, 5739.02, 5747.01, 5751.01, 23
5751.02, 5751.051, and 5751.20; to enact sections 24
4501.031, 4765.59, 5517.021, and 5553.051; and to 25
repeal sections 126.60, 126.601, 126.602, 126.603, 26
126.604, 126.605, 3791.11, 4766.02, 4766.20, 27
4981.36, and 4981.361 of the Revised Code; to 28
amend Section 10 of Am. Sub. H.B. 386 of the 129th 29
General Assembly; and to amend Sections 203.80 and 30
203.83 of Sub. H.B. 482 of the 129th General 31
Assembly; to amend the versions of sections 32
4503.04 and 4507.05 of the Revised Code that are 33
scheduled to take effect January 1, 2017, to 34
continue the amendments by this act on and after 35
that effective date; to make appropriations for 36
programs related to transportation and public 37
safety for the biennium beginning July 1, 2013, 38
and ending June 30, 2015, and to provide 39
authorization and conditions for the operation of 40
those programs. 41

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

Section 101.01. That sections 9.33, 126.06, 127.14, 153.01, 42
153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 43
505.72, 718.01, 3705.242, 3791.12, 3791.13, 3791.99, 4501.03, 44
4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.04, 4503.042, 45
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4506.09, 4507.011, 4507.05, 4507.23, 4511.13, 4513.263, 4513.34, 47
4513.53, 4513.66, 4517.021, 4561.21, 4743.05, 4765.02, 4765.03, 48
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4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 50
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4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 53
4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 54
4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 55
4766.13, 4766.15, 4766.22, 5501.03, 5501.51, 5501.73, 5501.77, 56
5502.01, 5503.01, 5503.03, 5503.04, 5515.01, 5517.02, 5525.01, 57
5525.16, 5577.04, 5577.05, 5739.02, 5747.01, 5751.01, 5751.02, 58
5751.051, and 5751.20 be amended, and sections 4501.031, 4765.59, 59
5517.021, and 5553.051 of the Revised Code be enacted to read as 60
follows: 61

Sec. 9.33. As used in sections 9.33 to 9.335 of the Revised 62
Code: 63

(A) "Construction manager" means a person with substantial 64
discretion and authority to plan, coordinate, manage, and direct 65
all phases of a project for the construction, demolition, 66
alteration, repair, or reconstruction of any public building, 67
structure, or other improvement, but does not mean the person who 68
provides the professional design services or who actually performs 69
the construction, demolition, alteration, repair, or 70
reconstruction work on the project. 71

(B)(1) "Construction manager at risk" means a person with 72
substantial discretion and authority to plan, coordinate, manage, 73
direct, and construct all phases of a project for the 74
construction, demolition, alteration, repair, or reconstruction of 75
any public building, structure, or other improvement and who 76
provides the public authority a guaranteed maximum price as 77
determined in section 9.334 of the Revised Code. 78

(2) As used in division (B)(1) of this section: 79

(a) "Construct" includes performing, or subcontracting for 80
performing, construction, demolition, alteration, repair, or 81

reconstruction.	82
(b) "Manage" includes approving bidders and awarding	83
subcontracts for furnishing materials regarding, or for	84
performing, construction, demolition, alteration, repair, or	85
reconstruction.	86
(C) "Construction management contract" means a contract	87
between a public authority and another person obligating the	88
person to provide construction management services.	89
(D) "Construction management services" or "management	90
services" means the range of services that either a construction	91
manager or a construction manager at risk may provide.	92
(E) "Qualified" means having the following qualifications:	93
(1) Competence to perform the required management services as	94
indicated by the technical training, education, and experience of	95
the construction manager's or construction manager at risk's	96
personnel, especially the technical training, education, and	97
experience of the construction manager's or construction manager	98
at risk's employees who would be assigned to perform the services;	99
(2) Ability in terms of workload and the availability of	100
qualified personnel, equipment, and facilities to perform the	101
required management services competently and expeditiously;	102
(3) Past performance as reflected by the evaluations of	103
previous clients with respect to factors such as control of costs,	104
quality of work, and meeting of deadlines;	105
(4) Financial responsibility as evidenced by the capability	106
to provide a letter of credit pursuant to Chapter 1305. of the	107
Revised Code, a surety bond, certified check, or cashier's check	108
in an amount equal to the value of the construction management	109
contract, or by other means acceptable to the public authority;	110
(5) Other similar factors.	111

(F)(1) "Public authority" means the state, any state 112
institution of higher education as defined in section 3345.011 of 113
the Revised Code, any county, township, municipal corporation, 114
school district, or other political subdivision, or any public 115
agency, authority, board, commission, instrumentality, or special 116
purpose district of the state or of a political subdivision. 117

(2) "Public authority" does not include the Ohio turnpike 118
commission or the department of transportation. 119

(G) "Open book pricing method" means a method in which a 120
construction manager at risk provides the public authority, at the 121
public authority's request, all books, records, documents, and 122
other data in its possession pertaining to the bidding, pricing, 123
or performance of a construction management contract awarded to 124
the construction manager at risk. 125

Sec. 126.06. The total operating fund consists of all funds 126
in the state treasury except the auto registration distribution 127
fund, local motor vehicle license tax fund, development bond 128
retirement fund, facilities establishment fund, gasoline excise 129
tax fund, higher education improvement fund, highway improvement 130
bond retirement fund, highway obligations bond retirement fund, 131
highway capital improvement fund, improvements bond retirement 132
fund, mental health facilities improvement fund, parks and 133
recreation improvement fund, public improvements bond retirement 134
fund, school district income tax fund, state agency facilities 135
improvement fund, state and local government highway distribution 136
fund, state highway safety fund, Vietnam conflict compensation 137
fund, any other fund determined by the director of budget and 138
management to be a bond fund or bond retirement fund, and such 139
portion of the highway operating fund as is determined by the 140
director of budget and management and the director of 141
transportation to be restricted by Section 5a of Article XII, Ohio 142

Constitution. 143

When determining the availability of money in the total 144
operating fund to pay claims chargeable to a fund contained within 145
the total operating fund, the director of budget and management 146
shall use the same procedures and criteria the director employs in 147
determining the availability of money in a fund contained within 148
the total operating fund. The director may establish limits on the 149
negative cash balance of the general revenue fund within the total 150
operating fund, but in no case shall the negative cash balance of 151
the general revenue fund exceed ten per cent of the total revenue 152
of the general revenue fund in the preceding fiscal year. 153

Sec. 127.14. The controlling board may, at the request of any 154
state agency or the director of budget and management, authorize, 155
with respect to the provisions of any appropriation act: 156
157

(A) Transfers of all or part of an appropriation within but 158
not between state agencies, except such transfers as the director 159
of budget and management is authorized by law to make, provided 160
that no transfer shall be made by the director for the purpose of 161
effecting new or changed levels of program service not authorized 162
by the general assembly; 163

(B) Transfers of all or part of an appropriation from one 164
fiscal year to another; 165

(C) Transfers of all or part of an appropriation within or 166
between state agencies made necessary by administrative 167
reorganization or by the abolition of an agency or part of an 168
agency; 169

(D) Transfers of all or part of cash balances in excess of 170
needs from any fund of the state to the general revenue fund or to 171
such other fund of the state to which the money would have been 172

credited in the absence of the fund from which the transfers are	173
authorized to be made, except that the controlling board may not	174
authorize such transfers from the accrued leave liability fund,	175
auto registration distribution fund, <u>local motor vehicle license</u>	176
<u>tax fund</u> , budget stabilization fund, development bond retirement	177
fund, facilities establishment fund, gasoline excise tax fund,	178
general revenue fund, higher education improvement fund, highway	179
improvement bond retirement fund, highway obligations bond	180
retirement fund, highway capital improvement fund, highway	181
operating fund, horse racing tax fund, improvements bond	182
retirement fund, public library fund, liquor control fund, local	183
government fund, local transportation improvement program fund,	184
mental health facilities improvement fund, Ohio fairs fund, parks	185
and recreation improvement fund, public improvements bond	186
retirement fund, school district income tax fund, state agency	187
facilities improvement fund, state and local government highway	188
distribution fund, state highway safety fund, state lottery fund,	189
undivided liquor permit fund, Vietnam conflict compensation bond	190
retirement fund, volunteer fire fighters' dependents fund,	191
waterways safety fund, wildlife fund, workers' compensation fund,	192
or any fund not specified in this division that the director of	193
budget and management determines to be a bond fund or bond	194
retirement fund;	195
(E) Transfers of all or part of those appropriations included	196
in the emergency purposes account of the controlling board;	197
(F) Temporary transfers of all or part of an appropriation or	198
other moneys into and between existing funds, or new funds, as may	199
be established by law when needed for capital outlays for which	200
notes or bonds will be issued;	201
(G) Transfer or release of all or part of an appropriation to	202
a state agency requiring controlling board approval of such	203
transfer or release as provided by law;	204

(H) Temporary transfer of funds included in the emergency 205
purposes appropriation of the controlling board. Such temporary 206
transfers may be made subject to conditions specified by the 207
controlling board at the time temporary transfers are authorized. 208
No transfers shall be made under this division for the purpose of 209
effecting new or changed levels of program service not authorized 210
by the general assembly. 211

As used in this section, "request" means an application by a 212
state agency or the director of budget and management seeking some 213
action by the controlling board. 214

When authorizing the transfer of all or part of an 215
appropriation under this section, the controlling board may 216
authorize the transfer to an existing appropriation item and the 217
creation of and transfer to a new appropriation item. 218

Whenever there is a transfer of all or part of funds included 219
in the emergency purposes appropriation by the controlling board, 220
pursuant to division (E) of this section, the state agency or the 221
director of budget and management receiving such transfer shall 222
keep a detailed record of the use of the transferred funds. At the 223
earliest scheduled meeting of the controlling board following the 224
accomplishment of the purposes specified in the request originally 225
seeking the transfer, or following the total expenditure of the 226
transferred funds for the specified purposes, the state agency or 227
the director of budget and management shall submit a report on the 228
expenditure of such funds to the board. The portion of any 229
appropriation so transferred which is not required to accomplish 230
the purposes designated in the original request to the controlling 231
board shall be returned to the proper appropriation of the 232
controlling board at this time. 233

Notwithstanding any provisions of law providing for the 234
deposit of revenues received by a state agency to the credit of a 235
particular fund in the state treasury, whenever there is a 236

temporary transfer of funds included in the emergency purposes 237
appropriation of the controlling board pursuant to division (H) of 238
this section, revenues received by any state agency receiving such 239
a temporary transfer of funds shall, as directed by the 240
controlling board, be transferred back to the emergency purposes 241
appropriation. 242

The board may delegate to the director of budget and 243
management authority to approve transfers among items of 244
appropriation under division (A) of this section. 245

Sec. 153.01. (A) Whenever any building or structure for the 246
use of the state or any institution supported in whole or in part 247
by the state or in or upon the public works of the state that is 248
administered by the Ohio facilities construction commission or by 249
any other state officer or state agency authorized by law to 250
administer a project, including an educational institution listed 251
in section 3345.50 of the Revised Code, is to be erected or 252
constructed, whenever additions, alterations, or structural or 253
other improvements are to be made, or whenever heating, cooling, 254
or ventilating plants or other equipment is to be installed or 255
material supplied therefor, the estimated cost of which amounts to 256
two hundred thousand dollars or more, or the amount determined 257
pursuant to section 153.53 of the Revised Code or more, each 258
officer, board, or other authority upon which devolves the duty of 259
constructing, erecting, altering, or installing the same, referred 260
to in sections 153.01 to 153.60 of the Revised Code as the public 261
authority, shall cause to be made, by an architect or engineer 262
whose contract of employment shall be prepared and approved by the 263
attorney general, the following: 264

(1) Full and accurate plans, suitable for the use of 265
mechanics and other builders in the construction, improvement, 266
addition, alteration, or installation; 267

(2) Details to scale and full-sized, so drawn and represented as to be easily understood;	268 269
(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;	270 271 272 273
(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;	274 275
(5) A life-cycle cost analysis;	276
(6) Further data as may be required by the Ohio facilities construction commission.	277 278
(B)(1) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.	279 280 281 282 283 284
<u>(2) Nothing in this chapter shall interfere with the power of the director of transportation to prepare plans for, acquire rights-of-way for, construct, or maintain transportation facilities, or to let contracts for those purposes.</u>	285 286 287 288
Sec. 153.65. As used in sections 153.65 to 153.73 of the Revised Code:	289 290
(A)(1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.	291 292 293 294 295 296
(2) "Public authority" does not include the Ohio turnpike	297

commission <u>or the department of transportation.</u>	298
(B) "Professional design firm" means any person legally engaged in rendering professional design services.	299 300
(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.	301 302 303 304 305
(D) "Qualifications" means all of the following:	306
(1)(a) For a professional design firm, competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;	307 308 309 310 311 312
(b) For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.	313 314 315 316 317 318 319
(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;	320 321 322 323
(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;	324 325 326
(4) Any other relevant factors as determined by the public	327

authority;	328
(5) With respect to a design-build firm, compliance with	329
sections 4703.182, 4703.332, and 4733.16 of the Revised Code,	330
including the use of a licensed design professional for all design	331
services.	332
(E) "Design-build contract" means a contract between a public	333
authority and another person that obligates the person to provide	334
design-build services.	335
(F) "Design-build firm" means a person capable of providing	336
design-build services.	337
(G) "Design-build services" means services that form an	338
integrated delivery system for which a person is responsible to a	339
public authority for both the design and construction, demolition,	340
alteration, repair, or reconstruction of a public improvement.	341
(H) "Architect or engineer of record" means the architect or	342
engineer that serves as the final signatory on the plans and	343
specifications for the design-build project.	344
(I) "Criteria architect or engineer" means the architect or	345
engineer retained by a public authority to prepare conceptual	346
plans and specifications, to assist the public authority in	347
connection with the establishment of the design criteria for a	348
design-build project, and, if requested by the public authority,	349
to serve as the representative of the public authority and	350
provide, during the design-build project, other design and	351
construction administration services on behalf of the public	352
authority, including but not limited to, confirming that the	353
design prepared by the design-build firm reflects the original	354
design intent established in the design criteria package.	355
(J) "Open book pricing method" means a method in which a	356
design-build firm provides the public authority, at the public	357
authority's request, all books, records, documents, contracts,	358

subcontracts, purchase orders, and other data in its possession 359
pertaining to the bidding, pricing, or performance of a contract 360
for design-build services awarded to the design-build firm. 361

Sec. 164.05. (A) The director of the Ohio public works 362
commission shall do all of the following: 363

(1) Approve requests for financial assistance from district 364
public works integrating committees and enter into agreements with 365
one or more local subdivisions to provide loans, grants, and local 366
debt support and credit enhancements for a capital improvement 367
project if the director determines that: 368

(a) The project is an eligible project pursuant to this 369
chapter; 370

(b) The financial assistance for the project has been 371
properly approved and requested by the district committee of the 372
district which includes the recipient of the loan or grant; 373

(c) The amount of the financial assistance, when added to all 374
other financial assistance provided during the fiscal year for 375
projects within the district, does not exceed that district's 376
allocation of money from the state capital improvements fund for 377
that fiscal year; 378

(d) The district committee has provided such documentation 379
and other evidence as the director may require that the district 380
committee has satisfied the requirements of section 164.06 or 381
164.14 of the Revised Code; 382

(e) The portion of a district's annual allocation which the 383
director approves in the form of loans and local debt support and 384
credit enhancements for eligible projects is consistent with 385
divisions (E) and (F) of this section. 386

(2) Authorize payments to local subdivisions or their 387
contractors for costs incurred for capital improvement projects 388

which have been approved pursuant to this chapter. All requests 389
for payments shall be submitted to the director on forms and in 390
accordance with procedures specified in rules adopted by the 391
director pursuant to division (A)(4) of this section. 392

(3) Retain the services of or employ financial consultants, 393
engineers, accountants, attorneys, and such other employees as the 394
director determines are necessary to carry out the director's 395
duties under this chapter and fix the compensation for their 396
services. From among these employees, the director shall appoint 397
a deputy with the necessary qualifications to act as the director 398
when the director is absent or temporarily unable to carry out the 399
duties of office. 400

(4) Adopt rules establishing the procedures for making 401
applications, reviewing, approving, and rejecting projects for 402
which assistance is authorized under this chapter, and any other 403
rules needed to implement the provisions of this chapter. Such 404
rules shall be adopted under Chapter 119. of the Revised Code. 405

(5) Provide information and other assistance to local 406
subdivisions and district public works integrating committees in 407
developing their requests for financial assistance for capital 408
improvements under this chapter and encourage cooperation and 409
coordination of requests and the development of multisubdivision 410
and multidistrict projects in order to maximize the benefits that 411
may be derived by districts from each year's allocation; 412

(6) Require local subdivisions, to the extent practicable, to 413
use Ohio products, materials, services, and labor in connection 414
with any capital improvement project financed in whole or in part 415
under this chapter; 416

(7) Notify the director of budget and management of all 417
approved projects, and supply all information necessary to track 418
approved projects through the state accounting system; 419

(8) Appoint the administrator of the Ohio small government capital improvements commission;	420 421
(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;	422 423
(10) Develop a standardized methodology for evaluating capital improvement needs which will be used by local subdivisions in preparing the plans required by division (C) of section 164.06 of the Revised Code. The director shall develop this methodology not later than July 1, 1991.	424 425 426 427 428
(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.	429 430 431 432 433
(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.	434 435 436 437 438 439
(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer	440 441 442 443 444 445 446 447 448 449 450

shall, at the direction of the director, pay the amount of such 451
reductions to the state capital improvements revolving loan fund. 452
The director may renegotiate a loan repayment schedule with a 453
local subdivision whose payments from the county undivided local 454
government fund could be reduced pursuant to this division, but 455
such a renegotiation may occur only one time with respect to any 456
particular loan agreement. 457

(D) Grants approved for the repair and replacement of 458
existing infrastructure pursuant to this chapter shall not exceed 459
ninety per cent of the estimated total cost of the capital 460
improvement project. Grants approved for new or expanded 461
infrastructure shall not exceed fifty per cent of the estimated 462
cost of the new or expansion elements of the capital improvement 463
project. A local subdivision share of the estimated cost of a 464
capital improvement may consist of any of the following: 465

(1) The reasonable value, as determined by the director or 466
the administrator, of labor, materials, and equipment that will be 467
contributed by the local subdivision in performing the capital 468
improvement project; 469

(2) Moneys received by the local subdivision in any form from 470
an authority, commission, or agency of the United States for use 471
in performing the capital improvement project; 472

(3) Loans made to the local subdivision under this chapter; 473

(4) Engineering costs incurred by the local subdivision in 474
performing engineering activities related to the project. 475

A local subdivision share of the cost of a capital 476
improvement shall not include any amounts awarded to it from the 477
local transportation improvement program fund created in section 478
164.14 of the Revised Code. 479

(E) The following portion of a district public works 480
integrating committee's annual allocation share pursuant to 481

section 164.08 of the Revised Code may be awarded to subdivisions 482
only in the form of interest-free, low-interest, market rate of 483
interest, or blended-rate loans: 484

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	487
Year 2	0%	488
Year 3	10%	489
Year 4	12%	490
Year 5	15%	491
Year 6	20%	492
Year 7, 8, 9, and 10	22%	493

(F) The following portion of a district public works 494
integrating committee's annual allocation pursuant to section 495
164.08 of the Revised Code shall be awarded to subdivisions in the 496
form of local debt supported and credit enhancements: 497

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	501
Year 2	0%	502
Year 3	3%	503
Year 4	5%	504
Year 5	5%	505
Year 6	7%	506
Year 7	7%	507
Year 8	8%	508
Year 9	8%	509
Year 10	8%	510

(G) For the period commencing on March 29, 1988, and ending 511
on June 30, 1993, for the period commencing July 1, 1993, and 512
ending June 30, 1999, and for each five-year period thereafter, 513

the total amount of financial assistance awarded under sections 514
 164.01 to 164.08 of the Revised Code for capital improvement 515
 projects located wholly or partially within a county shall be 516
 equal to at least thirty per cent of the amount of what the county 517
 would have been allocated from the obligations authorized to be 518
 sold under this chapter during each period, if such amounts had 519
 been allocable to each county on a per capita basis. 520

(H) The amount of the annual allocations made pursuant to 521
 divisions (B)(1) and (5) of section 164.08 of the Revised Code 522
 which can be used for new or expanded infrastructure is limited as 523
 follows: 524

YEAR IN WHICH	PORTION WHICH MAY	
MONEYS ARE ALLOCATED	BE USED FOR NEW OR	
	EXPANSION INFRASTRUCTURE	
Year 1	5%	528
Year 2	5%	529
Year 3	10%	530
Year 4	10%	531
Year 5	10%	532
Year 6	15%	533
Year 7	15%	534
Year 8	20%	535
Year 9	20%	536
Year 10 and each year		537
thereafter	20%	538

(I) The following portion of a district public works 539
 integrating committee's annual allocation share pursuant to 540
 section 164.08 of the Revised Code shall be awarded to 541
 subdivisions in the form of interest-free, low-interest, market 542
 rate of interest, or blended-rate loans, or local debt support and 543
 credit enhancements: 544

PORTION USED FOR LOANS 545

YEAR IN WHICH	OR LOCAL DEBT SUPPORT	546
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	547
Year 11 and each year		548
thereafter	20%	549

(J) No project shall be approved under this section unless 550
the project is designed to have a useful life of at least seven 551
years. In addition, the average useful life of all projects for 552
which grants or loans are awarded in each district during a 553
program year shall not be less than twenty years. 554

Sec. 307.05. As used in this section, "emergency medical 555
service organization" has the same meaning as in section 4765.01 556
of the Revised Code. 557

A board of county commissioners may operate an ambulance 558
service organization or emergency medical service organization, 559
or, in counties with a population of forty thousand or less, may 560
operate a nonemergency patient transport service organization, or 561
may enter into a contract with one or more counties, townships, 562
municipal corporations, nonprofit corporations, joint emergency 563
medical services districts, fire and ambulance districts, or 564
private ambulance owners, regardless of whether such counties, 565
townships, municipal corporations, nonprofit corporations, joint 566
emergency medical services districts, fire and ambulance 567
districts, or private ambulance owners are located within or 568
without the state, in order to furnish or obtain the services of 569
ambulance service organizations, to furnish or obtain additional 570
services from ambulance service organizations in times of 571
emergency, to furnish or obtain the services of emergency medical 572
service organizations, or, in counties with a population of forty 573
thousand or less, to furnish or obtain services of nonemergency 574
patient transport service organizations, or may enter into a 575
contract with any such entity to furnish or obtain the interchange 576
of services from ambulance or emergency medical service 577

organizations, or, within counties with a population of forty 578
thousand or less, to furnish or obtain the interchange of services 579
from nonemergency patient transport service organizations, within 580
the territories of the contracting subdivisions. Except in the 581
case of a contract with a joint emergency medical services 582
district to obtain the services of emergency medical service 583
organizations, such contracts shall not be entered into with a 584
public agency or nonprofit corporation that receives more than 585
half of its operating funds from governmental entities with the 586
intention of directly competing with the operation of other 587
ambulance service organizations, nonemergency patient transport 588
service organizations, or emergency medical service organizations 589
in the county unless the public agency or nonprofit corporation is 590
awarded the contract after submitting the lowest and best bid to 591
the board of county commissioners. Any county wishing to commence 592
operation of a nonemergency patient transport service organization 593
or wishing to enter into a contract for the first time to furnish 594
or obtain services from a nonemergency patient transport service 595
organization on or after March 1, 1993, including a county in 596
which a private provider has been providing the service, shall 597
demonstrate the need for public funding for the service to, and 598
obtain approval from, the state board of emergency medical, fire, 599
and transportation services or its immediate successor board prior 600
to operating or funding the organization. 601

When such an organization is operated by the board, the 602
organization may be administered by the board, by the county 603
sheriff, or by another county officer or employee designated by 604
the board. All rules, including the determining of reasonable 605
rates, necessary for the establishment, operation, and maintenance 606
of such an organization shall be adopted by the board. 607

A contract for services of an ambulance service, nonemergency 608
patient transport service, or emergency medical service 609

organization shall include the terms, conditions, and stipulations 610
as agreed to by the parties to the contract. It may provide for a 611
fixed annual charge to be paid at the times agreed upon and 612
stipulated in the contract, or for compensation based upon a 613
stipulated price for each run, call, or emergency or the number of 614
persons or pieces of apparatus employed, or the elapsed time of 615
service required in such run, call, or emergency, or any 616
combination thereof. 617

Sec. 307.051. As used in this section, "emergency medical 618
service organization" has the same meaning as in section 4766.01 619
of the Revised Code. 620

A board of county commissioners, by adoption of an 621
appropriate resolution, may choose to have the ~~Ohio~~ state board of 622
emergency medical, fire, and transportation board services license 623
any emergency medical service organization it operates. If a board 624
adopts such a resolution, Chapter 4766. of the Revised Code, 625
except for sections 4766.06 and 4766.99 of the Revised Code, 626
applies to the county emergency medical service organization. All 627
rules adopted under the applicable sections of that chapter also 628
apply to the organization. A board, by adoption of an appropriate 629
resolution, may remove its emergency medical service organization 630
from the jurisdiction of the ~~Ohio~~ state board of emergency 631
medical, fire, and transportation board services. 632

Sec. 307.055. (A) Subject to the terms and conditions of the 633
joint resolution creating it, each joint emergency medical 634
services district may furnish ambulance services and emergency 635
medical services by one of the following methods: 636

(1) By operating an emergency medical service organization as 637
defined in section 4765.01 of the Revised Code; 638

(2) By contracting for the operation of one or more 639

facilities pursuant to division (C) or (D) of this section; 640

(3) By providing necessary services and equipment to the 641
district either directly or under a contract entered into pursuant 642
to division (B) of this section; 643

(4) By providing service through any combination of methods 644
described in divisions (A)(1) to (3) of this section. 645

(B) In order to obtain ambulance service, to obtain 646
additional ambulance service in times of emergency, or to obtain 647
emergency medical services, a joint emergency medical services 648
district may enter into a contract, for a period not to exceed 649
three years, with one or more counties, townships, municipal 650
corporations, joint fire districts, other governmental units that 651
provide ambulance service or emergency medical services, nonprofit 652
corporations, or private ambulance owners, regardless of whether 653
the entities contracted with are located within or outside this 654
state, upon such terms as are agreed to, to furnish or receive 655
ambulance services or the interchange of ambulance services or 656
emergency medical services within the several territories of the 657
contracting subdivisions, if the contract is first authorized by 658
all boards of trustees and legislative authorities in the 659
territories to be served. 660

Such a contract may provide for a fixed annual charge to be 661
paid at the times agreed upon and stipulated in the contract; or 662
for compensation based on a stipulated price for each run, call, 663
or emergency or based on the elapsed time of service required for 664
each run, call, or emergency, or based on any combination of 665
these. 666

Expenditures of a district for ambulance service or emergency 667
medical service, whether pursuant to contract or otherwise, are 668
lawful expenditures, regardless of whether the district or the 669
party with which it contracts charges an additional fee to users 670

of the service. 671

(C) The board of trustees may enter into a contract with any 672
person, municipal corporation, township, or other political 673
subdivision, and any political subdivision may contract with the 674
board, for the operation and maintenance of emergency medical 675
services facilities regardless of whether the facilities used are 676
owned or leased by the district, by another political subdivision, 677
or by the contractor. 678

(D) The district may purchase, lease, and maintain all 679
materials, buildings, land, and equipment, including vehicles, the 680
board considers necessary for the district. 681

When the board finds, by resolution, that the district has 682
personal property that is not needed for public use, or is 683
obsolete or unfit for the use for which it was acquired, the board 684
may dispose of the property in the same manner as provided in 685
section 307.12 of the Revised Code. 686

(E) Except in the case of a contract with a board of county 687
commissioners for the provision of services of an emergency 688
medical service organization, any contract entered into by a joint 689
emergency medical services district shall conform to the same 690
bidding requirements that apply to county contracts under sections 691
307.86 to 307.92 of the Revised Code. 692

(F) A county participating in a joint district may contribute 693
any of its rights or interests in real or personal property, 694
including money, and may contribute services to the district. Any 695
such contributions shall be made by a written agreement between 696
the contributing county and the district, specifying the 697
contribution as well as the rights of the participating counties 698
in the contributed property. Written agreements shall also be 699
prepared specifying the rights of participating counties in 700
property acquired by the district other than by contribution of a 701

participating county. Written agreements required by this division 702
may be amended only by written agreement of all parties to the 703
original agreement. 704

(G) A district's board of trustees, by adoption of an 705
appropriate resolution, may choose to have the ~~Ohio~~ state board of 706
emergency medical, fire, and transportation ~~board~~ services license 707
any emergency medical service organization the district operates. 708
If a board adopts such a resolution, Chapter 4766. of the Revised 709
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 710
applies to the district emergency medical service organization. 711
All rules adopted under the applicable sections of that chapter 712
also apply to the organization. A board, by adoption of an 713
appropriate resolution, may remove the district emergency medical 714
service organization from the jurisdiction of the ~~Ohio~~ state board 715
of emergency medical, fire, and transportation ~~board~~ services. 716

Sec. 505.37. (A) The board of township trustees may establish 717
all necessary rules to guard against the occurrence of fires and 718
to protect the property and lives of the citizens against damage 719
and accidents, and may, with the approval of the specifications by 720
the prosecuting attorney or, if the township has adopted limited 721
home rule government under Chapter 504. of the Revised Code, with 722
the approval of the specifications by the township's law director, 723
purchase, lease, lease with an option to purchase, or otherwise 724
provide any fire apparatus, mechanical resuscitators, or other 725
equipment, appliances, materials, fire hydrants, and water supply 726
for fire-fighting purposes that seems advisable to the board. The 727
board shall provide for the care and maintenance of fire 728
equipment, and, for these purposes, may purchase, lease, lease 729
with an option to purchase, or construct and maintain necessary 730
buildings, and it may establish and maintain lines of fire-alarm 731
communications within the limits of the township. The board may 732
employ one or more persons to maintain and operate fire-fighting 733

equipment, or it may enter into an agreement with a volunteer fire 734
company for the use and operation of fire-fighting equipment. The 735
board may compensate the members of a volunteer fire company on 736
any basis and in any amount that it considers equitable. 737

738

When the estimated cost to purchase fire apparatus, 739
mechanical resuscitators, other equipment, appliances, materials, 740
fire hydrants, buildings, or fire-alarm communications equipment 741
or services exceeds fifty thousand dollars, the contract shall be 742
let by competitive bidding. When competitive bidding is required, 743
the board shall advertise once a week for not less than two 744
consecutive weeks in a newspaper of general circulation within the 745
township. The board may also cause notice to be inserted in trade 746
papers or other publications designated by it or to be distributed 747
by electronic means, including posting the notice on the board's 748
internet web site. If the board posts the notice on its web site, 749
it may eliminate the second notice otherwise required to be 750
published in a newspaper of general circulation within the 751
township, provided that the first notice published in such 752
newspaper meets all of the following requirements: 753

(1) It is published at least two weeks before the opening of 754
bids. 755

(2) It includes a statement that the notice is posted on the 756
board's internet web site. 757

(3) It includes the internet address of the board's internet 758
web site. 759

(4) It includes instructions describing how the notice may be 760
accessed on the board's internet web site. 761

The advertisement shall include the time, date, and place 762
where the clerk of the township, or the clerk's designee, will 763
read bids publicly. The time, date, and place of bid openings may 764

be extended to a later date by the board of township trustees, 765
provided that written or oral notice of the change shall be given 766
to all persons who have received or requested specifications not 767
later than ninety-six hours prior to the original time and date 768
fixed for the opening. The board may reject all the bids or accept 769
the lowest and best bid, provided that the successful bidder meets 770
the requirements of section 153.54 of the Revised Code when the 771
contract is for the construction, demolition, alteration, repair, 772
or reconstruction of an improvement. 773

(B) The boards of township trustees of any two or more 774
townships, or the legislative authorities of any two or more 775
political subdivisions, or any combination of these, may, through 776
joint action, unite in the joint purchase, lease, lease with an 777
option to purchase, maintenance, use, and operation of 778
fire-fighting equipment, or for any other purpose designated in 779
sections 505.37 to 505.42 of the Revised Code, and may prorate the 780
expense of the joint action on any terms that are mutually agreed 781
upon. 782

(C) The board of township trustees of any township may, by 783
resolution, whenever it is expedient and necessary to guard 784
against the occurrence of fires or to protect the property and 785
lives of the citizens against damages resulting from their 786
occurrence, create a fire district of any portions of the township 787
that it considers necessary. The board may purchase, lease, lease 788
with an option to purchase, or otherwise provide any fire 789
apparatus, appliances, materials, fire hydrants, and water supply 790
for fire-fighting purposes, or may contract for the fire 791
protection for the fire district as provided in section 9.60 of 792
the Revised Code. The fire district so created shall be given a 793
separate name by which it shall be known. 794

Additional unincorporated territory of the township may be 795
added to a fire district upon the board's adoption of a resolution 796

authorizing the addition. A municipal corporation that is within 797
or adjoining the township may be added to a fire district upon the 798
board's adoption of a resolution authorizing the addition and the 799
municipal legislative authority's adoption of a resolution or 800
ordinance requesting the addition of the municipal corporation to 801
the fire district. 802

If the township fire district imposes a tax, additional 803
unincorporated territory of the township or a municipal 804
corporation that is within or adjoining the township shall become 805
part of the fire district only after all of the following have 806
occurred: 807

(1) Adoption by the board of township trustees of a 808
resolution approving the expansion of the territorial limits of 809
the district and, if the resolution proposes to add a municipal 810
corporation, adoption by the municipal legislative authority of a 811
resolution or ordinance requesting the addition of the municipal 812
corporation to the district; 813

(2) Adoption by the board of township trustees of a 814
resolution recommending the extension of the tax to the additional 815
territory; 816

(3) Approval of the tax by the electors of the territory 817
proposed for addition to the district. 818

Each resolution of the board adopted under division (C)(2) of 819
this section shall state the name of the fire district, a 820
description of the territory to be added, and the rate and 821
termination date of the tax, which shall be the rate and 822
termination date of the tax currently in effect in the fire 823
district. 824

The board of trustees shall certify each resolution adopted 825
under division (C)(2) of this section to the board of elections in 826
accordance with section 5705.19 of the Revised Code. The election 827

required under division (C)(3) of this section shall be held, 828
canvassed, and certified in the manner provided for the submission 829
of tax levies under section 5705.25 of the Revised Code, except 830
that the question appearing on the ballot shall read: 831

"Shall the territory within 832
(description of the proposed territory to be added) be added to 833
..... (name) fire district, and a property tax 834
at a rate of taxation not exceeding (here insert tax rate) 835
be in effect for (here insert the number of years the 836
tax is to be in effect or "a continuing period of time," as 837
applicable)?" 838

If the question is approved by at least a majority of the 839
electors voting on it, the joinder shall be effective as of the 840
first day of July of the year following approval, and on that 841
date, the township fire district tax shall be extended to the 842
taxable property within the territory that has been added. If the 843
territory that has been added is a municipal corporation and if it 844
had adopted a tax levy for fire purposes, the levy is terminated 845
on the effective date of the joinder. 846

Any municipal corporation may withdraw from a township fire 847
district created under division (C) of this section by the 848
adoption by the municipal legislative authority of a resolution or 849
ordinance ordering withdrawal. On the first day of July of the 850
year following the adoption of the resolution or ordinance of 851
withdrawal, the municipal corporation withdrawing ceases to be a 852
part of the district, and the power of the fire district to levy a 853
tax upon taxable property in the withdrawing municipal corporation 854
terminates, except that the fire district shall continue to levy 855
and collect taxes for the payment of indebtedness within the 856
territory of the fire district as it was composed at the time the 857
indebtedness was incurred. 858

Upon the withdrawal of any municipal corporation from a 859

township fire district created under division (C) of this section, 860
the county auditor shall ascertain, apportion, and order a 861
division of the funds on hand, moneys and taxes in the process of 862
collection except for taxes levied for the payment of 863
indebtedness, credits, and real and personal property, either in 864
money or in kind, on the basis of the valuation of the respective 865
tax duplicates of the withdrawing municipal corporation and the 866
remaining territory of the fire district. 867

A board of township trustees may remove unincorporated 868
territory of the township from the fire district upon the adoption 869
of a resolution authorizing the removal. On the first day of July 870
of the year following the adoption of the resolution, the 871
unincorporated township territory described in the resolution 872
ceases to be a part of the district, and the power of the fire 873
district to levy a tax upon taxable property in that territory 874
terminates, except that the fire district shall continue to levy 875
and collect taxes for the payment of indebtedness within the 876
territory of the fire district as it was composed at the time the 877
indebtedness was incurred. 878

(D) The board of township trustees of any township, the board 879
of fire district trustees of a fire district created under section 880
505.371 of the Revised Code, or the legislative authority of any 881
municipal corporation may purchase, lease, or lease with an option 882
to purchase the necessary fire-fighting equipment, buildings, and 883
sites for the township, fire district, or municipal corporation 884
and issue securities for that purpose with maximum maturities as 885
provided in section 133.20 of the Revised Code. The board of 886
township trustees, board of fire district trustees, or legislative 887
authority may also construct any buildings necessary to house 888
fire-fighting equipment and issue securities for that purpose with 889
maximum maturities as provided in section 133.20 of the Revised 890
Code. 891

The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire district clerk, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133. of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land

for a township fire station that is needed in order to respond in 924
reasonable time to a fire or medical emergency, the board may 925
appropriate land for that purpose under sections 163.01 to 163.22 926
of the Revised Code. If it is necessary to acquire additional 927
adjacent land for enlarging or improving the fire station, the 928
board may purchase, appropriate, or accept a deed of gift for the 929
land for these purposes. 930

(F) As used in this division, "emergency medical service 931
organization" has the same meaning as in section 4766.01 of the 932
Revised Code. 933

A board of township trustees, by adoption of an appropriate 934
resolution, may choose to have the ~~Ohio~~ state board of emergency 935
medical, fire, and transportation board services license any 936
emergency medical service organization it operates. If the board 937
adopts such a resolution, Chapter 4766. of the Revised Code, 938
except for sections 4766.06 and 4766.99 of the Revised Code, 939
applies to the organization. All rules adopted under the 940
applicable sections of that chapter also apply to the 941
organization. A board of township trustees, by adoption of an 942
appropriate resolution, may remove its emergency medical service 943
organization from the jurisdiction of the ~~Ohio~~ state board of 944
emergency medical, fire, and transportation board services. 945

Sec. 505.375. (A)(1)(a) The boards of township trustees of 946
one or more townships and the legislative authorities of one or 947
more municipal corporations, or the legislative authorities of two 948
or more municipal corporations, or the boards of township trustees 949
of two or more townships, may negotiate an agreement to form a 950
fire and ambulance district for the delivery of both fire and 951
ambulance services. The agreement shall be ratified by the 952
adoption of a joint resolution by a majority of the members of 953
each board of township trustees involved and a majority of the 954

members of the legislative authority of each municipal corporation 955
involved. The joint resolution shall specify a date on which the 956
fire and ambulance district shall come into being. 957

(b) If a joint fire district created under section 505.371 of 958
the Revised Code or a joint ambulance district created under 959
section 505.71 of the Revised Code is dissolved to facilitate the 960
creation of a fire and ambulance district under division (A)(1)(a) 961
of this section, the townships and municipal corporations forming 962
the fire and ambulance district may transfer to the fire and 963
ambulance district any of the funds on hand, moneys and taxes in 964
the process of collection, credits, and real and personal property 965
apportioned to them under division (D) of section 505.371 of the 966
Revised Code or section 505.71 of the Revised Code, as applicable, 967
for use by the fire and ambulance district in accordance with this 968
section. 969

(2)(a) The board of trustees of a joint ambulance district 970
created under section 505.71 of the Revised Code and the board of 971
fire district trustees of a joint fire district created under 972
section 505.371 of the Revised Code may negotiate to combine their 973
two joint districts into a single fire and ambulance district for 974
the delivery of both fire and ambulance services, if the 975
geographic area covered by the combining joint districts is 976
exactly the same. Both boards shall adopt a joint resolution 977
ratifying the agreement and setting a date on which the fire and 978
ambulance district shall come into being. 979

(b) On that date, the joint fire district and the joint 980
ambulance district shall cease to exist, and the power of each to 981
levy a tax upon taxable property shall terminate, except that any 982
levy of a tax for the payment of indebtedness within the territory 983
of the joint fire or joint ambulance district as it was composed 984
at the time the indebtedness was incurred shall continue to be 985

collected by the successor fire and ambulance district if the 986
indebtedness remains unpaid. All funds and other property of the 987
joint districts shall become the property of the fire and 988
ambulance district, unless otherwise provided in the negotiated 989
agreement. The agreement shall provide for the settlement of all 990
debts and obligations of the joint districts. 991

(B)(1) The governing body of a fire and ambulance district 992
created under division (A)(1) or (2) of this section shall be a 993
board of trustees of at least three but no more than nine members, 994
appointed as provided in the agreement creating the district. 995
Members of the board may be compensated at a rate not to exceed 996
thirty dollars per meeting for not more than fifteen meetings per 997
year, and may be reimbursed for all necessary expenses incurred, 998
as provided in the agreement creating the district. 999

(2) The board shall employ a clerk and other employees as it 1000
considers best, including a fire chief or fire prevention 1001
officers, and shall fix their compensation. Neither this section 1002
nor any other section of the Revised Code requires, or shall be 1003
construed to require, that the fire chief of a fire and ambulance 1004
district be a resident of the district. 1005

Before entering upon the duties of office, the clerk shall 1006
execute a bond, in the amount and with surety to be approved by 1007
the board, payable to the state, conditioned for the faithful 1008
performance of all of the clerk's official duties. The clerk shall 1009
deposit the bond with the presiding officer of the board, who 1010
shall file a copy of it, certified by the presiding officer, with 1011
the county auditor of the county containing the most territory in 1012
the district. 1013

The board also shall provide for the appointment of a fiscal 1014
officer for the district and may enter into agreements with 1015
volunteer fire companies for the use and operation of 1016
fire-fighting equipment. Volunteer firefighters acting under such 1017

an agreement are subject to the requirements for volunteer 1018
firefighters set forth in division (A) of section 505.38 of the 1019
Revised Code. 1020

(3) Employees of the district shall not be removed from 1021
office except as provided by sections 733.35 to 733.39 of the 1022
Revised Code, except that, to initiate removal proceedings, the 1023
board shall designate a private citizen or, if the employee is 1024
employed as a firefighter, the board may designate the fire chief, 1025
to investigate, conduct the proceedings, and prepare the necessary 1026
charges in conformity with those sections, and except that the 1027
board shall perform the functions and duties specified for the 1028
municipal legislative authority under those sections. The board 1029
may pay reasonable compensation to any private citizen hired for 1030
services rendered in the matter. 1031

(4) No person shall be appointed as a permanent full-time 1032
paid member of the district whose duties include fire fighting, or 1033
be appointed as a volunteer firefighter, unless that person has 1034
received a certificate issued under former section 3303.07 or 1035
section 4765.55 of the Revised Code evidencing satisfactory 1036
completion of a firefighter training program. The board may send 1037
its officers and firefighters to schools of instruction designed 1038
to promote the efficiency of firefighters and, if authorized in 1039
advance, may pay their necessary expenses from the funds used for 1040
the maintenance and operation of the district. 1041

The board may choose, by adoption of an appropriate 1042
resolution, to have the ~~Ohio~~ state board of emergency medical, 1043
fire, and transportation board services license any emergency 1044
medical service organization it operates. If the board adopts such 1045
a resolution, Chapter 4766. of the Revised Code, except for 1046
sections 4766.06 and 4766.99 of the Revised Code, applies to the 1047
organization. All rules adopted under the applicable sections of 1048
that chapter also apply to the organization. The board may remove, 1049

by resolution, its emergency medical service organization from the 1050
jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, 1051
and transportation board services. 1052

(C) The board of trustees of a fire and ambulance district 1053
created under division (A)(1) or (2) of this section may exercise 1054
the following powers: 1055

(1) Purchase or otherwise provide any fire apparatus, 1056
mechanical resuscitators, or other fire or ambulance equipment, 1057
appliances, or materials; fire hydrants; and water supply for 1058
firefighting purposes that seems advisable to the board; 1059

(2) Provide for the care and maintenance of equipment and, 1060
for that purpose, purchase, lease, lease with an option to 1061
purchase, or construct and maintain necessary buildings; 1062

(3) Establish and maintain lines of fire-alarm communications 1063
within the limits of the district; 1064

(4) Appropriate land for a fire station or medical emergency 1065
unit needed in order to respond in reasonable time to a fire or 1066
medical emergency, in accordance with Chapter 163. of the Revised 1067
Code; 1068

(5) Purchase, appropriate, or accept a deed or gift of land 1069
to enlarge or improve a fire station or medical emergency unit; 1070

(6) Purchase, lease, lease with an option to purchase, 1071
maintain, and use all materials, equipment, vehicles, buildings, 1072
and land necessary to perform its duties; 1073

(7) Contract for a period not to exceed three years with one 1074
or more townships, municipal corporations, counties, joint fire 1075
districts, joint ambulance districts, governmental agencies, 1076
nonprofit corporations, or private ambulance owners located either 1077
within or outside the state, to furnish or receive ambulance 1078
services or emergency medical services within the several 1079

territories of the contracting parties, if the contract is first 1080
authorized by all boards of trustees and legislative authorities 1081
concerned; 1082

(8) Establish reasonable charges for the use of ambulance or 1083
emergency medical services under the same conditions under which a 1084
board of fire district trustees may establish those charges under 1085
section 505.371 of the Revised Code; 1086

(9) Establish all necessary rules to guard against the 1087
occurrence of fires and to protect property and lives against 1088
damage and accidents; 1089

(10) Adopt a standard code pertaining to fire, fire hazards, 1090
and fire prevention prepared and promulgated by the state or by a 1091
public or private organization that publishes a model or standard 1092
code; 1093

(11) Provide for charges for false alarms at commercial 1094
establishments in the same manner as joint fire districts are 1095
authorized to do under section 505.391 of the Revised Code; 1096

(12) Issue bonds and other evidences of indebtedness, subject 1097
to Chapter 133. of the Revised Code, but only after approval by a 1098
vote of the electors of the district as provided by section 133.18 1099
of the Revised Code; 1100

(13) To provide the services and equipment it considers 1101
necessary, levy a sufficient tax, subject to Chapter 5705. of the 1102
Revised Code, on all the taxable property in the district. 1103

(D) Any municipal corporation or township may join an 1104
existing fire and ambulance district, whether created under 1105
division (A)(1) or (2) of this section, by its legislative 1106
authority's adoption of a resolution requesting the membership and 1107
upon approval of the board of trustees of the district. Any 1108
municipal corporation or township may withdraw from a district, 1109
whether created under division (A)(1) or (2) of this section, by 1110

its legislative authority's adoption of a resolution ordering 1111
withdrawal. Upon its withdrawal, the municipal corporation or 1112
township ceases to be a part of the district, and the district's 1113
power to levy a tax on taxable property in the withdrawing 1114
township or municipal corporation terminates, except that the 1115
district shall continue to levy and collect taxes for the payment 1116
of indebtedness within the territory of the district as it was 1117
composed at the time the indebtedness was incurred. 1118

Upon the withdrawal of any township or municipal corporation 1119
from a district, the county auditor of the county containing the 1120
most territory in the district shall ascertain, apportion, and 1121
order a division of the funds on hand, including funds in the 1122
ambulance and emergency medical services fund, moneys and taxes in 1123
the process of collection, except for taxes levied for the payment 1124
of indebtedness, credits, and real and personal property on the 1125
basis of the valuation of the respective tax duplicates of the 1126
withdrawing municipal corporation or township and the remaining 1127
territory of the district. 1128

(E) As used in this section: 1129

(1) "Governmental agency" includes all departments, boards, 1130
offices, commissions, agencies, colleges, universities, 1131
institutions, and other instrumentalities of this or another 1132
state. 1133

(2) "Emergency medical service organization" has the same 1134
meaning as in section 4766.01 of the Revised Code. 1135

Sec. 505.44. As used in this section: 1136

(A) "Emergency medical service organization" has the same 1137
meaning as in section 4765.01 of the Revised Code. 1138

(B) "State agency" means all departments, boards, offices, 1139
commissions, agencies, colleges, universities, institutions, and 1140

other instrumentalities of this or another state. 1141

In order to obtain the services of ambulance service 1142
organizations, to obtain additional services from ambulance 1143
service organizations in times of emergency, to obtain the 1144
services of emergency medical service organizations, or, if the 1145
township is located in a county with a population of forty 1146
thousand or less, to obtain the services of nonemergency patient 1147
transport service organizations, a township may enter into a 1148
contract with one or more state agencies, townships, municipal 1149
corporations, counties, nonprofit corporations, joint emergency 1150
medical services districts, fire and ambulance districts, or 1151
private ambulance owners, regardless of whether such state 1152
agencies, townships, municipal corporations, counties, nonprofit 1153
corporations, joint emergency medical services districts, fire and 1154
ambulance districts, or private ambulance owners are located 1155
within or outside the state, upon such terms as are agreed to by 1156
them, to furnish or receive services from ambulance or emergency 1157
medical service organizations or, if the township is located in a 1158
county with a population of forty thousand or less, to furnish or 1159
receive services from nonemergency patient transport service 1160
organizations, or may enter into a contract for the interchange of 1161
services from ambulance or emergency medical service organizations 1162
or, if the township is located in a county with a population of 1163
forty thousand or less, the interchange of services from 1164
nonemergency patient transport service organizations, within the 1165
several territories of the contracting parties, if the contract is 1166
first authorized by the respective boards of township trustees, 1167
the other legislative bodies, or the officer or body authorized to 1168
contract on behalf of the state agency. Such contracts shall not 1169
be entered into with a state agency or nonprofit corporation that 1170
receives more than half of its operating funds from governmental 1171
entities with the intention of directly competing with the 1172
operation of other ambulance, emergency medical, or nonemergency 1173

patient transport service organizations in the township unless the 1174
state agency or nonprofit corporation is awarded the contract 1175
after submitting the lowest and best bid to the board of township 1176
trustees. 1177

The contract may provide for compensation upon such terms as 1178
the parties may agree. 1179

Any township wishing to commence providing or wishing to 1180
enter into a contract for the first time to furnish or obtain 1181
services from nonemergency patient transport service organizations 1182
on or after March 1, 1993, including a township in which a private 1183
provider has been providing the service, shall demonstrate the 1184
need for public funding for the service to, and obtain approval 1185
from, the state board of emergency medical, fire, and 1186
transportation services or its immediate successor board prior to 1187
the establishment of a township-operated or township-funded 1188
service. 1189

Sec. 505.72. (A) The board of trustees of a joint ambulance 1190
district shall provide for the employment of such employees as it 1191
considers best, and shall fix their compensation. Such employees 1192
shall continue in office until removed as provided by sections 1193
733.35 to 733.39 of the Revised Code. To initiate removal 1194
proceedings, and for such purpose, the board shall designate a 1195
private citizen to investigate the conduct and prepare the 1196
necessary charges in conformity with sections 733.35 to 733.39 of 1197
the Revised Code. The board may pay reasonable compensation to 1198
such person for the person's services. 1199

In case of the removal of an employee of the district, an 1200
appeal may be had from the decision of the board to the court of 1201
common pleas of the county in which such district, or part of it, 1202
is situated, to determine the sufficiency of the cause of removal. 1203
Such appeal from the findings of the board shall be taken within 1204

ten days. 1205

(B) As used in this division, "emergency medical service 1206
organization" has the same meaning as in section 4765.01 of the 1207
Revised Code. 1208

(1) In order to obtain the services of ambulance service 1209
organizations, to obtain additional services from ambulance 1210
service organizations in times of emergency, or to obtain the 1211
services of emergency medical service organizations, a district 1212
may enter into a contract, for a period not to exceed three years, 1213
with one or more townships, municipal corporations, joint fire 1214
districts, nonprofit corporations, any other governmental unit 1215
that provides ambulance services or emergency medical services, or 1216
with private ambulance owners, regardless of whether such 1217
townships, municipal corporations, joint fire districts, nonprofit 1218
corporations, governmental unit, or private ambulance owners are 1219
located within or without this state, upon such terms as are 1220
agreed to, to furnish or receive services from ambulance or 1221
emergency medical service organizations or the interchange of 1222
services from ambulance or emergency medical service organizations 1223
within the several territories of the contracting subdivisions, if 1224
such contract is first authorized by all boards of trustees and 1225
legislative authorities concerned. 1226

The contract may provide for a fixed annual charge to be paid 1227
at the times agreed upon and stipulated in the contract, or for 1228
compensation based upon a stipulated price for each run, call, or 1229
emergency, or the elapsed time of service required in such run, 1230
call, or emergency, or any combination thereof. 1231

(2) Expenditures of a district for the services of ambulance 1232
service organizations or emergency medical service organizations, 1233
whether pursuant to contract or otherwise, are lawful 1234
expenditures, regardless of whether the district or the party with 1235
which it contracts charges additional fees to users of the 1236

services. 1237

(3) A district's board of trustees, by adoption of an 1238
appropriate resolution, may choose to have the ~~Ohio~~ state board of 1239
emergency medical, fire, and transportation board services license 1240
any emergency medical service organization the district operates. 1241
If a board adopts such a resolution, Chapter 4766. of the Revised 1242
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1243
applies to the district emergency medical service organization. 1244
All rules adopted under the applicable sections of that chapter 1245
also apply to the organization. A board, by adoption of an 1246
appropriate resolution, may remove the district emergency medical 1247
service organization from the jurisdiction of the ~~Ohio~~ state board 1248
of emergency medical, fire, and transportation board services. 1249

(C) Ambulance services or emergency medical services rendered 1250
for a joint ambulance district under this section and section 1251
505.71 of the Revised Code shall be deemed services of the 1252
district. These sections do not authorize suits against a district 1253
or any township or municipal corporation providing or receiving, 1254
or contracting to provide or receive, such services under these 1255
sections for damages for injury or loss to persons or property or 1256
for wrongful death caused by persons providing such services. 1257

Sec. 718.01. (A) As used in this chapter: 1258

(1) "Adjusted federal taxable income" means a C corporation's 1259
federal taxable income before net operating losses and special 1260
deductions as determined under the Internal Revenue Code, adjusted 1261
as follows: 1262

(a) Deduct intangible income to the extent included in 1263
federal taxable income. The deduction shall be allowed regardless 1264
of whether the intangible income relates to assets used in a trade 1265
or business or assets held for the production of income. 1266

(b) Add an amount equal to five per cent of intangible income	1267
deducted under division (A)(1)(a) of this section, but excluding	1268
that portion of intangible income directly related to the sale,	1269
exchange, or other disposition of property described in section	1270
1221 of the Internal Revenue Code;	1271
(c) Add any losses allowed as a deduction in the computation	1272
of federal taxable income if the losses directly relate to the	1273
sale, exchange, or other disposition of an asset described in	1274
section 1221 or 1231 of the Internal Revenue Code;	1275
(d)(i) Except as provided in division (A)(1)(d)(ii) of this	1276
section, deduct income and gain included in federal taxable income	1277
to the extent the income and gain directly relate to the sale,	1278
exchange, or other disposition of an asset described in section	1279
1221 or 1231 of the Internal Revenue Code;	1280
(ii) Division (A)(1)(d)(i) of this section does not apply to	1281
the extent the income or gain is income or gain described in	1282
section 1245 or 1250 of the Internal Revenue Code.	1283
(e) Add taxes on or measured by net income allowed as a	1284
deduction in the computation of federal taxable income;	1285
(f) In the case of a real estate investment trust and	1286
regulated investment company, add all amounts with respect to	1287
dividends to, distributions to, or amounts set aside for or	1288
credited to the benefit of investors and allowed as a deduction in	1289
the computation of federal taxable income;	1290
(g) Deduct, to the extent not otherwise deducted or excluded	1291
in computing federal taxable income, any income derived from	1292
providing public services under a contract through a project owned	1293
by the state, as described in section 126.604 of the Revised Code	1294
or derived from a transfer agreement or from the enterprise	1295
transferred under that agreement under section 4313.02 of the	1296
Revised Code.	1297

If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in division (A)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this chapter shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

(3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

(4) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(5) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents,

copyrights, trademarks, tradenames, investments in real estate 1329
investment trusts, investments in regulated investment companies, 1330
and appreciation on deferred compensation. "Intangible income" 1331
does not include prizes, awards, or other income associated with 1332
any lottery winnings or other similar games of chance. 1333

(6) "S corporation" means a corporation that has made an 1334
election under subchapter S of Chapter 1 of Subtitle A of the 1335
Internal Revenue Code for its taxable year. 1336

(7) For taxable years beginning on or after January 1, 2004, 1337
"net profit" for a taxpayer other than an individual means 1338
adjusted federal taxable income and "net profit" for a taxpayer 1339
who is an individual means the individual's profit required to be 1340
reported on schedule C, schedule E, or schedule F, other than any 1341
amount allowed as a deduction under division (E)(2) or (3) of this 1342
section or amounts described in division (H) of this section. 1343

(8) "Taxpayer" means a person subject to a tax on income 1344
levied by a municipal corporation. Except as provided in division 1345
(L) of this section, "taxpayer" does not include any person that 1346
is a disregarded entity or a qualifying subchapter S subsidiary 1347
for federal income tax purposes, but "taxpayer" includes any other 1348
person who owns the disregarded entity or qualifying subchapter S 1349
subsidiary. 1350

(9) "Taxable year" means the corresponding tax reporting 1351
period as prescribed for the taxpayer under the Internal Revenue 1352
Code. 1353

(10) "Tax administrator" means the individual charged with 1354
direct responsibility for administration of a tax on income levied 1355
by a municipal corporation and includes: 1356

(a) The central collection agency and the regional income tax 1357
agency and their successors in interest, and other entities 1358
organized to perform functions similar to those performed by the 1359

central collection agency and the regional income tax agency; 1360

(b) A municipal corporation acting as the agent of another 1361
municipal corporation; and 1362

(c) Persons retained by a municipal corporation to administer 1363
a tax levied by the municipal corporation, but only if the 1364
municipal corporation does not compensate the person in whole or 1365
in part on a contingency basis. 1366

(11) "Person" includes individuals, firms, companies, 1367
business trusts, estates, trusts, partnerships, limited liability 1368
companies, associations, corporations, governmental entities, and 1369
any other entity. 1370

(12) "Schedule E" means internal revenue service schedule E 1371
filed by a taxpayer pursuant to the Internal Revenue Code. 1372

(13) "Schedule F" means internal revenue service schedule F 1373
filed by a taxpayer pursuant to the Internal Revenue Code. 1374

(B) No municipal corporation shall tax income at other than a 1375
uniform rate. 1376

(C) No municipal corporation shall levy a tax on income at a 1377
rate in excess of one per cent without having obtained the 1378
approval of the excess by a majority of the electors of the 1379
municipality voting on the question at a general, primary, or 1380
special election. The legislative authority of the municipal 1381
corporation shall file with the board of elections at least ninety 1382
days before the day of the election a copy of the ordinance 1383
together with a resolution specifying the date the election is to 1384
be held and directing the board of elections to conduct the 1385
election. The ballot shall be in the following form: "Shall the 1386
Ordinance providing for a ... per cent levy on income for (Brief 1387
description of the purpose of the proposed levy) be passed? 1388

1389

	FOR THE INCOME TAX	1390
	AGAINST THE INCOME TAX	1391

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose. 1392

(D)(1) Except as otherwise provided in this section, no municipal corporation shall exempt from a tax on income compensation for personal services of individuals over eighteen years of age or the net profit from a business or profession. 1395

(2)(a) For taxable years beginning on or after January 1, 2004, no municipal corporation shall tax the net profit from a business or profession using any base other than the taxpayer's adjusted federal taxable income. 1399

(b) Division (D)(2)(a) of this section does not apply to any taxpayer required to file a return under section 5745.03 of the Revised Code or to the net profit from a sole proprietorship. 1403

(E)(1) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from withholding and from a tax on income the following: 1406

(a) Compensation arising from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option; or 1409

(b) Compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code. 1413

(2) The legislative authority of a municipal corporation may adopt an ordinance or resolution that allows a taxpayer who is an individual to deduct, in computing the taxpayer's municipal income tax liability, an amount equal to the aggregate amount the 1416

taxpayer paid in cash during the taxable year to a health savings 1420
account of the taxpayer, to the extent the taxpayer is entitled to 1421
deduct that amount on internal revenue service form 1040. 1422

(3) The legislative authority of a municipal corporation may 1423
adopt an ordinance or resolution that allows a taxpayer who has a 1424
net profit from a business or profession that is operated as a 1425
sole proprietorship to deduct from that net profit the amount that 1426
the taxpayer paid during the taxable year for medical care 1427
insurance premiums for the taxpayer, the taxpayer's spouse, and 1428
dependents as defined in section 5747.01 of the Revised Code. The 1429
deduction shall be allowed to the same extent the taxpayer is 1430
entitled to deduct the premiums on internal revenue service form 1431
1040. The deduction allowed under this division shall be net of 1432
any related premium refunds, related premium reimbursements, or 1433
related insurance premium dividends received by the taxpayer 1434
during the taxable year. 1435

(F) If an individual's taxable income includes income against 1436
which the taxpayer has taken a deduction for federal income tax 1437
purposes as reportable on the taxpayer's form 2106, and against 1438
which a like deduction has not been allowed by the municipal 1439
corporation, the municipal corporation shall deduct from the 1440
taxpayer's taxable income an amount equal to the deduction shown 1441
on such form allowable against such income, to the extent not 1442
otherwise so allowed as a deduction by the municipal corporation. 1443

(G)(1) In the case of a taxpayer who has a net profit from a 1444
business or profession that is operated as a sole proprietorship, 1445
no municipal corporation may tax or use as the base for 1446
determining the amount of the net profit that shall be considered 1447
as having a taxable situs in the municipal corporation, an amount 1448
other than the net profit required to be reported by the taxpayer 1449
on schedule C or F from such sole proprietorship for the taxable 1450
year. 1451

(2) In the case of a taxpayer who has a net profit from 1452
rental activity required to be reported on schedule E, no 1453
municipal corporation may tax or use as the base for determining 1454
the amount of the net profit that shall be considered as having a 1455
taxable situs in the municipal corporation, an amount other than 1456
the net profit from rental activities required to be reported by 1457
the taxpayer on schedule E for the taxable year. 1458

(H) A municipal corporation shall not tax any of the 1459
following: 1460

(1) The military pay or allowances of members of the armed 1461
forces of the United States and of members of their reserve 1462
components, including the Ohio national guard; 1463

(2) The income of religious, fraternal, charitable, 1464
scientific, literary, or educational institutions to the extent 1465
that such income is derived from tax-exempt real estate, 1466
tax-exempt tangible or intangible property, or tax-exempt 1467
activities; 1468

(3) Except as otherwise provided in division (I) of this 1469
section, intangible income; 1470

(4) Compensation paid under section 3501.28 or 3501.36 of the 1471
Revised Code to a person serving as a precinct election official, 1472
to the extent that such compensation does not exceed one thousand 1473
dollars annually. Such compensation in excess of one thousand 1474
dollars may be subjected to taxation by a municipal corporation. A 1475
municipal corporation shall not require the payer of such 1476
compensation to withhold any tax from that compensation. 1477

(5) Compensation paid to an employee of a transit authority, 1478
regional transit authority, or regional transit commission created 1479
under Chapter 306. of the Revised Code for operating a transit bus 1480
or other motor vehicle for the authority or commission in or 1481
through the municipal corporation, unless the bus or vehicle is 1482

operated on a regularly scheduled route, the operator is subject 1483
to such a tax by reason of residence or domicile in the municipal 1484
corporation, or the headquarters of the authority or commission is 1485
located within the municipal corporation; 1486

(6) The income of a public utility, when that public utility 1487
is subject to the tax levied under section 5727.24 or 5727.30 of 1488
the Revised Code, except a municipal corporation may tax the 1489
following, subject to Chapter 5745. of the Revised Code: 1490

(a) Beginning January 1, 2002, the income of an electric 1491
company or combined company; 1492

(b) Beginning January 1, 2004, the income of a telephone 1493
company. 1494

As used in division (H)(6) of this section, "combined 1495
company," "electric company," and "telephone company" have the 1496
same meanings as in section 5727.01 of the Revised Code. 1497

(7) On and after January 1, 2003, items excluded from federal 1498
gross income pursuant to section 107 of the Internal Revenue Code; 1499

(8) On and after January 1, 2001, compensation paid to a 1500
nonresident individual to the extent prohibited under section 1501
718.011 of the Revised Code; 1502

(9)(a) Except as provided in division (H)(9)(b) and (c) of 1503
this section, an S corporation shareholder's distributive share of 1504
net profits of the S corporation, other than any part of the 1505
distributive share of net profits that represents wages as defined 1506
in section 3121(a) of the Internal Revenue Code or net earnings 1507
from self-employment as defined in section 1402(a) of the Internal 1508
Revenue Code. 1509

(b) If, pursuant to division (H) of former section 718.01 of 1510
the Revised Code as it existed before March 11, 2004, a majority 1511
of the electors of a municipal corporation voted in favor of the 1512

question at an election held on November 4, 2003, the municipal 1513
corporation may continue after 2002 to tax an S corporation 1514
shareholder's distributive share of net profits of an S 1515
corporation. 1516

(c) If, on December 6, 2002, a municipal corporation was 1517
imposing, assessing, and collecting a tax on an S corporation 1518
shareholder's distributive share of net profits of the S 1519
corporation to the extent the distributive share would be 1520
allocated or apportioned to this state under divisions (B)(1) and 1521
(2) of section 5733.05 of the Revised Code if the S corporation 1522
were a corporation subject to taxes imposed under Chapter 5733. of 1523
the Revised Code, the municipal corporation may continue to impose 1524
the tax on such distributive shares to the extent such shares 1525
would be so allocated or apportioned to this state only until 1526
December 31, 2004, unless a majority of the electors of the 1527
municipal corporation voting on the question of continuing to tax 1528
such shares after that date vote in favor of that question at an 1529
election held November 2, 2004. If a majority of those electors 1530
vote in favor of the question, the municipal corporation may 1531
continue after December 31, 2004, to impose the tax on such 1532
distributive shares only to the extent such shares would be so 1533
allocated or apportioned to this state. 1534

(d) For the purposes of division (D) of section 718.14 of the 1535
Revised Code, a municipal corporation shall be deemed to have 1536
elected to tax S corporation shareholders' distributive shares of 1537
net profits of the S corporation in the hands of the shareholders 1538
if a majority of the electors of a municipal corporation vote in 1539
favor of a question at an election held under division (H)(9)(b) 1540
or (c) of this section. The municipal corporation shall specify by 1541
ordinance or rule that the tax applies to the distributive share 1542
of a shareholder of an S corporation in the hands of the 1543
shareholder of the S corporation. 1544

(10) Employee compensation that is not "qualifying wages" as 1545
defined in section 718.03 of the Revised Code; 1546

(11) Beginning August 1, 2007, compensation paid to a person 1547
employed within the boundaries of a United States air force base 1548
under the jurisdiction of the United States air force that is used 1549
for the housing of members of the United States air force and is a 1550
center for air force operations, unless the person is subject to 1551
taxation because of residence or domicile. If the compensation is 1552
subject to taxation because of residence or domicile, municipal 1553
income tax shall be payable only to the municipal corporation of 1554
residence or domicile. 1555

(I) Any municipal corporation that taxes any type of 1556
intangible income on March 29, 1988, pursuant to Section 3 of 1557
Amended Substitute Senate Bill No. 238 of the 116th general 1558
assembly, may continue to tax that type of income after 1988 if a 1559
majority of the electors of the municipal corporation voting on 1560
the question of whether to permit the taxation of that type of 1561
intangible income after 1988 vote in favor thereof at an election 1562
held on November 8, 1988. 1563

(J) Nothing in this section or section 718.02 of the Revised 1564
Code shall authorize the levy of any tax on income that a 1565
municipal corporation is not authorized to levy under existing 1566
laws or shall require a municipal corporation to allow a deduction 1567
from taxable income for losses incurred from a sole proprietorship 1568
or partnership. 1569

(K)(1) Nothing in this chapter prohibits a municipal 1570
corporation from allowing, by resolution or ordinance, a net 1571
operating loss carryforward. 1572

(2) Nothing in this chapter requires a municipal corporation 1573
to allow a net operating loss carryforward. 1574

(L)(1) A single member limited liability company that is a 1575

disregarded entity for federal tax purposes may elect to be a 1576
separate taxpayer from its single member in all Ohio municipal 1577
corporations in which it either filed as a separate taxpayer or 1578
did not file for its taxable year ending in 2003, if all of the 1579
following conditions are met: 1580

(a) The limited liability company's single member is also a 1581
limited liability company; 1582

(b) The limited liability company and its single member were 1583
formed and doing business in one or more Ohio municipal 1584
corporations for at least five years before January 1, 2004; 1585

(c) Not later than December 31, 2004, the limited liability 1586
company and its single member each make an election to be treated 1587
as a separate taxpayer under division (L) of this section; 1588

(d) The limited liability company was not formed for the 1589
purpose of evading or reducing Ohio municipal corporation income 1590
tax liability of the limited liability company or its single 1591
member; 1592

(e) The Ohio municipal corporation that is the primary place 1593
of business of the sole member of the limited liability company 1594
consents to the election. 1595

(2) For purposes of division (L)(1)(e) of this section, a 1596
municipal corporation is the primary place of business of a 1597
limited liability company if, for the limited liability company's 1598
taxable year ending in 2003, its income tax liability is greater 1599
in that municipal corporation than in any other municipal 1600
corporation in Ohio, and that tax liability to that municipal 1601
corporation for its taxable year ending in 2003 is at least four 1602
hundred thousand dollars. 1603

Sec. 3705.242. (A)(1) The director of health, a person 1604
authorized by the director, a local commissioner of health, or a 1605

local registrar of vital statistics shall charge and collect a fee 1606
of one dollar and fifty cents for each certified copy of a birth 1607
record, each certification of birth, and each copy of a death 1608
record. The fee is in addition to the fee imposed by section 1609
3705.24 or any other section of the Revised Code. A local 1610
commissioner of health or local registrar of vital statistics may 1611
retain an amount of each additional fee collected, not to exceed 1612
three per cent of the amount of the additional fee, to be used for 1613
costs directly related to the collection of the fee and the 1614
forwarding of the fee to the department of health. 1615

The additional fees collected by the director of health or a 1616
person authorized by the director and the additional fees 1617
collected but not retained by a local commissioner of health or a 1618
local registrar of vital statistics shall be forwarded to the 1619
department of health not later than thirty days following the end 1620
of each quarter. Not later than two days after the fees are 1621
forwarded to the department each quarter, the department shall pay 1622
the collected fees to the treasurer of state in accordance with 1623
rules adopted by the treasurer of state under section 113.08 of 1624
the Revised Code. 1625

(2) On the filing of a divorce decree under section 3105.10 1626
or a decree of dissolution under section 3105.65 of the Revised 1627
Code, a court of common pleas shall charge and collect a fee of 1628
five dollars and fifty cents. The fee is in addition to any other 1629
court costs or fees. The county clerk of courts may retain an 1630
amount of each additional fee collected, not to exceed three per 1631
cent of the amount of the additional fee, to be used for costs 1632
directly related to the collection of the fee and the forwarding 1633
of the fee to the treasurer of state. The additional fees 1634
collected, but not retained, under division (A)(2) of this section 1635
shall be forwarded to the treasurer of state not later than twenty 1636
days following the end of each month. 1637

(B) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the family violence prevention fund, which is hereby created. A person or government entity that fails to pay or forward the fees in a timely the manner, ~~as determined by the treasurer of state described in this section,~~ shall send to the ~~treasurer of state,~~ department of public safety a penalty equal to ten per cent of the fees. The department of public safety shall forward all collected late fees to the treasurer of state for deposit into the family violence prevention fund in accordance with rules adopted by the treasurer of state under section 113.08 of the Revised Code.

The treasurer of state shall invest the moneys in the fund. All earnings resulting from investment of the fund shall be credited to the fund, except that actual administration costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year. The balance of the investment earnings shall be credited to the fund.

(C) The director of public safety shall use money credited to the fund to provide grants to family violence shelters in Ohio and to operate the division of criminal justice services.

Sec. 3791.12. (A) As used in this section and section 3791.13 of the Revised Code:

(1) "Service station" means any facility designed and constructed primarily for use in the retail sale of gasoline, other petroleum products, and related accessories; except that "service station" does not include any such facility that has been converted for use for another bona fide business purpose, on and after the date of commencement of such other use.

(2) "Abandoned service station" means any service station 1669
that has not been used for the retail sale of gasoline, other 1670
petroleum products, and related accessories for a continuous 1671
period of six months, whenever failure to reasonably secure 1672
station buildings from ready access by unauthorized persons and to 1673
reasonably maintain the station's premises has resulted in 1674
conditions that endanger the public health, welfare, safety, or 1675
morals; provided, that such conditions include, but are not 1676
limited to, the presence of defective or deteriorated electrical 1677
wiring, heating apparatus, and gas connections, or of unprotected 1678
gasoline storage tanks, piping, and valves, or any combination of 1679
the foregoing; and provided further that the casual and 1680
intermittent use of a service station for the retail sale of any 1681
item described in division (A)(1) of this section during such 1682
six-month period shall not be held to prevent the station from 1683
being determined an abandoned service station if it meets the 1684
other qualifications of this division. 1685

(B) The executive authority of each municipal corporation and 1686
the board of county commissioners of each county shall designate a 1687
suitable person to make inspections, within their respective 1688
territorial jurisdictions, of any service stations that are, or 1689
appear to be, no longer in use for the purposes described in 1690
division (A)(1) of ~~this section 3791.11 of the Revised Code~~, or 1691
for any other bona fide business purpose. Inspections of service 1692
stations under this section shall be made at the order of the 1693
executive authority or board, or upon the complaint of any person 1694
claiming to be adversely affected by the condition of a service 1695
station. Any inspector designated under this section shall have 1696
the right to enter upon and inspect any service station that is, 1697
or appears to be, no longer in use as described in this section. 1698
No inspector, while in the lawful pursuit of official duties for 1699
such purpose, shall be subject to arrest for trespass while so 1700
engaged or for such cause thereafter. 1701

~~(B)~~(C) Whenever an inspector, upon inspecting a service station as provided in this section, has reasonable cause to believe that it qualifies as an abandoned service station, the inspector shall prepare a written report of the condition of the station's buildings and premises. The report shall be filed immediately with the executive authority or board. Upon receipt of the report, the executive authority or board shall fix a place and time, not less than thirty days nor more than sixty days after receipt of the report, for a hearing to determine whether the service station is an abandoned service station. The executive authority or board shall send written notice of the place and date of the hearing, together with a copy of the inspector's report and information that the service station may be ordered repaired or removed if determined to be abandoned, to all persons listed in the ~~bond filed under division (C) of section 3791.11 of the Revised Code~~ records of the county recorder as an owner of the affected property, and to all persons listed in the records of the county recorder or county clerk of courts as holding a lien on the affected property. Such notice shall be sent by certified mail to the address shown on such records.

~~(C)~~(D) In hearing the matter and deciding the issue, the executive authority or board shall consider the testimony of any persons appearing pursuant to the notice or their authorized representatives, the testimony of any witnesses appearing on behalf of such persons, the inspector's report or testimony, or both, and any other evidence pertinent to the matter. If the executive authority or board thereupon determines that the service station is an abandoned service station in such condition as to constitute a danger to the public health, welfare, safety, or morals, it shall order the satisfactory repair, or removal, of the service station and its appurtenances, and restoration of the property, within such period of time, not less than thirty days, as the executive authority or board thereupon determines

reasonable. Notice of the findings and order shall be sent to all 1735
persons required to be notified by division ~~(B)~~(C) of this section 1736
in the same manner as provided in that division. 1737

~~(D)~~(E) If an abandoned service station is not satisfactorily 1738
repaired or removed within the period of time provided in an order 1739
made under division ~~(C)~~(D) of this section, the municipal 1740
corporation or county may enter the land and complete the repair, 1741
if repair was ordered, or remove the service station and its 1742
appurtenances, if removal was ordered, and restore the property. 1743

~~(E)~~(F) Any person aggrieved by an order of an executive 1744
authority or board made under division ~~(C)~~(D) of this section, may 1745
appeal as provided in Chapter 2506. of the Revised Code within 1746
thirty days of the mailing of notice of the order. 1747

~~(F)~~(G) In the event that no persons notified as provided in 1748
division ~~(B)~~(C) of this section, or their authorized 1749
representatives, appear at the hearing, respond to an order of the 1750
executive authority or board, or appeal within thirty days of the 1751
mailing of notice of the order as provided in division ~~(E)~~(F) of 1752
this section, the municipal corporation or county may proceed as 1753
provided in division ~~(D)~~(E) of this section. 1754

Sec. 3791.13. (A) When a municipal corporation or county 1755
enters and repairs or removes an abandoned service station and its 1756
appurtenances and restores the property as provided in division 1757
~~(D)~~(E) or ~~(F)~~(G) of section 3791.12 of the Revised Code, it may 1758
bring an action ~~on the bond filed pursuant to division (C) of~~ 1759
~~section 3791.11 of the Revised Code~~ to recover the costs of repair 1760
or removal and restoration, plus the costs of the suit. ~~If the~~ 1761
~~costs of repair or removal and restoration exceed the amount~~ 1762
~~collected on the bond, the~~ The owner of the property and any 1763
lessee, other than a person leasing and operating the service 1764
station pursuant to a contract with a supplier of gasoline and 1765

other petroleum products, shall be jointly and severally liable 1766
for the ~~deficiency~~ costs. 1767

(B) Sections ~~3791.11~~, 3791.12, 3791.13 and 3791.99 of the 1768
Revised Code shall be an alternative remedy for the removal of 1769
abandoned service stations and shall not invalidate municipal 1770
ordinances regulating the use, requiring maintenance or repair, or 1771
providing for the removal of service stations. 1772

Sec. 3791.99. (A) Whoever violates ~~division (B) of section~~ 1773
~~3791.11~~ or division (D) of section 3791.21 of the Revised Code is 1774
guilty of a minor misdemeanor, and each day the violation 1775
continues constitutes a separate offense. 1776

(B) Whoever violates this chapter or any rule adopted or 1777
order issued pursuant to it that relates to the construction, 1778
alteration, or repair of any building, and the violation is not 1779
detrimental to the health, safety, or welfare of any person, shall 1780
be fined not more than one hundred dollars. 1781

(C) Whoever violates this chapter or any rule adopted or 1782
order issued pursuant to it that relates to the construction, 1783
alteration, or repair of any building, and the violation is 1784
detrimental to the health, safety, or welfare of any person, is 1785
guilty of a minor misdemeanor. 1786

Sec. 4501.03. The registrar of motor vehicles shall open an 1787
account with each county and district of registration in the 1788
state, and may assign each county and district of registration in 1789
the state a unique code for identification purposes. Except as 1790
provided in section 4501.044 or division (A)(1) of section 1791
4501.045 of the Revised Code, the registrar shall pay all moneys 1792
the registrar receives under sections 4503.02, and 4503.12, ~~and~~ 1793
~~4504.09~~ of the Revised Code into the state treasury to the credit 1794
of the auto registration distribution fund, which is hereby 1795

created, for distribution in the manner provided for in this 1796
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 1797
~~4501.043~~ of the Revised Code. All other moneys received by the 1798
registrar shall be deposited in the state bureau of motor vehicles 1799
fund established in section 4501.25 of the Revised Code for the 1800
purposes enumerated in that section, unless otherwise provided by 1801
law. 1802

All moneys credited to the auto registration distribution 1803
fund shall be distributed to the counties and districts of 1804
registration, ~~except for funds received by the registrar under~~ 1805
~~section 4504.09 of the Revised Code,~~ after receipt of 1806
certifications from the commissioners of the sinking fund 1807
certifying, as required by sections 5528.15 and 5528.35 of the 1808
Revised Code, that there are sufficient moneys to the credit of 1809
the highway improvement bond retirement fund created by section 1810
5528.12 of the Revised Code to meet in full all payments of 1811
interest, principal, and charges for the retirement of bonds and 1812
other obligations issued pursuant to Section 2g of Article VIII, 1813
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1814
Code due and payable during the current calendar year, and that 1815
there are sufficient moneys to the credit of the highway 1816
obligations bond retirement fund created by section 5528.32 of the 1817
Revised Code to meet in full all payments of interest, principal, 1818
and charges for the retirement of highway obligations issued 1819
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1820
sections 5528.30 and 5528.31 of the Revised Code due and payable 1821
during the current calendar year, in the manner provided in 1822
section 4501.04 of the Revised Code. 1823

The treasurer of state may invest any portion of the moneys 1824
credited to the auto registration distribution fund, in the same 1825
manner and subject to all the laws with respect to the investment 1826
of state funds by the treasurer of state, and all investment 1827

earnings of the fund shall be credited to the fund. 1828

Once each month the registrar shall prepare vouchers in favor 1829
of the county auditor of each county for the amount of the tax 1830
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1831
Code apportioned to the county and to the districts of 1832
registration located wholly or in part in the county auditor's 1833
county. The county auditor shall distribute the proceeds of the 1834
tax collections due the county and the districts of registration 1835
in the manner provided in section 4501.04 of the Revised Code. 1836

~~Once each month the registrar also shall prepare vouchers in 1837
favor of the county auditor of each county levying a county motor 1838
vehicle license tax pursuant to section 4504.02, 4504.15, or 1839
4504.16 of the Revised Code and of each county in which is located 1840
one or more townships levying a township motor vehicle license tax 1841
pursuant to section 4504.18 of the Revised Code for the amount of 1842
the tax due the county or townships in the county. 1843~~

All moneys received by the registrar under sections 4503.02, 1844
~~and~~ 4503.12, ~~and 4504.09~~ of the Revised Code shall be distributed 1845
to counties, townships, and municipal corporations within thirty 1846
days of the expiration of the registration year, except that a sum 1847
equal to five per cent of the total amount received under sections 1848
4503.02 and 4503.12 of the Revised Code may be reserved to make 1849
final adjustments in accordance with the formula for distribution 1850
set forth in section 4501.04 of the Revised Code. If amounts set 1851
aside to make the adjustments are inadequate, necessary 1852
adjustments shall be made immediately out of funds available for 1853
distribution for the following two registration years. 1854

Sec. 4501.031. All moneys received under section 4504.09 of 1855
the Revised Code shall be paid into the state treasury to the 1856
credit of the local motor vehicle license tax fund, which is 1857
hereby created, for distribution in the manner provided for in 1858

this chapter. The treasurer of state may invest any portion of the 1859
moneys credited to the fund in the same manner and subject to all 1860
the laws governing the investment of state funds by the treasurer 1861
of state. All investment earnings of the fund shall be credited to 1862
the fund. 1863

The registrar of motor vehicles shall open an account with 1864
each county and district of registration in the state, and may 1865
assign each county and district a code for identification 1866
purposes. The code for a county or district may be the same as the 1867
code assigned to the county or district by the registrar under 1868
section 4501.03 of the Revised Code. 1869

Once each month the registrar shall prepare vouchers in favor 1870
of the county auditor of each county levying a county motor 1871
vehicle license tax pursuant to section 4504.02, 4504.15, or 1872
4504.16 of the Revised Code and of each county in which is located 1873
one or more townships levying a township motor vehicle license tax 1874
pursuant to section 4504.18 of the Revised Code for the amount of 1875
the tax due the county or townships in the county. 1876

All moneys received by the registrar under section 4504.09 of 1877
the Revised Code shall be distributed to counties, townships, and 1878
municipal corporations within thirty days of the expiration of the 1879
registration year. Necessary adjustments shall be made immediately 1880
out of funds available for distribution for the following two 1881
registration years. 1882

Sec. 4501.04. All moneys paid into the auto registration 1883
distribution fund under section 4501.03 of the Revised Code, 1884
~~except moneys received under section 4504.09 of the Revised Code~~ 1885
~~and~~ moneys received under section 4503.02 of the Revised Code in 1886
accordance with section 4501.13 of the Revised Code, and except 1887
moneys paid for costs of audits under section 4501.03 of the 1888

Revised Code, after receipt by the treasurer of state of 1889
certifications from the commissioners of the sinking fund 1890
certifying, as required by sections 5528.15 and 5528.35 of the 1891
Revised Code, that there are sufficient moneys to the credit of 1892
the highway improvement bond retirement fund created by section 1893
5528.12 of the Revised Code to meet in full all payments of 1894
interest, principal, and charges for the retirement of bonds and 1895
other obligations issued pursuant to Section 2g of Article VIII, 1896
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1897
Code, due and payable during the current calendar year, and that 1898
there are sufficient moneys to the credit of the highway 1899
obligations bond retirement fund created by section 5528.32 of the 1900
Revised Code to meet in full all payments of interest, principal, 1901
and charges for the retirement of highway obligations issued 1902
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1903
sections 5528.30 and 5528.31 of the Revised Code due and payable 1904
during the current calendar year, shall be distributed as follows: 1905

(A) Thirty-four per cent of all such moneys are for the use 1906
of the municipal corporation or county which constitutes the 1907
district of registration. The portion of such money due to the 1908
municipal corporation shall be paid into its treasury forthwith 1909
upon receipt by the county auditor, and shall be used to plan, 1910
construct, reconstruct, repave, widen, maintain, repair, clear, 1911
and clean public highways, roads, and streets; to maintain and 1912
repair bridges and viaducts; to purchase, erect, and maintain 1913
street and traffic signs and markers; to purchase, erect, and 1914
maintain traffic lights and signals; to pay the principal, 1915
interest, and charges on bonds and other obligations issued 1916
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1917
to section 5531.09 of the Revised Code for the purpose of 1918
acquiring or constructing roads, highways, bridges, or viaducts, 1919
or acquiring or making other highway improvements for which the 1920
municipal corporation may issue bonds; and to supplement revenue 1921

already available for such purposes. 1922

The county portion of such funds shall be retained in the 1923
county treasury and shall be used for the planning, maintenance, 1924
repair, construction, and repaving of public streets, and 1925
maintaining and repairing bridges and viaducts; the payment of 1926
principal, interest, and charges on bonds and other obligations 1927
issued pursuant to Chapter 133. of the Revised Code or incurred 1928
pursuant to section 5531.09 of the Revised Code for the purpose of 1929
acquiring or constructing roads, highways, bridges, or viaducts or 1930
acquiring or making other highway improvements for which the board 1931
of county commissioners may issue bonds under such chapter; and 1932
for no other purpose. 1933

(B) Five per cent of all such moneys, together with interest 1934
earned by the treasurer of state as provided in section 4501.03 of 1935
the Revised Code, shall constitute a fund for the use of the 1936
several counties for the purposes specified in division (C) of 1937
this section. The moneys shall be divided equally among all the 1938
counties in the state and shall be paid out by the registrar of 1939
motor vehicles in equal proportions to the county auditor of each 1940
county within the state. 1941

(C) Forty-seven per cent of all such moneys shall be for the 1942
use of the county in which the owner resides or in which the place 1943
is located at which the established business or branch business in 1944
connection with which the motor vehicle registered is used, for 1945
the planning, construction, reconstruction, improvement, 1946
maintenance, and repair of roads and highways; maintaining and 1947
repairing bridges and viaducts; and the payment of principal, 1948
interest, and charges on bonds and other obligations issued 1949
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1950
to section 5531.09 of the Revised Code for the purpose of 1951
acquiring or constructing roads, highways, bridges, or viaducts or 1952
acquiring or making other highway improvements for which the board 1953

of county commissioners may issue bonds under such chapter. 1954

(D) Nine per cent of all such moneys shall be for the use of 1955
the several counties for the purposes specified in division (C) of 1956
this section and shall be distributed to the several counties in 1957
the ratio which the total number of miles of county roads under 1958
the jurisdiction of each board of county commissioners in each 1959
county bears to the total number of miles of county roads in the 1960
state, as determined by the director of transportation. Before 1961
such distribution is made each board of county commissioners shall 1962
certify in writing to the director the actual number of miles 1963
under its statutory jurisdiction which are used by and maintained 1964
for the public. 1965

(E) Five per cent of all such moneys shall be for the use of 1966
the several townships and shall be distributed to the several 1967
townships in the ratio which the total number of miles of township 1968
roads under the jurisdiction of each board of township trustees in 1969
each township bears to the total number of miles of township roads 1970
in the state, as determined by the director of transportation. 1971
Before such distribution is made each board of township trustees 1972
shall certify in writing to the director the actual number of 1973
miles under its statutory jurisdiction which are used by and 1974
maintained for the public. 1975

Sec. 4501.041. Except as provided in section 4501.042 of the 1976
Revised Code, all moneys received under section 4504.09 of the 1977
Revised Code with respect to counties levying county motor vehicle 1978
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 1979
the Revised Code and paid into the state treasury under section 1980
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 1981
respective counties levying such taxes for allocation and 1982
distribution as provided in section 4504.05 of the Revised Code. 1983

Sec. 4501.042. All moneys received under section 4504.09 of 1984
the Revised Code from municipal motor vehicle license taxes levied 1985
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 1986
Revised Code, and any part of the moneys received from county 1987
motor vehicle license taxes levied pursuant to section 4504.15 of 1988
the Revised Code which is to be distributed to municipal 1989
corporations, shall be paid ~~directly~~ into the state treasury to 1990
the credit of the local motor vehicle license tax fund created 1991
under section 4501.031 of the Revised Code and shall be 1992
distributed to the treasuries of the municipal corporations 1993
levying or entitled to such tax moneys. 1994

Sec. 4501.043. All moneys received under section 4504.09 of 1995
the Revised Code with respect to townships levying township 1996
license taxes pursuant to section 4504.18 of the Revised Code and 1997
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 1998
Revised Code shall be distributed to the respective townships 1999
levying such taxes for allocation and distribution as provided in 2000
section 4504.19 of the Revised Code. 2001

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 2002
referred to in division (O) of section 4503.04, division (E) of 2003
section 4503.042, division (B) of section 4503.07, division (C)(1) 2004
of section 4503.10, division (D) of section 4503.182, division (A) 2005
of section 4503.19, division (D)(2) of section 4507.24, division 2006
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 2007
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 2008
of the Revised Code, and the taxes charged in section 4503.65 that 2009
are distributed in accordance with division (A)(2) of section 2010
4501.044 of the Revised Code unless otherwise designated by law, 2011
shall be deposited in the state treasury to the credit of the 2012
state highway safety fund, which is hereby created, ~~and~~ Money 2013

credited to the fund shall, after receipt of certifications from 2014
the commissioners of the sinking fund certifying that there are 2015
sufficient moneys to the credit of the highway obligations bond 2016
retirement fund created by section 5528.32 of the Revised Code to 2017
meet in full all payments of interest, principal, and charges for 2018
the retirement of highway obligations issued pursuant to Section 2019
2i of Article VIII, Ohio Constitution, and sections 5528.30 and 2020
5528.31 of the Revised Code due and payable during the current 2021
calendar year, be used for the purpose of enforcing and paying the 2022
expenses of administering the law relative to the registration and 2023
operation of motor vehicles on the public roads or highways. 2024
Amounts credited to the fund may also be used to pay the expenses 2025
of administering and enforcing the laws under which such fees were 2026
collected. All investment earnings of the state highway safety 2027
fund shall be credited to the fund. 2028

Sec. 4503.04. Except as provided in sections 4503.042 and 2029
4503.65 of the Revised Code for the registration of commercial 2030
cars, trailers, semitrailers, and certain buses, the rates of the 2031
taxes imposed by section 4503.02 of the Revised Code shall be as 2032
follows: 2033

(A) For motor vehicles having three wheels or less, the 2034
license tax is: 2035

(1) For each motorized bicycle, ten dollars; 2036

(2) For each motorcycle, fourteen dollars. 2037

(B) For each passenger car, twenty dollars; 2038

(C) For each manufactured home, each mobile home, and each 2039
travel trailer, ten dollars; 2040

(D) For each noncommercial motor vehicle designed by the 2041
manufacturer to carry a load of no more than three-quarters of one 2042
ton and for each motor home, thirty-five dollars; for each 2043

noncommercial motor vehicle designed by the manufacturer to carry 2044
a load of more than three-quarters of one ton, but not more than 2045
one ton, seventy dollars; 2046

(E) For each noncommercial trailer, the license tax is: 2047

(1) Eighty-five cents for each one hundred pounds or part 2048
thereof for the first two thousand pounds or part thereof of 2049
weight of vehicle fully equipped; 2050

(2) One dollar and forty cents for each one hundred pounds or 2051
part thereof in excess of two thousand pounds up to and including 2052
ten thousand pounds. 2053

(F) Notwithstanding its weight, twelve dollars for any: 2054

(1) Vehicle equipped, owned, and used by a charitable or 2055
nonprofit corporation exclusively for the purpose of administering 2056
chest x-rays or receiving blood donations; 2057

(2) Van used principally for the transportation of 2058
handicapped persons that has been modified by being equipped with 2059
adaptive equipment to facilitate the movement of such persons into 2060
and out of the van; 2061

(3) Bus used principally for the transportation of 2062
handicapped persons or persons sixty-five years of age or older. 2063

(G) Notwithstanding its weight, twenty dollars for any bus 2064
used principally for the transportation of persons in a 2065
ridesharing arrangement. 2066

(H) For each transit bus having motor power the license tax 2067
is twelve dollars. 2068

"Transit bus" means either a motor vehicle having a seating 2069
capacity of more than seven persons which is operated and used by 2070
any person in the rendition of a public mass transportation 2071
service primarily in a municipal corporation or municipal 2072
corporations and provided at least seventy-five per cent of the 2073

annual mileage of such service and use is within such municipal 2074
corporation or municipal corporations or a motor vehicle having a 2075
seating capacity of more than seven persons which is operated 2076
solely for the transportation of persons associated with a 2077
charitable or nonprofit corporation, but does not mean any motor 2078
vehicle having a seating capacity of more than seven persons when 2079
such vehicle is used in a ridesharing capacity or any bus 2080
described by division (F)(3) of this section. 2081

The application for registration of such transit bus shall be 2082
accompanied by an affidavit prescribed by the registrar of motor 2083
vehicles and signed by the person or an agent of the firm or 2084
corporation operating such bus stating that the bus has a seating 2085
capacity of more than seven persons, and that it is either to be 2086
operated and used in the rendition of a public mass transportation 2087
service and that at least seventy-five per cent of the annual 2088
mileage of such operation and use shall be within one or more 2089
municipal corporations or that it is to be operated solely for the 2090
transportation of persons associated with a charitable or 2091
nonprofit corporation. 2092

The form of the license plate, and the manner of its 2093
attachment to the vehicle, shall be prescribed by the registrar of 2094
motor vehicles. 2095

(I) The minimum tax for any vehicle having motor power other 2096
than a farm truck, a motorized bicycle, or motorcycle is ten 2097
dollars and eighty cents, and for each noncommercial trailer, five 2098
dollars. 2099

(J)(1) Except as otherwise provided in division (J) of this 2100
section, for each farm truck, except a noncommercial motor 2101
vehicle, that is owned, controlled, or operated by one or more 2102
farmers exclusively in farm use as defined in this section, and 2103
not for commercial purposes, and provided that at least 2104
seventy-five per cent of such farm use is by or for the one or 2105

more owners, controllers, or operators of the farm in the 2106
operation of which a farm truck is used, the license tax is five 2107
dollars plus: 2108

(a) Fifty cents per one hundred pounds or part thereof for 2109
the first three thousand pounds; 2110

(b) Seventy cents per one hundred pounds or part thereof in 2111
excess of three thousand pounds up to and including four thousand 2112
pounds; 2113

(c) Ninety cents per one hundred pounds or part thereof in 2114
excess of four thousand pounds up to and including six thousand 2115
pounds; 2116

(d) Two dollars for each one hundred pounds or part thereof 2117
in excess of six thousand pounds up to and including ten thousand 2118
pounds; 2119

(e) Two dollars and twenty-five cents for each one hundred 2120
pounds or part thereof in excess of ten thousand pounds; 2121

(f) The minimum license tax for any farm truck shall be 2122
twelve dollars. 2123

(2) The owner of a farm truck may register the truck for a 2124
period of one-half year by paying one-half the registration tax 2125
imposed on the truck under this chapter and one-half the amount of 2126
any tax imposed on the truck under Chapter 4504. of the Revised 2127
Code. 2128

(3) A farm bus may be registered for a period of ~~ninety two~~ two 2129
hundred ten days from the date of issue of the license plates for 2130
the bus, for a fee of ten dollars, provided such license plates 2131
shall not be issued for more than ~~any two ninety day periods~~ one 2132
such period in any calendar year. Such use does not include the 2133
operation of trucks by commercial processors of agricultural 2134
products. 2135

(4) License plates for farm trucks and for farm buses shall 2136
have some distinguishing marks, letters, colors, or other 2137
characteristics to be determined by the director of public safety. 2138

(5) Every person registering a farm truck or bus under this 2139
section shall furnish an affidavit certifying that the truck or 2140
bus licensed to that person is to be so used as to meet the 2141
requirements necessary for the farm truck or farm bus 2142
classification. 2143

Any farmer may use a truck owned by the farmer for commercial 2144
purposes by paying the difference between the commercial truck 2145
registration fee and the farm truck registration fee for the 2146
remaining part of the registration period for which the truck is 2147
registered. Such remainder shall be calculated from the beginning 2148
of the semiannual period in which application for such commercial 2149
license is made. 2150

Taxes at the rates provided in this section are in lieu of 2151
all taxes on or with respect to the ownership of such motor 2152
vehicles, except as provided in section 4503.042 and section 2153
4503.06 of the Revised Code. 2154

(K) Other than trucks registered under the international 2155
registration plan in another jurisdiction and for which this state 2156
has received an apportioned registration fee, the license tax for 2157
each truck which is owned, controlled, or operated by a 2158
nonresident, and licensed in another state, and which is used 2159
exclusively for the transportation of nonprocessed agricultural 2160
products intrastate, from the place of production to the place of 2161
processing, is twenty-four dollars. 2162

"Truck," as used in this division, means any pickup truck, 2163
straight truck, semitrailer, or trailer other than a travel 2164
trailer. Nonprocessed agricultural products, as used in this 2165
division, does not include livestock or grain. 2166

A license issued under this division shall be issued for a 2167
period of one hundred thirty days in the same manner in which all 2168
other licenses are issued under this section, provided that no 2169
truck shall be so licensed for more than one 2170
one-hundred-thirty-day period during any calendar year. 2171

The license issued pursuant to this division shall consist of 2172
a windshield decal to be designed by the director of public 2173
safety. 2174

Every person registering a truck under this division shall 2175
furnish an affidavit certifying that the truck licensed to the 2176
person is to be used exclusively for the purposes specified in 2177
this division. 2178

(L) Every person registering a motor vehicle as a 2179
noncommercial motor vehicle as defined in section 4501.01 of the 2180
Revised Code, or registering a trailer as a noncommercial trailer 2181
as defined in that section, shall furnish an affidavit certifying 2182
that the motor vehicle or trailer so licensed to the person is to 2183
be so used as to meet the requirements necessary for the 2184
noncommercial vehicle classification. 2185

(M) Every person registering a van or bus as provided in 2186
divisions (F)(2) and (3) of this section shall furnish a notarized 2187
statement certifying that the van or bus licensed to the person is 2188
to be used for the purposes specified in those divisions. The form 2189
of the license plate issued for such motor vehicles shall be 2190
prescribed by the registrar. 2191

(N) Every person registering as a passenger car a motor 2192
vehicle designed and used for carrying more than nine but not more 2193
than fifteen passengers, and every person registering a bus as 2194
provided in division (G) of this section, shall furnish an 2195
affidavit certifying that the vehicle so licensed to the person is 2196
to be used in a ridesharing arrangement and that the person will 2197

have in effect whenever the vehicle is used in a ridesharing 2198
arrangement a policy of liability insurance with respect to the 2199
motor vehicle in amounts and coverages no less than those required 2200
by section 4509.79 of the Revised Code. The form of the license 2201
plate issued for such a motor vehicle shall be prescribed by the 2202
registrar. 2203

(O)(1) Commencing on October 1, 2009, if an application for 2204
registration renewal is not applied for prior to the expiration 2205
date of the registration or within ~~seven~~ thirty days after that 2206
date, the registrar or deputy registrar shall collect a fee of 2207
~~twenty ten~~ ten dollars for the issuance of the vehicle registration. 2208
For any motor vehicle that is used on a seasonal basis, whether 2209
used for general transportation or not, and that has not been used 2210
on the public roads or highways since the expiration of the 2211
registration, the registrar or deputy registrar shall waive the 2212
fee established under this division if the application is 2213
accompanied by supporting evidence of seasonal use as the 2214
registrar may require. The registrar or deputy registrar may waive 2215
the fee for other good cause shown if the application is 2216
accompanied by supporting evidence as the registrar may require. 2217
The fee shall be in addition to all other fees established by this 2218
section. A deputy registrar shall retain fifty cents of the fee 2219
and shall transmit the remaining amount to the registrar at the 2220
time and in the manner provided by section 4503.10 of the Revised 2221
Code. The registrar shall deposit all moneys received under this 2222
division into the state highway safety fund established in section 2223
4501.06 of the Revised Code. 2224

(2) Division (O)(1) of this section does not apply to a farm 2225
truck or farm bus registered under division (J) of this section. 2226

(P) As used in this section: 2227

(1) "Van" means any motor vehicle having a single rear axle 2228
and an enclosed body without a second seat. 2229

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

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

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

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

Sec. 4503.042. The registrar of motor vehicles shall adopt rules establishing the date, subsequent to this state's entry into membership in the international registration plan, when the rates established by this section become operative.

(A) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for commercial cars having a gross vehicle weight or combined gross vehicle weight of:

(1) Not more than two thousand pounds, forty-five dollars;

(2) More than two thousand but not more than six thousand pounds, seventy dollars;

(3) More than six thousand but not more than ten thousand pounds, eighty-five dollars;	2260 2261
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	2262 2263
(5) More than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	2264 2265
(6) More than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	2266 2267
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	2268 2269
(8) More than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	2270 2271
(9) More than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	2272 2273
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	2274 2275
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	2276 2277
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	2278 2279
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	2280 2281
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	2282 2283
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	2284 2285
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	2286 2287
(17) More than sixty-two thousand but not more than sixty-six	2288

thousand pounds, nine hundred twenty-five dollars;	2289
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	2290 2291
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	2292 2293
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	2294 2295
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	2296 2297
(B) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for buses having a gross vehicle weight or combined gross vehicle weight of:	2298 2299 2300
(1) Not more than two thousand pounds, ten dollars;	2301
(2) More than two thousand but not more than six thousand pounds, forty dollars;	2302 2303
(3) More than six thousand but not more than ten thousand pounds, one hundred dollars;	2304 2305
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	2306 2307
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	2308 2309
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	2310 2311
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	2312 2313
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	2314 2315
(9) More than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	2316 2317

(10) More than thirty-four thousand but not more than	2318
thirty-eight thousand pounds, six hundred sixty dollars;	2319
(11) More than thirty-eight thousand but not more than	2320
forty-two thousand pounds, seven hundred forty dollars;	2321
(12) More than forty-two thousand but not more than forty-six	2322
thousand pounds, eight hundred twenty dollars;	2323
(13) More than forty-six thousand but not more than fifty	2324
thousand pounds, nine hundred forty dollars;	2325
(14) More than fifty thousand but not more than fifty-four	2326
thousand pounds, one thousand dollars;	2327
(15) More than fifty-four thousand but not more than	2328
fifty-eight thousand pounds, one thousand ninety dollars;	2329
(16) More than fifty-eight thousand but not more than	2330
sixty-two thousand pounds, one thousand one hundred eighty	2331
dollars;	2332
(17) More than sixty-two thousand but not more than sixty-six	2333
thousand pounds, one thousand two hundred seventy dollars;	2334
(18) More than sixty-six thousand but not more than seventy	2335
thousand pounds, one thousand three hundred sixty dollars;	2336
(19) More than seventy thousand but not more than	2337
seventy-four thousand pounds, one thousand four hundred fifty	2338
dollars;	2339
(20) More than seventy-four thousand but not more than	2340
seventy-eight thousand pounds, one thousand five hundred forty	2341
dollars;	2342
(21) More than seventy-eight thousand pounds, one thousand	2343
six hundred thirty dollars.	2344
(C) In addition to the license taxes imposed at the rates	2345
specified in divisions (A) and (B) of this section, an	2346

administrative fee of three dollars and fifty cents, plus an 2347
appropriate amount to cover the cost of postage, shall be 2348
collected by the registrar for each international registration 2349
plan license processed by the registrar. 2350

(D) The rate of the tax for each trailer and semitrailer is 2351
twenty-five dollars. 2352

(E) Commencing on October 1, 2009, if an application for 2353
registration renewal is not applied for prior to the expiration 2354
date of the registration or within ~~seven~~ thirty days after that 2355
date, the registrar or deputy registrar shall collect a fee of 2356
~~twenty ten~~ ten dollars for the issuance of the vehicle registration, 2357
but may waive the fee for good cause shown if the application is 2358
accompanied by supporting evidence as the registrar may require. 2359
The fee shall be in addition to all other fees established by this 2360
section. A deputy registrar shall retain fifty cents of the fee 2361
and shall transmit the remaining amount to the registrar at the 2362
time and in the manner provided by section 4503.10 of the Revised 2363
Code. The registrar shall deposit all moneys received under this 2364
division into the state highway safety fund established in section 2365
4501.06 of the Revised Code. 2366

(F) The rates established by this section shall not apply to 2367
any of the following: 2368

(1) Vehicles equipped, owned, and used by a charitable or 2369
nonprofit corporation exclusively for the purpose of administering 2370
chest x-rays or receiving blood donations; 2371

(2) Vans used principally for the transportation of 2372
handicapped persons that have been modified by being equipped with 2373
adaptive equipment to facilitate the movement of such persons into 2374
and out of the vans; 2375

(3) Buses used principally for the transportation of 2376
handicapped persons or persons sixty-five years of age or older; 2377

(4) Buses used principally for the transportation of persons	2378
in a ridesharing arrangement;	2379
(5) Transit buses having motor power;	2380
(6) Noncommercial trailers, mobile homes, or manufactured	2381
homes.	2382
Sec. 4503.07. (A) In lieu of the schedule of rates for	2383
commercial cars fixed in section 4503.04 of the Revised Code, the	2384
fee shall be ten dollars for each church bus used exclusively to	2385
transport members of a church congregation to and from church	2386
services or church functions or to transport children and their	2387
authorized supervisors to and from any camping function sponsored	2388
by a nonprofit, tax-exempt, charitable or philanthropic	2389
organization. A church within the meaning of this section is an	2390
organized religious group, duly constituted with officers and a	2391
board of trustees, regularly holding religious services, and	2392
presided over or administered to by a properly accredited	2393
ecclesiastical officer, whose name and standing is published in	2394
the official publication of the officer's religious group.	2395
(B) Commencing on October 1, 2009, if an application for	2396
registration renewal is not applied for prior to the expiration	2397
date of the registration or within seven <u>thirty</u> days after that	2398
date, the registrar or deputy registrar shall collect a fee of	2399
twenty <u>ten</u> dollars for the issuance of the vehicle registration,	2400
but may waive the fee for good cause shown if the application is	2401
accompanied by supporting evidence as the registrar may require.	2402
The fee shall be in addition to all other fees established by this	2403
section. A deputy registrar shall retain fifty cents of the fee	2404
and shall transmit the remaining amount to the registrar at the	2405
time and in the manner provided by section 4503.10 of the Revised	2406
Code. The registrar shall deposit all moneys received under this	2407
division into the state highway safety fund established in section	2408

4501.06 of the Revised Code. 2409

(C) The application for registration of such bus shall be 2410
accompanied by the following, as applicable: 2411

(1) An affidavit, prescribed by the registrar of motor 2412
vehicles and signed by either the senior pastor, minister, priest, 2413
or rabbi of the church making application or by the head of the 2414
governing body of the church making application, stating that the 2415
bus is to be used exclusively to transport members of a church 2416
congregation to and from church services or church functions or to 2417
transport children and their authorized supervisors to and from 2418
any camping function sponsored by a nonprofit, tax-exempt, 2419
charitable, or philanthropic organization; 2420

(2) A certificate from the state highway patrol stating that 2421
the bus involved is safe for operation in accordance with such 2422
standards as are prescribed by the state highway patrol if the bus 2423
meets either of the following: 2424

(a) It originally was designed by the manufacturer to 2425
transport sixteen or more passengers, including the driver; 2426

(b) It has a gross vehicle weight rating of ten thousand one 2427
pounds or more. 2428

(D) The form of the license plate and the manner of its 2429
attachment to the vehicle shall be prescribed by the registrar. 2430

Sec. 4503.42. For each registration renewal with an 2431
expiration date before October 1, 2009, and for each initial 2432
application for registration received before that date the 2433
registrar of motor vehicles shall be allowed a fee not to exceed 2434
thirty-five dollars, and for each registration renewal with an 2435
expiration date on or after October 1, 2009, and for each initial 2436
application for registration received on or after that date the 2437
registrar shall be allowed a fee of fifty dollars, which shall be 2438

in addition to the regular license fee for tags as prescribed 2439
under section 4503.04 of the Revised Code and any tax levied under 2440
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 2441
each application received by the registrar for special reserved 2442
license plate numbers containing more than three letters or 2443
numerals, and the issuing of such licenses and validation stickers 2444
in the several series as the registrar may designate. Five dollars 2445
of the fee shall be for the purpose of compensating the bureau of 2446
motor vehicles for additional services required in the issuing of 2447
such licenses and validation stickers, and the remaining portion 2448
of the fee shall be deposited by the registrar into the state 2449
treasury to the credit of the state highway safety fund created by 2450
section 4501.06 of the Revised Code. 2451

This section does not apply to the issuance of reserved 2452
license plates as authorized by sections 4503.14, 4503.15, and 2453
4503.40 of the Revised Code. The types of motor vehicles for which 2454
license plate numbers containing more than three letters or 2455
numerals may be issued in accordance with this section shall 2456
include at least buses, passenger cars, and noncommercial motor 2457
vehicles. 2458

Sec. 4503.45. An owner of a collector's vehicle, upon 2459
complying with the motor vehicle laws relating to registration and 2460
licensing of motor vehicles, and upon payment of the regular 2461
license fee as prescribed under section 4503.04 of the Revised 2462
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 2463
4504. of the Revised Code, and the payment of an additional fee of 2464
five dollars, which shall be for the purpose of compensating the 2465
bureau of motor vehicles for additional services required in the 2466
issuing of such licenses, shall be issued validation stickers and 2467
license plates, or validation stickers alone when required by 2468
section 4503.191 of the Revised Code, upon which, in addition to 2469
the letters and numbers ordinarily inscribed thereon, shall be 2470

inscribed the words "collector's vehicle." 2471

Sec. 4503.49. (A) As used in this section, "ambulance," 2472
"ambulette," "emergency medical service organization," 2473
"nonemergency medical service organization," and "nontransport 2474
vehicle" have the same meanings as in section 4766.01 of the 2475
Revised Code. 2476

(B) Each private emergency medical service organization and 2477
each private nonemergency medical service organization shall apply 2478
to the registrar of motor vehicles for the registration of any 2479
ambulance, ambulette, or nontransport vehicle it owns or leases. 2480
The application shall be accompanied by a copy of the certificate 2481
of licensure issued to the organization by the ~~Ohio~~ state board of 2482
emergency medical, fire, and transportation ~~board~~ services and the 2483
following fees: 2484

(1) The regular license tax as prescribed under section 2485
4503.04 of the Revised Code; 2486

(2) Any local license tax levied under Chapter 4504. of the 2487
Revised Code; 2488

(3) An additional fee of seven dollars and fifty cents. The 2489
additional fee shall be for the purpose of compensating the bureau 2490
of motor vehicles for additional services required to be performed 2491
under this section and shall be transmitted by the registrar to 2492
the treasurer of state for deposit in the state bureau of motor 2493
vehicles fund created by section 4501.25 of the Revised Code. 2494

(C) On receipt of a complete application, the registrar shall 2495
issue to the applicant the appropriate certificate of registration 2496
for the vehicle and do one of the following: 2497

(1) Issue a set of license plates with a validation sticker 2498
and a set of stickers to be attached to the plates as an 2499
identification of the vehicle's classification as an ambulance, 2500

ambulette, or nontransport vehicle; 2501

(2) Issue a validation sticker alone when so required by 2502
section 4503.191 of the Revised Code. 2503

Sec. 4504.19. Upon receipt by ~~him~~ the county auditor of 2504
moneys pursuant to section 4501.043 of the Revised Code, the 2505
county auditor shall pay into the treasury of each township in the 2506
county levying a township motor vehicle license tax the portion of 2507
such money due the township as shown by the certificate of the 2508
registrar of motor vehicles prepared pursuant to section ~~4501.03~~ 2509
4501.031 of the Revised Code. The money shall be used by the 2510
township only for the purposes described in section 4504.18 of the 2511
Revised Code. 2512

Sec. 4504.21. (A) For the purpose of paying the costs and 2513
expenses of enforcing and administering the tax provided for in 2514
this section; for planning, constructing, reconstructing, 2515
improving, maintaining, and repairing roads, bridges, and 2516
culverts; for purchasing, erecting, and maintaining traffic signs, 2517
markers, lights, and signals; for paying debt service charges on 2518
obligations issued for those purposes; and to supplement revenue 2519
already available for those purposes, a transportation improvement 2520
district created in accordance with section 5540.02 of the Revised 2521
Code may levy an annual license tax upon the operation of motor 2522
vehicles on the public roads and highways in the territory of the 2523
district. The tax shall be levied in increments of five dollars 2524
and shall not exceed twenty dollars per motor vehicle on all motor 2525
vehicles the owners of which reside in the district and shall be 2526
in addition to all other taxes levied under this chapter, subject 2527
to reduction in the manner provided in division (B)(2) of section 2528
4503.11 of the Revised Code. The tax may be levied in all or part 2529
of the territory of the district. 2530

(B) The board of trustees of a transportation improvement district proposing to levy a motor vehicle license tax under this section shall put the question of the tax to the electors of the district or of that part of the district in which the tax would be levied. The election shall be held on the date of a primary or general election held not less than ninety days after the board of trustees certifies to the county board of elections its resolution proposing the tax. The resolution shall specify the rate of the tax. The board of elections shall submit the question of the tax to the electors at the primary or general election. The secretary of state shall prescribe the form of the ballot for the election. If approved by a majority of the electors voting on the question of the tax, the board of trustees shall levy the tax as provided in the resolution.

(C) A transportation improvement district license tax levied under this section shall continue in effect until repealed, or until the dissolution of the transportation improvement district that levied it.

(D) Money received by the registrar of motor vehicles pursuant to ~~sections 4501.03 and section~~ section 4504.09 of the Revised Code that consists of the taxes levied under this section shall be deposited in the ~~auto-registration distribution~~ local motor vehicle license tax fund created by section ~~4501.03~~ 4501.031 of the Revised Code and distributed to the transportation improvement district levying such tax. The registrar may assign to the transportation improvement district a unique code to facilitate the distribution of such money, which may be the same unique code assigned to a county under section 4501.03 of the Revised Code.

Sec. 4506.08. (A)(1) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars. Each application for a commercial

driver's license, restricted commercial driver's license, renewal 2562
of such a license, or waiver for farm-related service industries 2563
shall be accompanied by a fee of twenty-five dollars, except that 2564
an application for a commercial driver's license or restricted 2565
commercial driver's license received pursuant to division (A)(3) 2566
of section 4506.14 of the Revised Code shall be accompanied by a 2567
fee of eighteen dollars and seventy-five cents if the license will 2568
expire on the licensee's birthday three years after the date of 2569
issuance, a fee of twelve dollars and fifty cents if the license 2570
will expire on the licensee's birthday two years after the date of 2571
issuance, and a fee of six dollars and twenty-five cents if the 2572
license will expire on the licensee's birthday one year after the 2573
date of issuance. Each application for a duplicate commercial 2574
driver's license shall be accompanied by a fee of ten dollars. 2575

(2) In addition, the registrar of motor vehicles or deputy 2576
registrar may collect and retain an additional fee of no more than 2577
three dollars and fifty cents for each application for a 2578
commercial driver's license temporary instruction permit, 2579
commercial driver's license, renewal of a commercial driver's 2580
license, or duplicate commercial driver's license received by the 2581
registrar or deputy. 2582

(B) In addition to the fees imposed under division (A) of 2583
this section, the registrar of motor vehicles or deputy registrar 2584
shall collect a fee of twelve dollars for each application for a 2585
commercial driver's license temporary instruction permit, 2586
commercial driver's license, or duplicate commercial driver's 2587
license and for each application for renewal of a commercial 2588
driver's license. The additional fee is for the purpose of 2589
defraying the department of public safety's costs associated with 2590
the administration and enforcement of the motor vehicle and 2591
traffic laws of Ohio. 2592

(C) Each deputy registrar shall transmit the fees collected 2593

under divisions (A)(1) and (B) of this section in the time and 2594
manner prescribed by the registrar. The registrar shall deposit 2595
all moneys ~~received~~ collected under division ~~(C)(A)(1)~~ of this 2596
section into the state ~~highway safety bureau of motor vehicles~~ 2597
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 2598
The registrar shall deposit all moneys collected under division 2599
(B) of this section into the state highway safety fund established 2600
in section 4501.06 of the Revised Code. 2601

(D) Information regarding the driving record of any person 2602
holding a commercial driver's license issued by this state shall 2603
be furnished by the registrar, upon request and payment of a fee 2604
of five dollars, to the employer or prospective employer of such a 2605
person and to any insurer. 2606

Of each five-dollar fee the registrar collects under this 2607
division, the registrar shall pay two dollars into the state 2608
treasury to the credit of the state bureau of motor vehicles fund 2609
established in section 4501.25 of the Revised Code, sixty cents 2610
into the state treasury to the credit of the trauma and emergency 2611
medical services fund established in section 4513.263 of the 2612
Revised Code, sixty cents into the state treasury to the credit of 2613
the homeland security fund established in section 5502.03 of the 2614
Revised Code, thirty cents into the state treasury to the credit 2615
of the investigations fund established in section 5502.131 of the 2616
Revised Code, one dollar and twenty-five cents into the state 2617
treasury to the credit of the emergency management agency service 2618
and reimbursement fund established in section 5502.39 of the 2619
Revised Code, and twenty-five cents into the state treasury to the 2620
credit of the justice program services fund established in section 2621
5502.67 of the Revised Code. 2622

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 2623
approval by the director of public safety, shall adopt rules 2624

conforming with applicable standards adopted by the federal motor 2625
carrier safety administration as regulations under Pub. L. No. 2626
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 2627
31317. The rules shall establish requirements for the 2628
qualification and testing of persons applying for a commercial 2629
driver's license, which shall be in addition to other requirements 2630
established by this chapter. Except as provided in division (B) of 2631
this section, the highway patrol or any other employee of the 2632
department of public safety the registrar authorizes shall 2633
supervise and conduct the testing of persons applying for a 2634
commercial driver's license. 2635

(B) The director may adopt rules, in accordance with Chapter 2636
119. of the Revised Code and applicable requirements of the 2637
federal motor carrier safety administration, authorizing the 2638
skills test specified in this section to be administered by any 2639
person, by an agency of this or another state, or by an agency, 2640
department, or instrumentality of local government. Each party 2641
authorized under this division to administer the skills test may 2642
charge a maximum divisible fee of eighty-five dollars for each 2643
skills test given as part of a commercial driver's license 2644
examination. The fee shall consist of not more than twenty dollars 2645
for the pre-trip inspection portion of the test, not more than 2646
twenty dollars for the off-road maneuvering portion of the test, 2647
and not more than forty-five dollars for the on-road portion of 2648
the test. Each such party may require an appointment fee in the 2649
same manner provided in division (F)(2) of this section, except 2650
that the maximum amount such a party may require as an appointment 2651
fee is eighty-five dollars. The skills test administered by 2652
another party under this division shall be the same as otherwise 2653
would be administered by this state. The other party shall enter 2654
into an agreement with the director that, without limitation, does 2655
all of the following: 2656

(1) Allows the director or the director's representative and the federal motor carrier safety administration or its representative to conduct random examinations, inspections, and audits of the other party without prior notice;

(2) Requires the director or the director's representative to conduct on-site inspections of the other party at least annually;

(3) Requires that all examiners of the other party meet the same qualification and training standards as examiners of the department of public safety, to the extent necessary to conduct skills tests in the manner required by 49 C.F.R. 383.110 through 383.135;

(4) Requires either that state employees take, at least annually and as though the employees were test applicants, the tests actually administered by the other party, that the director test a sample of drivers who were examined by the other party to compare the test results, or that state employees accompany a test applicant during an actual test;

(5) Reserves to this state the right to take prompt and appropriate remedial action against testers of the other party if the other party fails to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.

(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

(D) The director shall adopt rules, in accordance with 2688
Chapter 119. of the Revised Code, authorizing waiver of the skills 2689
test specified in this section for any applicant for a commercial 2690
driver's license who meets all of the following requirements: 2691

(1) Certifies that, during the two-year period immediately 2692
preceding application for a commercial driver's license, all of 2693
the following apply: 2694

(a) The applicant has not had more than one license. 2695

(b) The applicant has not had any license suspended, revoked, 2696
or canceled. 2697

(c) The applicant has not had any convictions for any type of 2698
motor vehicle for the offenses for which disqualification is 2699
prescribed in section 4506.16 of the Revised Code. 2700

(d) The applicant has not had any violation of a state or 2701
local law relating to motor vehicle traffic control other than a 2702
parking violation arising in connection with any traffic accident 2703
and has no record of an accident in which the applicant was at 2704
fault. 2705

(e) The applicant has previously taken and passed a skills 2706
test given by a state with a classified licensing and testing 2707
system in which the test was behind-the-wheel in a representative 2708
vehicle for the applicant's commercial driver's license 2709
classification. 2710

(2) Certifies and also provides evidence that the applicant 2711
is regularly employed in a job requiring operation of a commercial 2712
motor vehicle and that one of the following applies: 2713

(a) The applicant has previously taken and passed a skills 2714
test given by a state with a classified licensing and testing 2715
system in which the test was behind-the-wheel in a representative 2716
vehicle for the applicant's commercial driver's license 2717

classification. 2718

(b) The applicant has regularly operated, for at least two 2719
years immediately preceding application for a commercial driver's 2720
license, a vehicle representative of the commercial motor vehicle 2721
the applicant operates or expects to operate. 2722

(E) The director shall adopt rules, in accordance with 2723
Chapter 119. of the Revised Code, authorizing waiver of the skills 2724
test specified in this section for any applicant for a commercial 2725
driver's license who meets all of the following requirements: 2726

(1) At the time of applying, is a member or uniformed 2727
employee of the armed forces of the United States or their reserve 2728
components, including the Ohio national guard, or separated from 2729
such service or employment within the preceding ninety days; 2730

(2) Certifies that, during the two-year period immediately 2731
preceding application for a commercial driver's license, all of 2732
the following apply: 2733

(a) The applicant has not had more than one license, 2734
excluding any military license. 2735

(b) The applicant has not had any license suspended, revoked, 2736
or canceled. 2737

(c) The applicant has not had any convictions for any type of 2738
motor vehicle for the offenses for which disqualification is 2739
prescribed in section 4506.16 of the Revised Code. 2740

(d) The applicant has not had more than one conviction for 2741
any type of motor vehicle for a serious traffic violation. 2742

(e) The applicant has not had any violation of a state or 2743
local law relating to motor vehicle traffic control other than a 2744
parking violation arising in connection with any traffic accident 2745
and has no record of an accident in which the applicant was at 2746
fault. 2747

(3) In accordance with rules adopted by the director, 2748
certifies and also provides evidence of all of the following: 2749

(a) That the applicant is regularly employed or was regularly 2750
employed within the preceding ninety days in a military position 2751
requiring operation of a commercial motor vehicle; 2752

(b) That the applicant was exempt from the requirements of 2753
this chapter under division (B)(6) of section 4506.03 of the 2754
Revised Code; 2755

(c) That, for at least two years immediately preceding the 2756
date of application or at least two years immediately preceding 2757
the date the applicant separated from military service or 2758
employment, the applicant regularly operated a vehicle 2759
representative of the commercial motor vehicle type that the 2760
applicant operates or expects to operate. 2761

(F)(1) The department of public safety may charge and collect 2762
a divisible fee of fifty dollars for each skills test given as 2763
part of a commercial driver's license examination. The fee shall 2764
consist of ten dollars for the pre-trip inspection portion of the 2765
test, ten dollars for the off-road maneuvering portion of the 2766
test, and thirty dollars for the on-road portion of the test. 2767

(2) The director may require an applicant for a commercial 2768
driver's license who schedules an appointment with the highway 2769
patrol or other authorized employee of the department of public 2770
safety to take all portions of the skills test, to pay an 2771
appointment fee of fifty dollars at the time of scheduling the 2772
appointment. If the applicant appears at the time and location 2773
specified for the appointment and takes all portions of the skills 2774
test during that appointment, the appointment fee shall serve as 2775
the skills test fee. If the applicant schedules an appointment to 2776
take all portions of the skills test and fails to appear at the 2777
time and location specified for the appointment, no portion of the 2778

appointment fee shall be refunded. If the applicant schedules an 2779
appointment to take all portions of the skills test and appears at 2780
the time and location specified for the appointment, but declines 2781
or is unable to take all portions of the skills test, no portion 2782
of the appointment fee shall be refunded. If the applicant cancels 2783
a scheduled appointment forty-eight hours or more prior to the 2784
time of the appointment time, the applicant shall not forfeit the 2785
appointment fee. 2786

An applicant for a commercial driver's license who schedules 2787
an appointment to take one or more, but not all, portions of the 2788
skills test shall be required to pay an appointment fee equal to 2789
the costs of each test scheduled, as prescribed in division (F)(1) 2790
of this section, when scheduling such an appointment. If the 2791
applicant appears at the time and location specified for the 2792
appointment and takes all the portions of the skills test during 2793
that appointment that the applicant was scheduled to take, the 2794
appointment fee shall serve as the skills test fee. If the 2795
applicant schedules an appointment to take one or more, but not 2796
all, portions of the skills test and fails to appear at the time 2797
and location specified for the appointment, no portion of the 2798
appointment fee shall be refunded. If the applicant schedules an 2799
appointment to take one or more, but not all, portions of the 2800
skills test and appears at the time and location specified for the 2801
appointment, but declines or is unable to take all portions of the 2802
skills test that the applicant was scheduled to take, no portion 2803
of the appointment fee shall be refunded. If the applicant cancels 2804
a scheduled appointment forty-eight hours or more prior to the 2805
time of the appointment time, the applicant shall not forfeit the 2806
appointment fee. 2807

(3) The department of public safety shall deposit all fees it 2808
collects under division (F) of this section in the state ~~highway~~ 2809
safety bureau of motor vehicles fund established in section 2810

4501.25 of the Revised Code. 2811

(G) As used in this section, "skills test" means a test of an 2812
applicant's ability to drive the type of commercial motor vehicle 2813
for which the applicant seeks a commercial driver's license by 2814
having the applicant drive such a motor vehicle while under the 2815
supervision of an authorized state driver's license examiner or 2816
tester. 2817

Sec. 4507.011. (A) Each deputy registrar assigned to a 2818
driver's license examining station by the registrar of motor 2819
vehicles as provided in section 4507.01 of the Revised Code shall 2820
remit to the director of public safety a rental fee equal to the 2821
percentage of space occupied by the deputy registrar in the 2822
driver's license examining station multiplied by the rental fee 2823
paid for the entire driver's license examining station plus a pro 2824
rata share of all utility costs. All such moneys received by the 2825
director shall be deposited in the state treasury to the credit of 2826
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 2827
~~hereby created in section 4501.25 of the Revised Code.~~ The moneys 2828
~~in the fund shall be used by the department of public safety only~~ 2829
~~to pay the rent and expenses of the driver's license examining~~ 2830
~~stations. All investment earnings of the fund shall be credited to~~ 2831
~~the fund.~~ 2832

(B) Each deputy registrar assigned to a bureau of motor 2833
vehicles' location shall reimburse the registrar a monthly 2834
building rental fee, including applicable utility charges. All 2835
such moneys received by the registrar shall be deposited into the 2836
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 2837
~~the Revised Code.~~ 2838

Sec. 4507.05. (A) The registrar of motor vehicles, or a 2839
deputy registrar, upon receiving an application for a temporary 2840

instruction permit and a temporary instruction permit 2841
identification card for a driver's license from any person who is 2842
at least fifteen years six months of age, may issue such a permit 2843
and identification card entitling the applicant to drive a motor 2844
vehicle, other than a commercial motor vehicle, upon the highways 2845
under the following conditions: 2846

(1) If the permit is issued to a person who is at least 2847
fifteen years six months of age, but less than sixteen years of 2848
age: 2849

(a) The permit and identification card are in the holder's 2850
immediate possession; 2851

(b) The holder is accompanied by an eligible adult who 2852
actually occupies the seat beside the permit holder and does not 2853
have a prohibited concentration of alcohol in the whole blood, 2854
blood serum or plasma, breath, or urine as provided in division 2855
(A) of section 4511.19 of the Revised Code; 2856

(c) The total number of occupants of the vehicle does not 2857
exceed the total number of occupant restraining devices originally 2858
installed in the motor vehicle by its manufacturer, and each 2859
occupant of the vehicle is wearing all of the available elements 2860
of a properly adjusted occupant restraining device. 2861

(2) If the permit is issued to a person who is at least 2862
sixteen years of age: 2863

(a) The permit and identification card are in the holder's 2864
immediate possession; 2865

(b) The holder is accompanied by a licensed operator who is 2866
at least twenty-one years of age, is actually occupying a seat 2867
beside the driver, and does not have a prohibited concentration of 2868
alcohol in the whole blood, blood serum or plasma, breath, or 2869
urine as provided in division (A) of section 4511.19 of the 2870
Revised Code; 2871

(c) The total number of occupants of the vehicle does not 2872
exceed the total number of occupant restraining devices originally 2873
installed in the motor vehicle by its manufacturer, and each 2874
occupant of the vehicle is wearing all of the available elements 2875
of a properly adjusted occupant restraining device. 2876

(B) The registrar or a deputy registrar, upon receiving from 2877
any person an application for a temporary instruction permit and 2878
temporary instruction permit identification card to operate a 2879
motorcycle or motorized bicycle, may issue such a permit and 2880
identification card entitling the applicant, while having the 2881
permit and identification card in the applicant's immediate 2882
possession, to drive a motorcycle under the restrictions 2883
prescribed in section 4511.53 of the Revised Code, or to drive a 2884
motorized bicycle under restrictions determined by the registrar. 2885
A temporary instruction permit and temporary instruction permit 2886
identification card to operate a motorized bicycle may be issued 2887
to a person fourteen or fifteen years old. 2888

(C) Any permit and identification card issued under this 2889
section shall be issued in the same manner as a driver's license, 2890
upon a form to be furnished by the registrar. A temporary 2891
instruction permit to drive a motor vehicle other than a 2892
commercial motor vehicle shall be valid for a period of one year. 2893

(D) Any person having in the person's possession a valid and 2894
current driver's license or motorcycle operator's license or 2895
endorsement issued to the person by another jurisdiction 2896
recognized by this state is exempt from obtaining a temporary 2897
instruction permit for a driver's license, ~~but shall submit and~~ 2898
from submitting to the examination for a temporary instruction 2899
permit and the regular examination ~~in~~ for obtaining a driver's 2900
license or motorcycle operator's endorsement in this state if the 2901
person does all of the following: 2902

(1) Submits to and passes vision screening as provided in 2903

section 4507.12 of the Revised Code; 2904

(2) Surrenders to the registrar or deputy registrar the 2905
person's driver's license issued by the other jurisdiction; and 2906

(3) Complies with all other applicable requirements for 2907
issuance by this state of a driver's license, driver's license 2908
with a motorcycle operator's endorsement, or restricted license to 2909
operate a motorcycle. 2910

If the person does not comply with all the requirements of 2911
this division, the person shall submit to the regular examination 2912
for obtaining a driver's license or motorcycle operator's 2913
endorsement in this state in order to obtain such a license or 2914
endorsement. 2915

(E) The registrar may adopt rules governing the use of 2916
temporary instruction permits and temporary instruction permit 2917
identification cards. 2918

(F)(1) No holder of a permit issued under division (A) of 2919
this section shall operate a motor vehicle upon a highway or any 2920
public or private property used by the public for purposes of 2921
vehicular travel or parking in violation of the conditions 2922
established under division (A) of this section. 2923

(2) Except as provided in division (F)(2) of this section, no 2924
holder of a permit that is issued under division (A) of this 2925
section and that is issued on or after July 1, 1998, and who has 2926
not attained the age of eighteen years, shall operate a motor 2927
vehicle upon a highway or any public or private property used by 2928
the public for purposes of vehicular travel or parking between the 2929
hours of midnight and six a.m. 2930

The holder of a permit issued under division (A) of this 2931
section on or after July 1, 1998, who has not attained the age of 2932
eighteen years, may operate a motor vehicle upon a highway or any 2933
public or private property used by the public for purposes of 2934

vehicular travel or parking between the hours of midnight and six 2935
a.m. if, at the time of such operation, the holder is accompanied 2936
by the holder's parent, guardian, or custodian, and the parent, 2937
guardian, or custodian holds a current valid driver's or 2938
commercial driver's license issued by this state, is actually 2939
occupying a seat beside the permit holder, and does not have a 2940
prohibited concentration of alcohol in the whole blood, blood 2941
serum or plasma, breath, or urine as provided in division (A) of 2942
section 4511.19 of the Revised Code. 2943

(G)(1) Notwithstanding any other provision of law to the 2944
contrary, no law enforcement officer shall cause the operator of a 2945
motor vehicle being operated on any street or highway to stop the 2946
motor vehicle for the sole purpose of determining whether each 2947
occupant of the motor vehicle is wearing all of the available 2948
elements of a properly adjusted occupant restraining device as 2949
required by division (A) of this section, or for the sole purpose 2950
of issuing a ticket, citation, or summons if the requirement in 2951
that division has been or is being violated, or for causing the 2952
arrest of or commencing a prosecution of a person for a violation 2953
of that requirement. 2954

(2) Notwithstanding any other provision of law to the 2955
contrary, no law enforcement officer shall cause the operator of a 2956
motor vehicle being operated on any street or highway to stop the 2957
motor vehicle for the sole purpose of determining whether a 2958
violation of division (F)(2) of this section has been or is being 2959
committed or for the sole purpose of issuing a ticket, citation, 2960
or summons for such a violation or for causing the arrest of or 2961
commencing a prosecution of a person for such violation. 2962

(H) As used in this section: 2963

(1) "Eligible adult" means any of the following: 2964

(a) An instructor of a driver training course approved by the 2965

department of public safety;	2966
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	2967
(i) A parent, guardian, or custodian of the permit holder;	2968
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	2969
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	2970
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	2971
Sec. 4507.23. (A) Except as provided in division (I) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.	2972
(B) Except as provided in division (I) of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.	2973
(C)(1) Except as provided in divisions (E) and (I) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.	2974
(2) Except as provided in division (I) of this section, each application for a duplicate driver's license shall be accompanied by a fee of seven dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.	2975

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

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

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

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

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

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

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

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by

the bureau for the laminating materials and laminating equipment. 3027
The deputy registrar shall forward the amount of the cost of the 3028
laminating materials to the registrar for deposit as provided in 3029
this section. 3030

(G) Except as provided in division (I) of this section, each 3031
transaction described in divisions (A), (B), (C), (D), and (E) of 3032
this section shall be accompanied by an additional fee of twelve 3033
dollars. The additional fee is for the purpose of defraying the 3034
department of public safety's costs associated with the 3035
administration and enforcement of the motor vehicle and traffic 3036
laws of Ohio. 3037

(H) At the time and in the manner provided by section 4503.10 3038
of the Revised Code, the deputy registrar shall transmit the fees 3039
collected under divisions (A), (B), (C), (D), and (E), those 3040
portions of the fees specified in and collected under division 3041
(F), and the additional fee under division (G) of this section to 3042
the registrar. The registrar shall pay two dollars and fifty cents 3043
of each fee collected under divisions (A), (B), (C)(1) and (2), 3044
(D), and (E)(1) to (4) of this section, and the entire fee 3045
collected under division (E)(5) of this section, into the state 3046
~~highway safety bureau of motor vehicles~~ fund established in 3047
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 3048
be used for the sole purpose of supporting driver licensing 3049
activities. The registrar also shall pay five dollars of each fee 3050
collected under division (C)(2) of this section and the entire fee 3051
collected under division (G) of this section into the state 3052
highway safety fund created in section 4501.06 of the Revised 3053
Code. The remaining fees collected by the registrar under this 3054
section shall be paid into the state bureau of motor vehicles fund 3055
established in section 4501.25 of the Revised Code. 3056

(I) A disabled veteran who has a service-connected disability 3057
rated at one hundred per cent by the veterans' administration may 3058

apply to the registrar or a deputy registrar for the issuance to that veteran, without the payment of any fee prescribed in this section, of any of the following items:

- (1) A temporary instruction permit and examination;
- (2) A new, renewal, or duplicate driver's or commercial driver's license;
- (3) A motorcycle operator's endorsement;
- (4) A motorized bicycle license or duplicate thereof;
- (5) Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card as provided in division (F) of this section.

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

Sec. 4511.13. Highway traffic signal indications for vehicles and pedestrians shall have the following meanings:

- (A) Steady green signal indication:
 - (1)(a) Vehicular traffic, streetcars, and trackless trolleys facing a circular green signal indication are permitted to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
 - (i) Pedestrians lawfully within an associated crosswalk;
 - (ii) Other vehicles lawfully within the intersection.
 - (b) In addition, vehicular traffic turning left or making a

u-turn movement to the left shall yield the right-of-way to other 3088
vehicles approaching from the opposite direction so closely as to 3089
constitute an immediate hazard during the time when such turning 3090
vehicle is moving across or within the intersection. 3091

(2) Vehicular traffic, streetcars, and trackless trolleys 3092
facing a green arrow signal indication, displayed alone or in 3093
combination with another signal indication, are permitted to 3094
cautiously enter the intersection only to make the movement 3095
indicated by such arrow, or such other movement as is permitted by 3096
other indications displayed at the same time. Such vehicular 3097
traffic, streetcars, and trackless trolleys, including vehicles 3098
turning right or left or making a u-turn movement, shall yield the 3099
right-of-way to both of the following: 3100

(a) Pedestrians lawfully within an associated crosswalk; 3101

(b) Other traffic lawfully using the intersection. 3102

(3)(a) Unless otherwise directed by a pedestrian signal 3103
indication, as provided in section 4511.14 of the Revised Code, 3104
pedestrians facing a circular green signal indication are 3105
permitted to proceed across the roadway within any marked or 3106
unmarked associated crosswalk. The pedestrian shall yield the 3107
right-of-way to vehicles lawfully within the intersection or so 3108
close as to create an immediate hazard at the time that the green 3109
signal indication is first displayed. 3110

(b) Pedestrians facing a green arrow signal indication, 3111
unless otherwise directed by a pedestrian signal indication or 3112
other traffic control device, shall not cross the roadway. 3113

(B) Steady yellow signal indication: 3114

(1) Vehicular traffic, streetcars, and trackless trolleys 3115
facing a steady circular yellow signal indication are thereby 3116
warned that the related green movement or the related flashing 3117
arrow movement is being terminated or that a steady red signal 3118

indication will be exhibited immediately thereafter when vehicular 3119
traffic, streetcars, and trackless trolleys shall not enter the 3120
intersection. The provisions governing vehicular operation under 3121
the movement being terminated shall continue to apply while the 3122
steady circular yellow signal indication is displayed. 3123

(2) Vehicular traffic facing a steady yellow arrow signal 3124
indication is thereby warned that the related green arrow movement 3125
or the related flashing arrow movement is being terminated. The 3126
provisions governing vehicular operation under the movement being 3127
terminated shall continue to apply while the steady yellow arrow 3128
signal indication is displayed. 3129

(3) Pedestrians facing a steady circular yellow or yellow 3130
arrow signal indication, unless otherwise directed by a pedestrian 3131
signal indication as provided in section 4511.14 of the Revised 3132
Code or other traffic control device, shall not start to cross the 3133
roadway. 3134

(C) Steady red signal indication: 3135

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 3136
facing a steady circular red signal indication, unless entering 3137
the intersection to make another movement permitted by another 3138
signal indication, shall stop at a clearly marked stop line; but 3139
if there is no stop line, traffic shall stop before entering the 3140
crosswalk on the near side of the intersection; or if there is no 3141
crosswalk, then before entering the intersection; and shall remain 3142
stopped until a signal indication to proceed is displayed except 3143
as provided in divisions (C)(1), (2), and (3) of this section. 3144

(b) Except when a traffic control device is in place 3145
prohibiting a turn on red or a steady red arrow signal indication 3146
is displayed, vehicular traffic facing a steady circular red 3147
signal indication is permitted, after stopping, to enter the 3148
intersection to turn right, or to turn left from a one-way street, 3149

~~after stopping into a one-way street.~~ The right to proceed with 3150
the turn shall be subject to the provisions that are applicable 3151
after making a stop at a stop sign. 3152

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 3153
facing a steady red arrow signal indication shall not enter the 3154
intersection to make the movement indicated by the arrow and, 3155
unless entering the intersection to make another movement 3156
permitted by another signal indication, shall stop at a clearly 3157
marked stop line; but if there is no stop line, before entering 3158
the crosswalk on the near side of the intersection; or if there is 3159
no crosswalk, then before entering the intersection; and shall 3160
remain stopped until a signal indication or other traffic control 3161
device permitting the movement indicated by such red arrow is 3162
displayed. 3163

(b) When a traffic control device is in place permitting a 3164
turn on a steady red arrow signal indication, vehicular traffic 3165
facing a steady red arrow indication is permitted, ~~after stopping,~~ 3166
to enter the intersection to ~~make the movement indicated by the~~ 3167
~~arrow signal indication, after stopping~~ turn right, or to turn 3168
left from a one-way street into a one-way street. The right to 3169
proceed with the turn shall be limited to the direction indicated 3170
by the arrow and shall be subject to the provisions that are 3171
applicable after making a stop at a stop sign. 3172

(3) Unless otherwise directed by a pedestrian signal 3173
indication as provided in section 4511.14 of the Revised Code or 3174
other traffic control device, pedestrians facing a steady circular 3175
red or steady red arrow signal indication shall not enter the 3176
roadway. 3177

(4) Local authorities by ordinance, or the director of 3178
transportation on state highways, may prohibit a right or a left 3179
turn against a steady red signal at any intersection, which shall 3180
be effective when signs giving notice thereof are posted at the 3181

intersection.	3182
(D) A flashing green signal indication has no meaning and shall not be used.	3183 3184
(E) Flashing yellow signal indication:	3185
(1)(a) Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:	3186 3187 3188 3189 3190 3191 3192 3193 3194
(i) Pedestrians lawfully within an associated crosswalk;	3195
(ii) Other vehicles lawfully within the intersection.	3196
(b) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.	3197 3198 3199 3200 3201
(2)(a) Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:	3202 3203 3204 3205 3206 3207 3208 3209 3210
(i) Pedestrians lawfully within an associated crosswalk;	3211

(ii) Other vehicles lawfully within the intersection. 3212

(b) In addition, vehicular traffic turning left or making a 3213
u-turn to the left shall yield the right-of-way to other vehicles 3214
approaching from the opposite direction so closely as to 3215
constitute an immediate hazard during the time when such turning 3216
vehicle is moving across or within the intersection. 3217

(3) Pedestrians facing any flashing yellow signal indication 3218
at an intersection, unless otherwise directed by a pedestrian 3219
signal indication or other traffic control device, are permitted 3220
to proceed across the roadway within any marked or unmarked 3221
associated crosswalk. Pedestrians shall yield the right-of-way to 3222
vehicles lawfully within the intersection at the time that the 3223
flashing yellow signal indication is first displayed. 3224

(4) When a flashing circular yellow signal indication is 3225
displayed as a beacon to supplement another traffic control 3226
device, road users are notified that there is a need to pay 3227
additional attention to the message contained thereon or that the 3228
regulatory or warning requirements of the other traffic control 3229
device, which might not be applicable at all times, are currently 3230
applicable. 3231

(F) Flashing red signal indication: 3232

(1) Vehicular traffic, on an approach to an intersection, 3233
facing a flashing circular red signal indication, shall stop at a 3234
clearly marked stop line; but if there is no stop line, before 3235
entering the crosswalk on the near side of the intersection; or if 3236
there is no crosswalk, at the point nearest the intersecting 3237
roadway where the driver has a view of approaching traffic on the 3238
intersecting roadway before entering the intersection. The right 3239
to proceed shall be subject to the provisions that are applicable 3240
after making a stop at a stop sign. 3241

(2) Pedestrians facing any flashing red signal indication at 3242

an intersection, unless otherwise directed by a pedestrian signal 3243
indication or other traffic control device, are permitted to 3244
proceed across the roadway within any marked or unmarked 3245
associated crosswalk. Pedestrians shall yield the right-of-way to 3246
vehicles lawfully within the intersection at the time that the 3247
flashing red signal indication is first displayed. 3248

(3) When a flashing circular red signal indication is 3249
displayed as a beacon to supplement another traffic control 3250
device, road users are notified that there is a need to pay 3251
additional attention to the message contained thereon or that the 3252
regulatory requirements of the other traffic control device, which 3253
might not be applicable at all times, are currently applicable. 3254
Use of this signal indication shall be limited to supplementing 3255
stop, do not enter, or wrong way signs, and to applications where 3256
compliance with the supplemented traffic control device requires a 3257
stop at a designated point. 3258

(G) In the event an official traffic-control signal is 3259
erected and maintained at a place other than an intersection, the 3260
provisions of this section shall be applicable except as to those 3261
provisions which by their nature can have no application. Any stop 3262
required shall be made at a sign or marking on the pavement 3263
indicating where the stop shall be made, but in the absence of any 3264
such sign or marking the stop shall be made at the signal. 3265

(H) This section does not apply at railroad grade crossings. 3266
Conduct of drivers of vehicles, trackless trolleys, and streetcars 3267
approaching railroad grade crossings shall be governed by sections 3268
4511.61 and 4511.62 of the Revised Code. 3269

Sec. 4513.263. (A) As used in this section and in section 3270
4513.99 of the Revised Code: 3271

(1) "Automobile" means any commercial tractor, passenger car, 3272
commercial car, or truck that is required to be factory-equipped 3273

with an occupant restraining device for the operator or any 3274
passenger by regulations adopted by the United States secretary of 3275
transportation pursuant to the "National Traffic and Motor Vehicle 3276
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 3277

(2) "Occupant restraining device" means a seat safety belt, 3278
shoulder belt, harness, or other safety device for restraining a 3279
person who is an operator of or passenger in an automobile and 3280
that satisfies the minimum federal vehicle safety standards 3281
established by the United States department of transportation. 3282

(3) "Passenger" means any person in an automobile, other than 3283
its operator, who is occupying a seating position for which an 3284
occupant restraining device is provided. 3285

(4) "Commercial tractor," "passenger car," and "commercial 3286
car" have the same meanings as in section 4501.01 of the Revised 3287
Code. 3288

(5) "Vehicle" and "motor vehicle," as used in the definitions 3289
of the terms set forth in division (A)(4) of this section, have 3290
the same meanings as in section 4511.01 of the Revised Code. 3291

(6) "Tort action" means a civil action for damages for 3292
injury, death, or loss to person or property. "Tort action" 3293
includes a product liability claim, as defined in section 2307.71 3294
of the Revised Code, and an asbestos claim, as defined in section 3295
2307.91 of the Revised Code, but does not include a civil action 3296
for damages for breach of contract or another agreement between 3297
persons. 3298

(B) No person shall do any of the following: 3299

(1) Operate an automobile on any street or highway unless 3300
that person is wearing all of the available elements of a properly 3301
adjusted occupant restraining device, or operate a school bus that 3302
has an occupant restraining device installed for use in its 3303
operator's seat unless that person is wearing all of the available 3304

elements of the device, as properly adjusted; 3305

(2) Operate an automobile on any street or highway unless 3306
each passenger in the automobile who is subject to the requirement 3307
set forth in division (B)(3) of this section is wearing all of the 3308
available elements of a properly adjusted occupant restraining 3309
device; 3310

(3) Occupy, as a passenger, a seating position on the front 3311
seat of an automobile being operated on any street or highway 3312
unless that person is wearing all of the available elements of a 3313
properly adjusted occupant restraining device; 3314

(4) Operate a taxicab on any street or highway unless all 3315
factory-equipped occupant restraining devices in the taxicab are 3316
maintained in usable form. 3317

(C) Division (B)(3) of this section does not apply to a 3318
person who is required by section 4511.81 of the Revised Code to 3319
be secured in a child restraint device or booster seat. Division 3320
(B)(1) of this section does not apply to a person who is an 3321
employee of the United States postal service or of a newspaper 3322
home delivery service, during any period in which the person is 3323
engaged in the operation of an automobile to deliver mail or 3324
newspapers to addressees. Divisions (B)(1) and (3) of this section 3325
do not apply to a person who has an affidavit signed by a 3326
physician licensed to practice in this state under Chapter 4731. 3327
of the Revised Code or a chiropractor licensed to practice in this 3328
state under Chapter 4734. of the Revised Code that states that the 3329
person has a physical impairment that makes use of an occupant 3330
restraining device impossible or impractical. 3331

(D) Notwithstanding any provision of law to the contrary, no 3332
law enforcement officer shall cause an operator of an automobile 3333
being operated on any street or highway to stop the automobile for 3334
the sole purpose of determining whether a violation of division 3335

(B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit into the state treasury to the credit of the trauma and emergency medical services fund, which is hereby created. In addition, sixty cents of each fee collected under sections 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as specified in those sections, plus the portion of the driver's license reinstatement fee described in division (F)(2)(g) of section 4511.191 of the Revised Code, plus all fees collected under section 4765.11 of the Revised Code, plus all fines imposed under section 4765.55 of the Revised Code, plus the fees and other moneys specified in section 4766.05 of the Revised Code, and plus five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code, also shall be deposited into the trauma and emergency medical services fund. All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and transportation services, and by the state board of emergency medical, fire, and transportation services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code. The

director of budget and management may transfer excess money from 3369
the trauma and emergency medical services fund to the state 3370
highway safety fund if the director of public safety determines 3371
that the amount of money in the trauma and emergency medical 3372
services fund exceeds the amount required to cover such costs 3373
incurred by the emergency medical services agency and the grants 3374
made by the state board of emergency medical, fire, and 3375
transportation services and requests the director of budget and 3376
management to make the transfer. 3377

(F)(1) Subject to division (F)(2) of this section, the 3378
failure of a person to wear all of the available elements of a 3379
properly adjusted occupant restraining device in violation of 3380
division (B)(1) or (3) of this section or the failure of a person 3381
to ensure that each minor who is a passenger of an automobile 3382
being operated by that person is wearing all of the available 3383
elements of a properly adjusted occupant restraining device in 3384
violation of division (B)(2) of this section shall not be 3385
considered or used by the trier of fact in a tort action as 3386
evidence of negligence or contributory negligence. But, the trier 3387
of fact may determine based on evidence admitted consistent with 3388
the Ohio Rules of Evidence that the failure contributed to the 3389
harm alleged in the tort action and may diminish a recovery of 3390
compensatory damages that represents noneconomic loss, as defined 3391
in section 2307.011 of the Revised Code, in a tort action that 3392
could have been recovered but for the plaintiff's failure to wear 3393
all of the available elements of a properly adjusted occupant 3394
restraining device. Evidence of that failure shall not be used as 3395
a basis for a criminal prosecution of the person other than a 3396
prosecution for a violation of this section; and shall not be 3397
admissible as evidence in a criminal action involving the person 3398
other than a prosecution for a violation of this section. 3399

(2) If, at the time of an accident involving a passenger car 3400

equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.

Sec. 4513.34. (A) ~~The~~ (1) The director of transportation with

respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows: 3431
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(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code; 3436
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(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application; 3440
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(c) For regional trips at distances of one hundred fifty miles or less from a facility stated on the application as the applicant's point of origin. 3444
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Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section. 3447
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(2) In circumstances where a person is not eligible to receive a permit under division (A)(1) of this section, the director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit. 3450
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(3) For purposes of this section, the director may designate 3462
certain state highways or portions of state highways as special 3463
economic development highways. If an application submitted to the 3464
director under this section involves travel of a nonconforming 3465
vehicle or combination of vehicles upon a special economic 3466
development highway, the director, in determining whether good 3467
cause has been shown that issuance of a permit is justified, shall 3468
consider the effect the travel of the vehicle or combination of 3469
vehicles will have on the economic development in the area in 3470
which the designated highway or portion of highway is located. 3471

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 3472
Code, the holder of a ~~special~~ permit issued by the director under 3473
this section may move the vehicle or combination of vehicles 3474
described in the ~~special~~ permit on any highway that is a part of 3475
the state highway system when the movement is partly within and 3476
partly without the corporate limits of a municipal corporation. No 3477
local authority shall require any other permit or license or 3478
charge any license fee or other charge against the holder of a 3479
permit for the movement of a vehicle or combination of vehicles on 3480
any highway that is a part of the state highway system. The 3481
director shall not require the holder of a permit issued by a 3482
local authority to obtain a special permit for the movement of 3483
vehicles or combination of vehicles on highways within the 3484
jurisdiction of the local authority. Permits may be issued for any 3485
period of time not to exceed one year, as the director in the 3486
director's discretion or a local authority in its discretion 3487
determines advisable, or for the duration of any public 3488
construction project. 3489

(C)(1) The application for a permit issued under this section 3490
shall be in the form that the director or local authority 3491
prescribes. The director or local authority may prescribe a permit 3492
fee to be imposed and collected when any permit described in this 3493

section is issued. The permit fee may be in an amount sufficient 3494
to reimburse the director or local authority for the 3495
administrative costs incurred in issuing the permit, and also to 3496
cover the cost of the normal and expected damage caused to the 3497
roadway or a street or highway structure as the result of the 3498
operation of the nonconforming vehicle or combination of vehicles. 3499
The director, in accordance with Chapter 119. of the Revised Code, 3500
shall establish a schedule of fees for permits issued by the 3501
director under this section. 3502

(2) For the purposes of this section and of rules adopted by 3503
the director under this section, milk transported in bulk by 3504
vehicle is deemed a nondivisible load. 3505

(3)(a) Subject to division (C)(3)(b) of this section, a 3506
person who otherwise would be required to receive a permit under 3507
this section may move or operate a vehicle or combination of 3508
vehicles without that permit for a distance of two miles or less 3509
from the Ohio turnpike, provided the vehicle or combination of 3510
vehicles was operated without a special permit on the Ohio 3511
turnpike in accordance with rules adopted under section 5537.16 of 3512
the Revised Code. 3513

(b) The director or a local authority may prohibit the 3514
operation of a vehicle or combination of vehicles on any highway 3515
within two miles or less of the Ohio turnpike if the highway 3516
condition is insufficient to bear the weight of the vehicle or 3517
combination of vehicles. 3518

(c) As used in this division, "Ohio turnpike" has the same 3519
meaning as in section 5537.26 of the Revised Code. 3520

(D) The director or a local authority shall issue a special 3521
regional heavy hauling permit under division (A)(1) of this 3522
section upon application and payment of the applicable fee. 3523
However, the director or local authority may issue or withhold a 3524

special permit specified in division (A)(2) of this section. If a 3525
permit is to be issued, the director or local authority may limit 3526
or prescribe conditions of operation for the vehicle and may 3527
require the posting of a bond or other security conditioned upon 3528
the sufficiency of the permit fee to compensate for damage caused 3529
to the roadway or a street or highway structure. In addition, a 3530
local authority, as a condition of issuance of an overweight 3531
permit, may require the applicant to develop and enter into a 3532
mutual agreement with the local authority to compensate for or to 3533
repair excess damage caused to the roadway by travel under the 3534
permit. 3535

For a permit that will allow travel of a nonconforming 3536
vehicle or combination of vehicles on a special economic 3537
development highway, the director, as a condition of issuance, may 3538
require the applicant to agree to make periodic payments to the 3539
department to compensate for damage caused to the roadway by 3540
travel under the permit. 3541

(E) Every permit issued under this section shall be carried 3542
in the vehicle or combination of vehicles to which it refers and 3543
shall be open to inspection by any police officer or authorized 3544
agent of any authority granting the permit. No person shall 3545
violate any of the terms of a permit. 3546

(F) The director may debar an applicant from applying for a 3547
~~special~~ permit under this section upon a finding based on a 3548
reasonable belief that the applicant has done any of the 3549
following: 3550

(1) Abused the process by repeatedly submitting false 3551
information or false travel plans or by using another company or 3552
individual's name, insurance, or escrow account without proper 3553
authorization; 3554

(2) Failed to comply with or substantially perform under a 3555

previously issued ~~special~~ permit according to its terms, 3556
conditions, and specifications within specified time limits; 3557

(3) Failed to cooperate in the application process for the 3558
~~special~~ permit or in any other procedures that are related to the 3559
issuance of the ~~special~~ permit by refusing to provide information 3560
or documents required in a permit or by failing to respond to and 3561
correct matters related to the ~~special~~ permit; 3562

(4) Accumulated repeated justified complaints regarding 3563
performance under a ~~special~~ permit that was previously issued to 3564
the applicant or previously failed to obtain a ~~special~~ permit when 3565
such a permit was required; 3566

(5) Attempted to influence a public employee to breach 3567
ethical conduct standards; 3568

(6) Been convicted of a criminal offense related to the 3569
application for, or performance under, a ~~special~~ permit, 3570
including, but not limited to, bribery, falsification, fraud or 3571
destruction of records, receiving stolen property, and any other 3572
offense that directly reflects on the applicant's integrity or 3573
commercial driver's license; 3574

(7) Accumulated repeated convictions under a state or federal 3575
safety law governing commercial motor vehicles or a rule or 3576
regulation adopted under such a law; 3577

(8) Accumulated repeated convictions under a law, rule, or 3578
regulation governing the movement of traffic over the public 3579
streets and highways; 3580

(9) Failed to pay any fees associated with any permitted 3581
operation or move; 3582

(10) Deliberately or willfully submitted false or misleading 3583
information in connection with the application for, or performance 3584
under, a ~~special~~ permit issued under this section. 3585

If the applicant is a partnership, association, or corporation, the director also may debar from consideration for ~~special~~ permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.

(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a ~~special~~ permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a ~~special~~ permit.

(H)(1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued 3617
under this section that relate to an approved route except upon 3618
order of a law enforcement officer. 3619

(I) Whoever violates division (H) of this section shall be 3620
punished as provided in section 4513.99 of the Revised Code. 3621

(J) A permit issued under this section for the operation of a 3622
vehicle or combination of vehicles is valid for the purposes of 3623
the vehicle operation in accordance with the terms of the permit 3624
notwithstanding any other violation of the motor vehicle and 3625
traffic laws of this state by the operator of the vehicle or 3626
combination of vehicles. 3627

Sec. 4513.53. (A) The superintendent of the state highway 3628
patrol, with approval of the director of public safety, may 3629
appoint and maintain necessary staff to carry out the inspection 3630
of buses. 3631

(B) The superintendent of the state highway patrol shall 3632
adopt a distinctive annual safety inspection decal bearing the 3633
date of inspection. The state highway patrol may remove any decal 3634
from a bus that fails any inspection. 3635

(C) ~~Fees~~ Bus inspection fees collected by the state highway 3636
patrol under section 4513.52 of the Revised Code shall be paid 3637
into the state treasury to the credit of the ~~general revenue fund.~~ 3638
~~Annually by the first day of June, the director of public safety~~ 3639
~~shall determine the amount of fees collected under section 4513.52~~ 3640
~~of the Revised Code and shall certify the amount to the director~~ 3641
~~of budget and management for reimbursement. The director of budget~~ 3642
~~and management then may transfer cash up to the amount certified~~ 3643
~~from the general revenue fund to the state highway safety fund~~ 3644
created in section 4501.06 of the Revised Code. 3645

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 3646

highway, public street, or other property open to the public for 3647
purposes of vehicular travel and if any motor vehicle, cargo, or 3648
personal property that has been damaged or spilled as a result of 3649
the motor vehicle accident is blocking the highway, street, or 3650
other property or is otherwise endangering public safety, the 3651
sheriff of the county, or the chief of police of the municipal 3652
corporation, township, or township or joint police district, in 3653
which the accident occurred, a state highway patrol trooper, ~~or~~ 3654
the chief of the fire department having jurisdiction where the 3655
accident occurred ~~may~~, or a duly authorized subordinate acting on 3656
behalf of an official specified above, without consent of the 3657
owner but with the approval of the law enforcement agency 3658
conducting any investigation of the accident, may remove the motor 3659
vehicle if the motor vehicle is unoccupied, cargo, or personal 3660
property from the portion of the highway, public street, or 3661
property ordinarily used for vehicular travel on the highway, 3662
public street, or other property open to the public for purposes 3663
of vehicular travel. 3664

(B)(1) Except as provided in division (B)(2) or (3) of this 3665
section, no employee of the department of transportation, sheriff, 3666
deputy sheriff, chief of police or police officer of a municipal 3667
corporation, township, or township or joint police district, state 3668
highway patrol trooper, chief of a fire department, ~~or~~ fire 3669
fighter, or a duly authorized subordinate acting on behalf of such 3670
an official who authorizes or participates in the removal of any 3671
unoccupied motor vehicle, cargo, or personal property as 3672
authorized by division (A) of this section is liable in civil 3673
damages for any injury, death, or loss to person or property that 3674
results from the removal of that unoccupied motor vehicle, cargo, 3675
or personal property. Except as provided in division (B)(2) or (3) 3676
of this section, if the department of transportation or a sheriff, 3677
chief of police of a municipal corporation, township, or township 3678

or joint police district, head of the state highway patrol, ~~or~~ 3679
chief of a fire department, or a duly authorized subordinate 3680
acting on behalf of such an official authorizes, employs, or 3681
arranges to have a private tow truck operator or towing company 3682
remove any unoccupied motor vehicle, cargo, or personal property 3683
as authorized by division (A) of this section, that private tow 3684
truck operator or towing company is not liable in civil damages 3685
for any injury, death, or loss to person or property that results 3686
from the removal of that unoccupied motor vehicle, cargo, or 3687
personal property, ~~and. Further,~~ the department of transportation, 3688
sheriff, chief of police, head of the state highway patrol, ~~or~~ 3689
fire department chief, or a duly authorized subordinate acting on 3690
behalf of such an official is not liable in civil damages for any 3691
injury, death, or loss to person or property that results from the 3692
private tow truck operator or towing company's removal of that 3693
unoccupied motor vehicle, cargo, or personal property. 3694

(2) Division (B)(1) of this section does not apply to any 3695
person or entity involved in the removal of an unoccupied motor 3696
vehicle, cargo, or personal property pursuant to division (A) of 3697
this section if that removal causes or contributes to the release 3698
of a hazardous material or to structural damage to the roadway. 3699

(3) Division (B)(1) of this section does not apply to a 3700
private tow truck operator or towing company that was not 3701
authorized, employed, or arranged by the department of 3702
transportation, a sheriff, a chief of police of a municipal 3703
corporation, township, or township or joint police district, the 3704
head of the state highway patrol, ~~or~~ a chief of a fire department, 3705
or a duly authorized subordinate acting on behalf of such an 3706
official or to a private tow truck operator or towing company that 3707
was authorized, employed, or arranged by the department of 3708
transportation, a sheriff, a chief of police of a municipal 3709
corporation, township, or township or joint police district, the 3710

head of the state highway patrol, or a chief of a fire department, 3711
or a duly authorized subordinate acting on behalf of such an 3712
official to perform the removal of the unoccupied motor vehicle, 3713
cargo, or personal property and the private tow truck operator or 3714
towing company performed the removal in a reckless or willful 3715
manner. 3716

(C) As used in this section, "hazardous material" has the 3717
same meaning as in section 2305.232 of the Revised Code. 3718

Sec. 4517.021. (A) Sections 4517.01, 4517.02, and 4517.03 to 3719
4517.45 of the Revised Code do not apply to a person auctioning 3720
classic motor vehicles, provided all of the following apply: 3721

(1) The person is responsible for not more than ~~two~~ four 3722
auctions of classic motor vehicles per year, with no auction 3723
lasting more than two days; 3724

(2) The person requests and receives permission for the 3725
auction from the registrar of motor vehicles by filing an 3726
application for each proposed auction of classic motor vehicles, 3727
at least thirty days before the auction, in a form prescribed by 3728
the registrar, signed and sworn to by the person, that contains 3729
all of the following: 3730

(a) The person's name and business address; 3731

(b) The location of the auction; 3732

(c) Evidence, sufficient to satisfy the registrar, that the 3733
person does not exclusively sell motor vehicles; 3734

(d) Any necessary, reasonable, and relevant information that 3735
the registrar may require to verify compliance with this section. 3736

(3) The person will be auctioning the classic motor vehicle 3737
to the general public for the legal owner of the vehicle, which 3738
ownership must be evidenced at the time of the auction by a valid 3739
certificate of title issued pursuant to Chapter 4505. of the 3740

Revised Code;	3741
(4) The person keeps a record of the following information	3742
for each classic motor vehicle offered for sale at auction, in a	3743
manner prescribed by the registrar:	3744
(a) The certificate of title number, county, and state of	3745
registration;	3746
(b) The year, make, model, and vehicle identification number;	3747
(c) The name and address of the person offering the vehicle	3748
for sale;	3749
(d) The name and address of any vehicle purchaser;	3750
(e) The date the vehicle is offered for sale;	3751
(f) Any purchase price;	3752
(g) The odometer reading at the time of the auction and an	3753
odometer statement from the person offering the vehicle for sale	3754
at auction that complies with 49 U.S.C. 32705.	3755
(5) The person allows reasonable inspection by the registrar	3756
of the person's records relating to each classic motor vehicle	3757
auction.	3758
(B) Any person that auctions classic motor vehicles under	3759
this section shall use the auction services of an auction firm to	3760
conduct the auction.	3761
(C) The registrar may refuse permission to hold an auction if	3762
the registrar finds that the person has not complied with division	3763
(A) of this section or has made a false statement of a material	3764
fact in the application filed under division (A)(2) of this	3765
section.	3766
(D) The registrar shall not authorize a person licensed under	3767
section 4707.072 of the Revised Code to offer auction services or	3768
act as an auctioneer in regard to an auction of classic motor	3769

vehicles pursuant to this section. 3770

(E) As used in this section: 3771

(1) "Auction firm" and "auction services" have the same 3772
meanings as in section 4707.01 of the Revised Code. 3773

(2) "Classic motor vehicle" means a motor vehicle that is 3774
over twenty-six years old. 3775

Sec. 4561.21. (A) The director of transportation shall 3776
deposit all aircraft transfer fees in the state treasury to the 3777
credit of the general fund. 3778

(B) The director shall deposit all aircraft license taxes and 3779
fines in the state treasury to the credit of the airport 3780
assistance fund, which is hereby created. Money in the fund shall 3781
be used for maintenance and capital improvements to publicly owned 3782
airports, and the operating costs associated with the office of 3783
aviation. For maintenance and capital improvements to publicly 3784
owned airports, the director shall distribute the money to 3785
eligible recipients in accordance with such procedures, 3786
guidelines, and criteria as the director shall establish. No more 3787
than ten per cent of all funds deposited annually into the fund 3788
shall be spent annually to pay operating costs associated with the 3789
office of aviation. 3790

Sec. 4743.05. Except as otherwise provided in sections 3791
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 3792
Revised Code, all money collected under Chapters 3773., 4701., 3793
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 3794
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 3795
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 3796
shall be paid into the state treasury to the credit of the 3797
occupational licensing and regulatory fund, which is hereby 3798
created for use in administering such chapters. 3799

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

Sec. 4765.02. (A)(1) There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

(2) One member of the board shall be a physician certified by the American board of emergency medicine or the American osteopathic board of emergency medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter

of the American college of emergency physicians and three persons 3831
nominated by the Ohio osteopathic association. One member shall be 3832
a physician certified by the American board of surgery or the 3833
American osteopathic board of surgery who is active in the 3834
practice of trauma surgery and is actively involved with emergency 3835
medical services. The governor shall appoint this member from 3836
among three persons nominated by the Ohio chapter of the American 3837
college of surgeons and three persons nominated by the Ohio 3838
osteopathic association. One member shall be a physician certified 3839
by the American academy of pediatrics or American osteopathic 3840
board of pediatrics who is active in the practice of pediatric 3841
emergency medicine and actively involved with an emergency medical 3842
service organization. The governor shall appoint this member from 3843
among three persons nominated by the Ohio chapter of the American 3844
academy of pediatrics and three persons nominated by the Ohio 3845
osteopathic association. ~~One member shall be the administrator of~~ 3846
~~an adult or pediatric trauma center. The governor shall appoint~~ 3847
~~this member from among three persons nominated by the OHA: the~~ 3848
~~association for hospitals and health systems, three persons~~ 3849
~~nominated by the Ohio osteopathic association, three persons~~ 3850
~~nominated by the association of Ohio children's hospitals, and~~ 3851
~~three persons nominated by the health forum of Ohio.~~ One member 3852
shall be the administrator of a hospital ~~that is not a trauma~~ 3853
~~center~~ located in this state. The governor shall appoint this 3854
member from among three persons nominated by OHA: the association 3855
for hospitals and health systems, three persons nominated by the 3856
Ohio osteopathic association, and three persons nominated by the 3857
association of Ohio children's hospitals, ~~and three persons~~ 3858
~~nominated by the health forum of Ohio.~~ One member shall be a 3859
~~registered nurse~~ an adult or pediatric trauma program manager or 3860
trauma program director who is involved in the ~~active practice of~~ 3861
~~emergency nursing~~ daily management of a verified trauma center. 3862
The governor shall appoint this member from among three persons 3863

nominated by the Ohio nurses association, three persons nominated 3864
by the Ohio society of trauma nurse leaders, and three persons 3865
nominated by the Ohio state council of the emergency nurses 3866
association. One member shall be the chief of a fire department 3867
that is also an emergency medical service organization in which 3868
more than fifty per cent of the persons who provide emergency 3869
medical services are full-time paid employees. The governor shall 3870
appoint this member from among three persons nominated by the Ohio 3871
fire chiefs' association. One member shall be the chief of a fire 3872
department that is also an emergency medical service organization 3873
in which more than fifty per cent of the persons who provide 3874
emergency medical services are volunteers. The governor shall 3875
appoint this member from among three persons nominated by the Ohio 3876
fire chiefs' association. One member shall be a person who is 3877
certified to teach under section 4765.23 of the Revised Code ~~or,~~ 3878
~~if the board has not yet certified persons to teach under that~~ 3879
~~section, a person who is qualified to be certified to teach under~~ 3880
~~that section and holds a valid certificate to practice as an EMT,~~ 3881
AEMT, or paramedic. The governor shall appoint this member from 3882
among three persons nominated by the Ohio emergency medical 3883
technician instructors association and the Ohio 3884
instructor/coordinators' society. One member shall be an 3885
~~EMT basic, one shall be an EMT I, and one~~ EMT, AEMT, or paramedic, 3886
and one member shall be a paramedic. The governor shall appoint 3887
these members from among three ~~EMTs basic, three EMTs I, EMTs or~~ 3888
AEMTs and three paramedics nominated by the Ohio association of 3889
professional fire fighters ~~and three EMTs basic, three EMTs I, and~~ 3890
~~three paramedics nominated by the northern Ohio fire fighters.~~ One 3891
member shall be an ~~EMT basic, one shall be an EMT I, and one~~ EMT, 3892
AEMT, or paramedic, and one member shall be a paramedic ~~whom the.~~ 3893
The governor shall appoint these members from among three 3894
~~EMTs basic, three EMTs I, EMTs or AEMTs~~ and three paramedics 3895
nominated by the Ohio state firefighter's association. One member 3896

shall be a person whom the governor shall appoint from among an 3897
~~EMT basic, an EMT I, and EMT, AEMT, or a paramedic nominated by~~ 3898
the Ohio association of emergency medical services or the Ohio 3899
ambulance and medical transportation association. One member shall 3900
be an EMT, AEMT, or a paramedic, whom the governor shall appoint 3901
from among three persons nominated by the Ohio ambulance and 3902
medical transportation association. One member shall be a 3903
paramedic, whom the governor shall appoint from among three 3904
persons nominated by the Ohio ambulance and medical transportation 3905
association. The governor shall appoint one member who is an 3906
~~EMT basic, EMT I, or paramedic affiliated with an emergency~~ 3907
~~medical services organization. One member shall be a member of the~~ 3908
~~Ohio ambulance association whom the governor shall appoint from~~ 3909
~~among three persons nominated by the Ohio ambulance association.~~ 3910
~~One member shall be a physician certified by the American board of~~ 3911
~~surgery, American board of osteopathic surgery, American~~ 3912
~~osteopathic board of emergency medicine, or American board of~~ 3913
~~emergency medicine who is the chief medical officer of an air~~ 3914
~~medical agency and is currently active in providing emergency~~ 3915
~~medical services. The governor shall appoint this member from~~ 3916
~~among three persons nominated by the Ohio association of air~~ 3917
~~medical services. One member shall be the owner or operator of a~~ 3918
private emergency medical service organization whom the governor 3919
shall appoint from among three persons nominated by the Ohio 3920
ambulance and medical transportation association. One member shall 3921
be a provider of mobile intensive care unit transportation in this 3922
state whom the governor shall appoint from among three persons 3923
nominated by the Ohio association of critical care transport. One 3924
member shall be a provider of air-medical transportation in this 3925
state whom the governor shall appoint from among three persons 3926
nominated by the Ohio association of critical care transport. One 3927
member shall be the owner or operator of a nonemergency medical 3928
service organization in this state that provides ambulance 3929

services whom the governor shall appoint from among three persons 3930
nominated by the Ohio ambulance and medical transportation 3931
association. 3932

The governor may refuse to appoint any of the persons 3933
nominated by one or more organizations under division (A)(2) of 3934
this section, except the employee of the department of public 3935
safety designated by the director of public safety under this 3936
section to be a member of the board. In that event, the 3937
organization or organizations shall continue to nominate the 3938
required number of persons until the governor appoints to the 3939
board one or more of the persons nominated by the organization or 3940
organizations. 3941

The director of public safety shall designate an employee of 3942
the department of public safety to serve as a member of the board 3943
at the director's pleasure. This member shall serve as a liaison 3944
between the department and the division of emergency medical 3945
services in cooperation with the executive director of the board. 3946

~~Initial appointments to the board by the governor and the~~ 3947
~~director of public safety shall be made within ninety days after~~ 3948
~~November 12, 1992. Of the initial appointments by the governor,~~ 3949
~~five shall be for terms ending one year after November 12, 1992,~~ 3950
~~six shall be for terms ending two years after November 12, 1992,~~ 3951
~~and six shall be for terms ending three years after November 12,~~ 3952
~~1992. Within ninety days after the effective date of this~~ 3953
~~amendment, the governor shall appoint the member of the board who~~ 3954
~~is the chief medical officer of an air medical agency for an~~ 3955
~~initial term ending November 12, 2000. Thereafter, terms~~ 3956

(B) Terms of office of all members appointed by the governor 3957
shall be for three years, each term ending on the same day of the 3958
same month as did the term it succeeds. Each member shall hold 3959
office from the date of appointment until the end of the term for 3960
which the member was appointed. A member shall continue in office 3961

subsequent to the expiration date of the member's term until the 3962
member's successor takes office, or until a period of sixty days 3963
has elapsed, whichever occurs first. 3964

Each vacancy shall be filled in the same manner as the 3965
original appointment. A member appointed to fill a vacancy 3966
occurring prior to the expiration of the term for which the 3967
member's predecessor was appointed shall hold office for the 3968
remainder of the unexpired term. 3969

The term of a member shall expire if the member ceases to 3970
meet any of the requirements to be appointed as that member. The 3971
governor may remove any member from office for neglect of duty, 3972
malfeasance, misfeasance, or nonfeasance, after an adjudication 3973
hearing held in accordance with Chapter 119. of the Revised Code. 3974

(C) The members of the board shall serve without compensation 3975
but shall be reimbursed for their actual and necessary expenses 3976
incurred in carrying out their duties as board members. 3977

(D) The board shall organize by annually selecting a chair 3978
and vice-chair from among its members. The board may adopt bylaws 3979
to regulate its affairs. A majority of all members of the board 3980
shall constitute a quorum. No action shall be taken without the 3981
concurrence of a majority of all members of the board. The board 3982
shall meet at least four times annually and at the call of the 3983
chair. The chair shall call a meeting on the request of the 3984
executive director or the medical director of the board or on the 3985
written request of five members. The board shall maintain written 3986
or electronic records of its meetings. 3987

(E) Upon twenty-four hours' notice from a member of the 3988
board, the member's employer shall release the member from the 3989
member's employment duties to attend meetings of the full board. 3990
Nothing in this ~~paragraph~~ division requires the employer of a 3991
member of the board to compensate the member for time the member 3992

is released from employment duties under this paragraph, but any 3993
civil immunity, workers' compensation, disability, or similar 3994
coverage that applies to a member of the board as a result of the 3995
member's employment shall continue to apply while the member is 3996
released from employment duties under this paragraph. 3997

Sec. 4765.03. (A) The director of public safety shall appoint 3998
a full-time executive director for the state board of emergency 3999
medical, fire, and transportation services. The executive director 4000
shall be knowledgeable in emergency medical services and trauma 4001
care and shall serve at the pleasure of the director of public 4002
safety. The director of public safety shall appoint the executive 4003
director from among three persons nominated by the board. The 4004
director of public safety may refuse, for cause, to appoint any of 4005
the board's nominees. If the director fails to appoint any of the 4006
board's nominees, the board shall continue to nominate groups of 4007
three persons until the director does appoint one of the board's 4008
nominees. The executive director shall serve as the chief 4009
executive officer of the board and as the executive director of 4010
the division of emergency medical services. The executive director 4011
shall attend each meeting of the board, except the board may 4012
exclude the executive director from discussions concerning the 4013
employment or performance of the executive director or medical 4014
director of the board. The executive director shall give a surety 4015
bond to the state in such sum as the board determines, conditioned 4016
on the faithful performance of the duties of the executive 4017
director's office. The executive director shall receive a salary 4018
from the board and shall be reimbursed for actual and necessary 4019
expenses incurred in carrying out duties as executive director. 4020

The executive director shall submit a report to the director 4021
of public safety at least every three months regarding the status 4022
of emergency medical services in this state. The executive 4023
4024

director shall meet with the director of public safety at the 4025
director's request. 4026

(B) The board shall appoint a medical director, who shall 4027
serve at the pleasure of the board. The medical director shall be 4028
a physician certified by the American board of emergency medicine 4029
or the American osteopathic board of emergency medicine who is 4030
active in the practice of emergency medicine and has been actively 4031
involved with an emergency medical service organization for at 4032
least five years prior to being appointed. The board shall 4033
consider any recommendations for this appointment from the Ohio 4034
chapter of the American college of emergency physicians, the Ohio 4035
chapter of the American college of surgeons, the Ohio chapter of 4036
the American academy of pediatrics, the Ohio osteopathic 4037
association, and the Ohio state medical association. 4038

The medical director shall direct the executive director and 4039
advise the board with regard to adult and pediatric trauma and 4040
emergency medical services issues. The medical director shall 4041
attend each meeting of the board, except the board may exclude the 4042
medical director from discussions concerning the appointment or 4043
performance of the medical director or executive director of the 4044
board. The medical director shall be employed and paid by the 4045
board and shall be reimbursed for actual and necessary expenses 4046
incurred in carrying out duties as medical director. 4047

(C) The board may appoint employees as it determines 4048
necessary. The board shall prescribe the duties and titles of its 4049
employees. 4050

Sec. 4765.04. (A) The firefighter and fire safety inspector 4051
training committee of the state board of emergency medical, fire, 4052
and transportation services is hereby created and shall consist of 4053
the members of the board who are chiefs of fire departments, and 4054
the members of the board who are emergency medical 4055

technicians-basic, emergency medical technicians-intermediate, and 4056
emergency medical technicians-paramedic appointed from among 4057
persons nominated by the Ohio association of professional fire 4058
fighters or the northern Ohio fire fighters and from among persons 4059
nominated by the Ohio state firefighter's association. Each member 4060
of the committee, except the chairperson, may designate a person 4061
with fire experience to serve in that member's place. The members 4062
of the committee or their designees shall select a chairperson 4063
from among the members or their designees. 4064

The committee may conduct investigations in the course of 4065
discharging its duties under this chapter. In the course of an 4066
investigation, the committee may issue subpoenas. If a person 4067
subpoenaed fails to comply with the subpoena, the committee may 4068
authorize its chairperson to apply to the court of common pleas in 4069
the county where the person to be subpoenaed resides for an order 4070
compelling compliance in the same manner as compliance with a 4071
subpoena issued by the court is compelled. 4072

(B) The trauma committee of the state board of emergency 4073
medical, fire, and transportation services is hereby created and 4074
shall consist of the following members appointed by the director 4075
of public safety: 4076

(1) A physician who is certified by the American board of 4077
surgery or American osteopathic board of surgery and actively 4078
practices general trauma surgery, appointed from among three 4079
persons nominated by the Ohio chapter of the American college of 4080
surgeons, three persons nominated by the Ohio state medical 4081
association, and three persons nominated by the Ohio osteopathic 4082
association; 4083

(2) A physician who is certified by the American board of 4084
surgery or the American osteopathic board of surgery and actively 4085
practices orthopedic trauma surgery, appointed from among three 4086

persons nominated by the Ohio orthopedic society and three persons 4087
nominated by the Ohio osteopathic association; 4088

(3) A physician who is certified by the American board of 4089
neurological surgeons or the American osteopathic board of surgery 4090
and actively practices neurosurgery on trauma victims, appointed 4091
from among three persons nominated by the Ohio state neurological 4092
society and three persons nominated by the Ohio osteopathic 4093
association; 4094

(4) A physician who is certified by the American board of 4095
surgeons or American osteopathic board of surgeons and actively 4096
specializes in treating burn victims, appointed from among three 4097
persons nominated by the Ohio chapter of the American college of 4098
surgeons and three persons nominated by the Ohio osteopathic 4099
association; 4100

(5) A dentist who is certified by the American board of oral 4101
and maxillofacial surgery and actively practices oral and 4102
maxillofacial surgery, appointed from among three persons 4103
nominated by the Ohio dental association; 4104

(6) A physician who is certified by the American board of 4105
physical medicine and rehabilitation or American osteopathic board 4106
of rehabilitation medicine and actively provides rehabilitative 4107
care to trauma victims, appointed from among three persons 4108
nominated by the Ohio society of physical medicine and 4109
rehabilitation and three persons nominated by the Ohio osteopathic 4110
association; 4111

(7) A physician who is certified by the American board of 4112
surgery or American osteopathic board of surgery with special 4113
qualifications in pediatric surgery and actively practices 4114
pediatric trauma surgery, appointed from among three persons 4115
nominated by the Ohio chapter of the American academy of 4116
pediatrics and three persons nominated by the Ohio osteopathic 4117

association; 4118

(8) A physician who is certified by the American board of 4119
emergency medicine or American osteopathic board of emergency 4120
medicine, actively practices emergency medicine, and is actively 4121
involved in emergency medical services, appointed from among three 4122
persons nominated by the Ohio chapter of the American college of 4123
emergency physicians and three persons nominated by the Ohio 4124
osteopathic association; 4125

(9) A physician who is certified by the American board of 4126
pediatrics, American osteopathic board of pediatrics, or American 4127
board of emergency medicine, is sub-boarded in pediatric emergency 4128
medicine, actively practices pediatric emergency medicine, and is 4129
actively involved in emergency medical services, appointed from 4130
among three persons nominated by the Ohio chapter of the American 4131
academy of pediatrics, three persons nominated by the Ohio chapter 4132
of the American college of emergency physicians, and three persons 4133
nominated by the Ohio osteopathic association; 4134

(10) A physician who is certified by the American board of 4135
surgery, American osteopathic board of surgery, or American board 4136
of emergency medicine and is the chief medical officer of an air 4137
medical organization, appointed from among three persons nominated 4138
by the Ohio association of air medical services; 4139

(11) A coroner or medical examiner appointed from among three 4140
people nominated by the Ohio state coroners' association; 4141

(12) A registered nurse who actively practices trauma nursing 4142
at an adult or pediatric trauma center, appointed from among three 4143
persons nominated by the Ohio association of trauma nurse 4144
coordinators; 4145

(13) A registered nurse who actively practices emergency 4146
nursing and is actively involved in emergency medical services, 4147
appointed from among three persons nominated by the Ohio chapter 4148

- of the emergency nurses' association; 4149
- (14) The chief trauma registrar of an adult or pediatric 4150
trauma center, appointed from among three persons nominated by the 4151
alliance of Ohio trauma registrars; 4152
- (15) The administrator of an adult or pediatric trauma 4153
center, appointed from among three persons nominated by OHA: the 4154
association for hospitals and health systems, three persons 4155
nominated by the Ohio osteopathic association, three persons 4156
nominated by the association of Ohio children's hospitals, and 4157
three persons nominated by the health forum of Ohio; 4158
- (16) The administrator of a hospital that is not a trauma 4159
center and actively provides emergency care to adult or pediatric 4160
trauma patients, appointed from among three persons nominated by 4161
OHA: the association for hospitals and health systems, three 4162
persons nominated by the Ohio osteopathic association, three 4163
persons nominated by the association of Ohio children's hospitals, 4164
and three persons nominated by the health forum of Ohio; 4165
- (17) The operator of an ambulance company that actively 4166
provides trauma care to emergency patients, appointed from among 4167
three persons nominated by the Ohio ambulance association; 4168
- (18) The chief of a fire department that actively provides 4169
trauma care to emergency patients, appointed from among three 4170
persons nominated by the Ohio fire chiefs' association; 4171
- (19) An EMT or paramedic who is certified under this chapter 4172
and actively provides trauma care to emergency patients, appointed 4173
from among three persons nominated by the Ohio association of 4174
professional firefighters, three persons nominated by the northern 4175
Ohio fire fighters, three persons nominated by the Ohio state 4176
firefighters' association, and three persons nominated by the Ohio 4177
association of emergency medical services; 4178
- (20) A person who actively advocates for trauma victims, 4179

appointed from three persons nominated by the Ohio brain injury 4180
association and three persons nominated by the governor's council 4181
on people with disabilities; 4182

(21) A physician or nurse who has substantial administrative 4183
responsibility for trauma care provided in or by an adult or 4184
pediatric trauma center, appointed from among three persons 4185
nominated by OHA: the association for hospitals and health 4186
systems, three persons nominated by the Ohio osteopathic 4187
association, three persons nominated by the association of Ohio 4188
children's hospitals, and three persons nominated by the health 4189
forum of Ohio; 4190

(22) Three representatives of hospitals that are not trauma 4191
centers and actively provide emergency care to trauma patients, 4192
appointed from among three persons nominated by OHA: the 4193
association for hospitals and health systems, three persons 4194
nominated by the Ohio osteopathic association, three persons 4195
nominated by the association of Ohio children's hospitals, and 4196
three persons nominated by the health forum of Ohio. The 4197
representatives may be hospital administrators, physicians, 4198
nurses, or other clinical professionals. 4199

Members of the committee shall have substantial experience in 4200
the categories they represent, shall be residents of this state, 4201
and may be members of the state board of emergency medical, fire, 4202
and transportation services. In appointing members of the 4203
committee, the director shall attempt to include members 4204
representing urban and rural areas, various geographical areas of 4205
the state, and various schools of training. The director shall not 4206
appoint to the committee more than one member who is employed by 4207
or practices at the same hospital, health system, or emergency 4208
medical service organization. 4209

The director may refuse to appoint any of the persons 4210
nominated by an organization or organizations under this division. 4211

In that event, the organization or organizations shall continue to 4212
nominate the required number of persons until the director 4213
appoints to the committee one or more of the persons nominated by 4214
the organization or organizations. 4215

Initial appointments to the committee shall be made by the 4216
director not later than ninety days after November 3, 2000. 4217
Members of the committee shall serve at the pleasure of the 4218
director, except that any member of the committee who ceases to be 4219
qualified for the position to which the member was appointed shall 4220
cease to be a member of the committee. Vacancies on the committee 4221
shall be filled in the same manner as original appointments. 4222

The members of the committee shall serve without compensation 4223
but shall be reimbursed for actual and necessary expenses incurred 4224
in carrying out duties as members of the committee. 4225

The committee shall select a chairperson and vice-chairperson 4226
from among its members. A majority of all members of the committee 4227
shall constitute a quorum. No action shall be taken without the 4228
concurrence of a majority of all members of the committee. The 4229
committee shall meet at the call of the chair, upon written 4230
request of five members of the committee, and at the direction of 4231
the state board of emergency medical, fire, and transportation 4232
services. The committee shall not meet at times or locations that 4233
conflict with meetings of the board. The executive director and 4234
medical director of the state board of emergency medical, fire, 4235
and transportation services may participate in any meeting of the 4236
committee and shall do so at the request of the committee. 4237

The committee shall advise and assist the state board of 4238
emergency medical, fire, and transportation services in matters 4239
related to adult and pediatric trauma care and the establishment 4240
and operation of the state trauma registry. In matters relating to 4241
the state trauma registry, the board and the committee shall 4242
consult with trauma registrars from adult and pediatric trauma 4243

centers in the state. The committee may appoint a subcommittee to 4244
advise and assist with the trauma registry. The subcommittee may 4245
include persons with expertise relevant to the trauma registry who 4246
are not members of the board or committee. 4247

(C)(1) The medical transportation committee of the state 4248
board of emergency medical, fire, and transportation services is 4249
hereby created. The committee shall consist of members appointed 4250
by the board in accordance with rules adopted by the board. In 4251
appointing members of the committee, the board shall attempt to 4252
include members representing urban and rural areas and various 4253
geographical areas of the state, and shall ensure the members have 4254
substantial experience in the transportation of patients, 4255
including addressing the unique issues of mobile intensive care 4256
and air medical services. The members of the committee shall be 4257
residents of this state and may be members of the board. The 4258
members of the committee shall serve without compensation but 4259
shall be reimbursed for actual and necessary expenses incurred in 4260
carrying out duties as members of the committee. The committee 4261
shall select a chairperson and vice-chairperson from among its 4262
members. A majority of all members of the committee shall 4263
constitute a quorum. No action shall be taken without the 4264
concurrence of a majority of all members of the committee. The 4265
committee shall meet at the call of the chair and at the direction 4266
of the board. The committee shall not meet at times or locations 4267
that conflict with meetings of the board. The committee shall 4268
advise and assist the board in matters related to the licensing of 4269
nonemergency medical service, emergency medical service, and air 4270
medical service organizations in this state. 4271

(2) There is hereby created the critical care subcommittee of 4272
the medical transportation committee. The membership of the 4273
subcommittee and the conduct of the subcommittee's business shall 4274
conform to rules adopted by the board. The subcommittee shall 4275

advise and assist the committee and board in matters relating to 4276
mobile intensive care and air medical service organizations in 4277
this state. 4278

(D) The state board of emergency medical, fire, and 4279
transportation services may appoint other committees and 4280
subcommittees as it considers necessary. 4281

~~(D)~~(E) The state board of emergency medical, fire, and 4282
transportation services, and any of its committees or 4283
subcommittees, may request assistance from any state agency. The 4284
board and its committees and subcommittees may permit persons who 4285
are not members of those bodies to participate in deliberations of 4286
those bodies, but no person who is not a member of the board shall 4287
vote on the board and no person who is not a member of a committee 4288
created under division (A) ~~or~~, (B), or (C) of this section shall 4289
vote on that committee. 4290

~~(E)~~(F) Sections 101.82 to 101.87 of the Revised Code do not 4291
apply to the committees established under ~~division~~ divisions (A) 4292
~~or~~, (B), and (C) of this section. 4293

Sec. 4765.05. (A) As used in this section, "prehospital 4294
emergency medical services" means an emergency medical services 4295
system that provides medical services to patients who require 4296
immediate assistance, because of illness or injury, prior to their 4297
arrival at an emergency medical facility. 4298

(B) The state board of emergency medical, fire, and 4299
transportation services shall divide the state geographically into 4300
prehospital emergency medical services regions for purposes of 4301
overseeing the delivery of adult and pediatric prehospital 4302
emergency medical services. For each prehospital emergency medical 4303
services region, the state board of emergency medical, fire, and 4304
transportation services shall appoint either a physician to serve 4305
as the regional director or a physician advisory board to serve as 4306

the regional advisory board. The state board of emergency medical, 4307
fire, and transportation services shall specify the duties of each 4308
regional director and regional advisory board. Regional directors 4309
and members of regional advisory boards shall serve without 4310
compensation, but shall be reimbursed for actual and necessary 4311
expenses incurred in carrying out duties as regional directors and 4312
members of regional advisory boards. 4313

(C) Nothing in this section shall be construed to limit in 4314
any way the ability of a hospital to determine the market area of 4315
that hospital. 4316

Sec. 4765.06. (A) The state board of emergency medical, fire, 4317
and transportation services shall establish an emergency medical 4318
services incidence reporting system for the collection of 4319
information regarding the delivery of emergency medical services 4320
in this state and the frequency at which the services are 4321
provided. All emergency medical service organizations shall submit 4322
to the board any information that the board determines is 4323
necessary for maintaining the incidence reporting system. 4324

(B) The board shall establish a state trauma registry to be 4325
used for the collection of information regarding the care of adult 4326
and pediatric trauma victims in this state. The registry shall 4327
provide for the reporting of adult and pediatric trauma-related 4328
deaths, identification of adult and pediatric trauma patients, 4329
monitoring of adult and pediatric trauma patient care data, 4330
determination of the total amount of uncompensated adult and 4331
pediatric trauma care provided annually by each facility that 4332
provides care to trauma victims, and collection of any other 4333
information specified by the board. All persons designated by the 4334
board shall submit to the board any information it determines is 4335
necessary for maintaining the state trauma registry. At the 4336
request of the board any state agency possessing information 4337

regarding adult or pediatric trauma care shall provide the 4338
information to the board. The board shall maintain the state 4339
trauma registry in accordance with rules adopted under section 4340
4765.11 of the Revised Code. 4341

Rules relating to the state trauma registry adopted under 4342
this section and section 4765.11 of the Revised Code shall not 4343
prohibit the operation of other trauma registries and may provide 4344
for the reporting of information to the state trauma registry by 4345
or through other trauma registries in a manner consistent with 4346
information otherwise reported to the state trauma registry. Other 4347
trauma registries may report aggregate information to the state 4348
trauma registry, provided the information can be matched to the 4349
person that reported it. Information maintained by another trauma 4350
registry and reported to the state trauma registry in lieu of 4351
being reported directly to the state trauma registry is a public 4352
record and shall be maintained, made available to the public, held 4353
in confidence, risk adjusted, and not subject to discovery or 4354
introduction into evidence in a civil action as provided in 4355
section 149.43 of the Revised Code and this section. Any person 4356
who provides, maintains, or risk adjusts such information shall 4357
comply with this section and rules adopted under it in performing 4358
that function and has the same immunities with respect to that 4359
function as a person who performs that function with respect to 4360
the state trauma registry. 4361

(C) The board and any employee or contractor of the board or 4362
the department of public safety shall not make public information 4363
it receives under Chapter 4765. of the Revised Code that 4364
identifies or would tend to identify a specific recipient of 4365
emergency medical services or adult or pediatric trauma care. 4366

(D) Not later than two years after November 3, 2000, the 4367
board shall adopt and implement rules under section 4765.11 of the 4368
Revised Code that provide written standards and procedures for 4369

risk adjustment of information received by the board under Chapter 4370
4765. of the Revised Code. The rules shall be developed in 4371
consultation with appropriate medical, hospital, and emergency 4372
medical service organizations and may provide for risk adjustment 4373
by a contractor of the board. Except as provided in division (G) 4374
of this section, before risk adjustment standards and procedures 4375
are implemented, no member of the board and no employee or 4376
contractor of the board or the department of public safety shall 4377
make public information received by the board under Chapter 4765. 4378
of the Revised Code that identifies or would tend to identify a 4379
specific provider of emergency medical services or adult or 4380
pediatric trauma care. Except as provided in division (G) of this 4381
section, after risk adjustment standards and procedures are 4382
implemented, the board shall make public such information only on 4383
a risk adjusted basis. 4384

(E) The board shall adopt rules under section 4765.11 of the 4385
Revised Code that specify procedures for ensuring the 4386
confidentiality of information that is not to be made public under 4387
this section. The rules shall specify the circumstances in which 4388
deliberations of the persons performing risk adjustment functions 4389
under this section are not open to the public and records of those 4390
deliberations are maintained in confidence. Nothing in this 4391
section prohibits the board from making public statistical 4392
information that does not identify or tend to identify a specific 4393
recipient or provider of emergency medical services or adult or 4394
pediatric trauma care. 4395

(F) No provider that furnishes information to the board with 4396
respect to any patient the provider examined or treated shall, 4397
because of this furnishing, be deemed liable in damages to any 4398
person or be held to answer for betrayal of a professional 4399
confidence in the absence of willful or wanton misconduct. No such 4400
information shall be subject to introduction in evidence in any 4401

civil action against the provider. No provider that furnishes 4402
information to the board shall be liable for the misuse or 4403
improper release of the information by the board or any other 4404
person. 4405

No person who performs risk adjustment functions under this 4406
section shall, because of performing such functions, be held 4407
liable in a civil action for betrayal of professional confidence 4408
or otherwise in the absence of willful or wanton misconduct. 4409

(G) The board may transmit data that identifies or tends to 4410
identify a specific provider of emergency medical services care 4411
and has not been risk-adjusted from the emergency medical services 4412
incident reporting system directly to the national emergency 4413
medical services information system, pursuant to a written 4414
contract between the board and the federal agency that administers 4415
the national emergency medical services information system, which 4416
shall ensure to the maximum extent permitted by federal law that 4417
such agency shall use such data solely for inclusion in the 4418
national emergency medical services information system and shall 4419
not disclose such data to the public, through legal discovery, a 4420
freedom of information request, or otherwise, in a manner that 4421
identifies or tends to identify a specific provider of emergency 4422
medical services care. 4423

Sec. 4765.07. (A) The state board of emergency medical, fire, 4424
and transportation services shall adopt rules under section 4425
4765.11 of the Revised Code to establish and administer a grant 4426
program under which grants are distributed according to the 4427
following priorities: 4428

(1) First priority shall be given to emergency medical 4429
service organizations for the training of personnel, for the 4430
purchase of equipment and vehicles, and to improve the 4431
availability, accessibility, and quality of emergency medical 4432

services in this state. In this category, the board shall give 4433
priority to grants that fund training and equipping of emergency 4434
medical service personnel. 4435

(2) Second priority shall be given to entities that research, 4436
test, and evaluate medical procedures and systems related to adult 4437
and pediatric trauma care. 4438

(3) Third priority shall be given to entities that research 4439
the causes, nature, and effects of traumatic injuries, educate the 4440
public about injury prevention, and implement, test, and evaluate 4441
injury prevention strategies. 4442

(4) Fourth priority shall be given to entities that research, 4443
test, and evaluate procedures that promote the rehabilitation, 4444
retraining, and reemployment of adult or pediatric trauma victims 4445
and social service support mechanisms for adult or pediatric 4446
trauma victims and their families. 4447

(5) Fifth priority shall be given to entities that conduct 4448
research on, test, or evaluate one or more of the following: 4449

(a) Procedures governing the performance of emergency medical 4450
services in this state; 4451

(b) The training of emergency medical service personnel; 4452

(c) The staffing of emergency medical service organizations. 4453

(6) For grants distributed for the grant award years 4454
occurring not later than the award year ending June 30, 2017, 4455
sixth priority shall be given to entities that operate paramedic 4456
training programs and are seeking national accreditation of the 4457
programs. 4458

(B) To be eligible for a grant distributed pursuant to 4459
division (A)(6) of this section, an applicant for the grant shall 4460
meet all of the following conditions: 4461

(1) Hold a certificate of accreditation issued by the board 4462

under section 4765.17 of the Revised Code to operate a paramedic training program; 4463
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(2) Be seeking initial national accreditation of the program from an accrediting organization approved by the board; 4465
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(3) Apply for the national accreditation on or after February 25, 2010. 4467
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(C) The grant program shall be funded from the trauma and emergency medical services fund created by section 4513.263 of the Revised Code. 4469
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Sec. 4765.08. The state board of emergency medical, fire, and transportation services shall prepare a statewide emergency medical services plan and shall revise the plan as necessary. 4472
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The board shall prepare a plan for the statewide regulation of emergency medical services during periods of disaster. The plan shall be consistent with the statewide emergency medical services plan required under this section and with the statewide emergency operations plan required under section 5502.22 of the Revised Code. The board shall submit the plan to the emergency management agency created under section 5502.22 of the Revised Code. The board shall cooperate with the agency in any other manner the agency considers necessary to develop and implement the statewide emergency operations plan. 4475
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Sec. 4765.09. The state board of emergency medical, fire, and transportation services shall prepare recommendations for the operation of ambulance service organizations, air medical organizations, and emergency medical service organizations. Within thirty days following the preparation or modification of recommendations, the board shall notify the board of county commissioners of any county, the board of township trustees of any township, the board of trustees of any joint ambulance district, 4485
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or the board of trustees of any joint emergency medical services 4493
district in which there exist ambulance service organizations, air 4494
medical organizations, or emergency medical service organizations 4495
of any board recommendations for the operation of such 4496
organizations. The recommendations shall include, but not be 4497
limited to: 4498

(A) The definition and classification of ambulances and 4499
medical aircraft; 4500

(B) The design, equipment, and supplies for ambulances and 4501
medical aircraft, including special equipment, supplies, training, 4502
and staffing required to assist pediatric and geriatric emergency 4503
victims; 4504

(C) The minimum number and type of personnel for the 4505
operation of ambulances and medical aircraft; 4506

(D) The communication systems necessary for the operation of 4507
ambulances and medical aircraft; 4508

(E) Reports to be made by persons holding certificates of 4509
accreditation or approval issued under section 4765.17 of the 4510
Revised Code and certificates to practice issued under section 4511
4765.30 of the Revised Code to ascertain compliance with this 4512
chapter and the rules and recommendations adopted thereunder and 4513
to ascertain the quantity and quality of ambulance service 4514
organizations, air medical organizations, and emergency medical 4515
service organizations throughout the state. 4516

Sec. 4765.10. (A) The state board of emergency medical, fire, 4517
and transportation services shall do all of the following: 4518

(1) Administer and enforce the provisions of this chapter and 4519
the rules adopted under it; 4520

(2) Approve, in accordance with procedures established in 4521
rules adopted under section 4765.11 of the Revised Code, 4522

examinations that demonstrate competence to have a certificate to 4523
practice renewed without completing a continuing education 4524
program; 4525

(3) Advise applicants for state or federal emergency medical 4526
services funds, review and comment on applications for these 4527
funds, and approve the use of all state and federal funds 4528
designated solely for emergency medical service programs unless 4529
federal law requires another state agency to approve the use of 4530
all such federal funds; 4531

(4) Serve as a statewide clearinghouse for discussion, 4532
inquiry, and complaints concerning emergency medical services; 4533

(5) Make recommendations to the general assembly on 4534
legislation to improve the delivery of emergency medical services; 4535

(6) Maintain a toll-free long distance telephone number 4536
through which it shall respond to questions about emergency 4537
medical services; 4538

(7) Work with appropriate state offices in coordinating the 4539
training of firefighters and emergency medical service personnel. 4540
Other state offices that are involved in the training of 4541
firefighters or emergency medical service personnel shall 4542
cooperate with the board and its committees and subcommittees to 4543
achieve this goal. 4544

(8) Provide a liaison to the state emergency operation center 4545
during those periods when a disaster, as defined in section 4546
5502.21 of the Revised Code, has occurred in this state and the 4547
governor has declared an emergency as defined in that section. 4548

(B) The board may do any of the following: 4549

(1) Investigate complaints concerning emergency medical 4550
services and emergency medical service organizations as it 4551
determines necessary; 4552

(2) Enter into reciprocal agreements with other states that 4553
have standards for accreditation of emergency medical services 4554
training programs and for certification of first responders, 4555
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 4556
inspectors that are substantially similar to those established 4557
under this chapter and the rules adopted under it; 4558

(3) Establish a statewide public information system and 4559
public education programs regarding emergency medical services; 4560

(4) Establish an injury prevention program. 4561

(C) The state board of emergency medical, fire, and 4562
transportation services shall not regulate any profession that 4563
otherwise is regulated by another board, commission, or similar 4564
regulatory entity. 4565

Sec. 4765.101. (A) The state board of emergency medical, 4566
fire, and transportation services shall investigate any allegation 4567
that a person has violated this chapter or a rule adopted under 4568
it. 4569

Any person may submit to the board a written complaint 4570
regarding an alleged violation of this chapter or a rule adopted 4571
under it. In the absence of fraud or bad faith, no person 4572
submitting a complaint to the board or testifying in an 4573
adjudication hearing conducted in accordance with Chapter 119. of 4574
the Revised Code with regard to such an alleged violation shall be 4575
liable to any person in damages in a civil action as a result of 4576
submitting the complaint or providing testimony. 4577

(B) In investigating an allegation, the board may do any of 4578
the following: 4579

(1) Administer oaths; 4580

(2) Order the taking of depositions; 4581

(3) Issue subpoenas; 4582

(4) Compel the attendance of witnesses and production of 4583
books, accounts, papers, records, documents, and testimony. 4584

(C) A subpoena for patient record information shall not be 4585
issued without consultation with the attorney general's office and 4586
approval of the executive director of the board. Before issuance 4587
of a subpoena for patient record information, the executive 4588
director shall determine whether there is probable cause to 4589
believe that the complaint filed alleges a violation of this 4590
chapter or any rule adopted under it and that the records sought 4591
are relevant to the alleged violation and material to the 4592
investigation. The subpoena may apply only to records that cover a 4593
reasonable period of time surrounding the alleged violation. 4594

(D) On failure to comply with any subpoena issued by the 4595
board and after reasonable notice to the person being subpoenaed, 4596
the board may move, pursuant to the Rules of Civil Procedure, for 4597
an order compelling the production of persons or records. 4598

(E) A subpoena issued by the board may be served by a 4599
sheriff, the sheriff's deputy, or an investigator for the division 4600
of emergency medical services of the department of public safety. 4601
Service of a subpoena issued by the board may be made by 4602
delivering a copy of the subpoena to the person named in it, 4603
reading it to the person, or leaving it at the person's usual 4604
place of residence. When the person being served is an individual 4605
authorized by this chapter to practice emergency medical services, 4606
service of the subpoena may be made by certified mail, restricted 4607
delivery, return receipt requested, and the subpoena shall be 4608
deemed served on the date delivery is made or on the date that the 4609
person refuses to accept delivery. 4610

Sec. 4765.102. (A) As used in this section, "licensing 4611
agency" means any entity that has the authority pursuant to Title 4612
XLVII of the Revised Code to issue a license, and any other agency 4613

of this or another state, other than the Ohio supreme court, that 4614
has the authority to issue a license that authorizes an individual 4615
to engage in an occupation or profession. "Licensing agency" 4616
includes an administrative officer that has authority to issue a 4617
license that authorizes an individual to engage in an occupation 4618
or profession. 4619

(B) Except as provided in divisions (C) and (D) of this 4620
section and section 4765.111 of the Revised Code, all information 4621
the state board of emergency medical, fire, and transportation 4622
services receives pursuant to an investigation, including 4623
information regarding an alleged violation of this chapter or 4624
rules adopted under it or a complaint submitted under division (A) 4625
of section 4765.101 of the Revised Code, is confidential, and is 4626
not subject to discovery in any civil action, during the course of 4627
the investigation and any adjudication proceedings that result 4628
from the investigation. Upon completion of the investigation and 4629
any resulting adjudication proceedings, the information is a 4630
matter of public record for purposes of section 149.43 of the 4631
Revised Code. 4632

(C) The board may release information otherwise made 4633
confidential by division (B) of this section to law enforcement 4634
officers or licensing agencies of this or another state that are 4635
prosecuting, adjudicating, or investigating the holder of a 4636
certificate issued under this chapter or a person who allegedly 4637
engaged in the unauthorized provision of emergency medical 4638
services. 4639

A law enforcement officer or licensing agency with 4640
information disclosed by the board under this division shall not 4641
divulge the information other than for the purpose of an 4642
adjudication by a court or licensing agency to which the subject 4643
of the adjudication is a party. 4644

(D) If an investigation conducted under section 4765.101 of 4645

the Revised Code requires a review of patient records, the 4646
investigation and proceedings related to it shall be conducted in 4647
such a manner as to protect patient confidentiality. The board 4648
shall not make public the name or any other identifying 4649
information about a patient unless proper consent is given in 4650
accordance with rules adopted by the board. If the patient is less 4651
than eighteen years of age, the board shall obtain consent from 4652
the patient's parent, guardian, or custodian. 4653

Sec. 4765.11. (A) The state board of emergency medical, fire, 4654
and transportation services shall adopt, and may amend and 4655
rescind, rules in accordance with Chapter 119. of the Revised Code 4656
and division (C) of this section that establish all of the 4657
following: 4658

(1) Procedures for its governance and the control of its 4659
actions and business affairs; 4660

(2) Standards for the performance of emergency medical 4661
services by first responders, emergency medical technicians-basic, 4662
emergency medical technicians-intermediate, and emergency medical 4663
technicians-paramedic; 4664

(3) Application fees for certificates of accreditation, 4665
certificates of approval, certificates to teach, and certificates 4666
to practice, which shall be deposited into the trauma and 4667
emergency medical services fund created in section 4513.263 of the 4668
Revised Code; 4669

(4) Criteria for determining when the application or renewal 4670
fee for a certificate to practice may be waived because an 4671
applicant cannot afford to pay the fee; 4672

(5) Procedures for issuance and renewal of certificates of 4673
accreditation, certificates of approval, certificates to teach, 4674
and certificates to practice, including any procedures necessary 4675

to ensure that adequate notice of renewal is provided in	4676
accordance with division (D) of section 4765.30 of the Revised	4677
Code;	4678
(6) Procedures for suspending or revoking certificates of	4679
accreditation, certificates of approval, certificates to teach,	4680
and certificates to practice;	4681
(7) Grounds for suspension or revocation of a certificate to	4682
practice issued under section 4765.30 of the Revised Code and for	4683
taking any other disciplinary action against a first responder,	4684
EMT-basic, EMT-I, or paramedic;	4685
(8) Procedures for taking disciplinary action against a first	4686
responder, EMT-basic, EMT-I, or paramedic;	4687
(9) Standards for certificates of accreditation and	4688
certificates of approval;	4689
(10) Qualifications for certificates to teach;	4690
(11) Requirements for a certificate to practice;	4691
(12) The curricula, number of hours of instruction and	4692
training, and instructional materials to be used in adult and	4693
pediatric emergency medical services training programs and adult	4694
and pediatric emergency medical services continuing education	4695
programs;	4696
(13) Procedures for conducting courses in recognizing	4697
symptoms of life-threatening allergic reactions and in calculating	4698
proper dosage levels and administering injections of epinephrine	4699
to adult and pediatric patients who suffer life-threatening	4700
allergic reactions;	4701
(14) Examinations for certificates to practice;	4702
(15) Procedures for administering examinations for	4703
certificates to practice;	4704
(16) Procedures for approving examinations that demonstrate	4705

competence to have a certificate to practice renewed without 4706
completing an emergency medical services continuing education 4707
program; 4708

(17) Procedures for granting extensions and exemptions of 4709
emergency medical services continuing education requirements; 4710

(18) Procedures for approving the additional emergency 4711
medical services first responders are authorized by division (C) 4712
of section 4765.35 of the Revised Code to perform, EMTs-basic are 4713
authorized by division (C) of section 4765.37 of the Revised Code 4714
to perform, EMTs-I are authorized by division (B)(5) of section 4715
4765.38 of the Revised Code to perform, and paramedics are 4716
authorized by division (B)(6) of section 4765.39 of the Revised 4717
Code to perform; 4718

(19) Standards and procedures for implementing the 4719
requirements of section 4765.06 of the Revised Code, including 4720
designations of the persons who are required to report information 4721
to the board and the types of information to be reported; 4722

(20) Procedures for administering the emergency medical 4723
services grant program established under section 4765.07 of the 4724
Revised Code; 4725

(21) Procedures consistent with Chapter 119. of the Revised 4726
Code for appealing decisions of the board; 4727

(22) Minimum qualifications and peer review and quality 4728
improvement requirements for persons who provide medical direction 4729
to emergency medical service personnel; 4730

(23) The manner in which a patient, or a patient's parent, 4731
guardian, or custodian may consent to the board releasing 4732
identifying information about the patient under division (D) of 4733
section 4765.102 of the Revised Code; 4734

(24) Circumstances under which a training program or 4735

continuing education program, or portion of either type of 4736
program, may be taught by a person who does not hold a certificate 4737
to teach issued under section 4765.23 of the Revised Code; 4738

(25) Certification cycles for certificates issued under 4739
sections 4765.23 and 4765.30 of the Revised Code and certificates 4740
issued by the executive director of the state board of emergency 4741
medical, fire, and transportation services under section 4765.55 4742
of the Revised Code that establish a common expiration date for 4743
all certificates. 4744

(B) The board may adopt, and may amend and rescind, rules in 4745
accordance with Chapter 119. of the Revised Code and division (C) 4746
of this section that establish the following: 4747

(1) Specifications of information that may be collected under 4748
the trauma system registry and incidence reporting system created 4749
under section 4765.06 of the Revised Code; 4750

(2) Standards and procedures for implementing any of the 4751
recommendations made by any committees of the board or under 4752
section 4765.04 of the Revised Code; 4753

(3) Requirements that a person must meet to receive a 4754
certificate to practice as a first responder pursuant to division 4755
(A)(2) of section 4765.30 of the Revised Code; 4756

(4) Any other rules necessary to implement this chapter. 4757

(C) In developing and administering rules adopted under this 4758
chapter, the state board of emergency medical, fire, and 4759
transportation services shall consult with regional directors and 4760
regional physician advisory boards created by section 4765.05 of 4761
the Revised Code and emphasize the special needs of pediatric and 4762
geriatric patients. 4763

(D) Except as otherwise provided in this division, before 4764
adopting, amending, or rescinding any rule under this chapter, the 4765

board shall submit the proposed rule to the director of public 4766
safety for review. The director may review the proposed rule for 4767
not more than sixty days after the date it is submitted. If, 4768
within this sixty-day period, the director approves the proposed 4769
rule or does not notify the board that the rule is disapproved, 4770
the board may adopt, amend, or rescind the rule as proposed. If, 4771
within this sixty-day period, the director notifies the board that 4772
the proposed rule is disapproved, the board shall not adopt, 4773
amend, or rescind the rule as proposed unless at least twelve 4774
members of the board vote to adopt, amend, or rescind it. 4775

This division does not apply to an emergency rule adopted in 4776
accordance with section 119.03 of the Revised Code. 4777

Sec. 4765.111. Except as provided in this section or sections 4778
4765.112 to 4765.116 of the Revised Code, the state board of 4779
emergency medical, fire, and transportation services shall conduct 4780
disciplinary proceedings regarding the holder of a certificate 4781
issued under this chapter in accordance with rules adopted by the 4782
board under section 4765.11 of the Revised Code. 4783

The board and a holder of a certificate are the parties to a 4784
hearing conducted under this chapter. Either party may submit a 4785
written request to the other party for a list of witnesses and 4786
copies of documents intended to be introduced at the hearing. The 4787
request shall be in writing and shall be served not less than 4788
thirty-seven days prior to the commencement of the hearing, unless 4789
the hearing officer or presiding board member grants an extension 4790
of time to make the request. Not later than thirty days before the 4791
hearing, the responding party shall provide the requested list of 4792
witnesses and copies of documents to the requesting party, unless 4793
the hearing officer or presiding board member grants an extension 4794
of time to provide the list and copies. 4795

Failure to timely provide a list or copies requested in 4796

accordance with this section shall result in exclusion from the 4797
hearing of the witnesses, testimony, or documents. 4798

Sec. 4765.112. (A) The state board of emergency medical, 4799
fire, and transportation services, by an affirmative vote of the 4800
majority of its members, may suspend without a prior hearing a 4801
certificate to practice issued under this chapter if the board 4802
determines that there is clear and convincing evidence that 4803
continued practice by the certificate holder presents a danger of 4804
immediate and serious harm to the public and that the certificate 4805
holder has done any of the following: 4806

(1) Furnished false, fraudulent, or misleading information to 4807
the board; 4808

(2) Engaged in activities that exceed those permitted by the 4809
individual's certificate; 4810

(3) In a court of this or any other state or federal court 4811
been convicted of, pleaded guilty to, or been the subject of a 4812
judicial finding of guilt of, a judicial finding of guilt 4813
resulting from a plea of no contest to, or a judicial finding of 4814
eligibility for intervention in lieu of conviction for, a felony 4815
or for a misdemeanor committed in the course of practice or 4816
involving gross immorality or moral turpitude. 4817

(B) Immediately following the decision to impose a summary 4818
suspension, the board, in accordance with section 119.07 of the 4819
Revised Code, shall issue a written order of suspension, cause it 4820
to be delivered to the certificate holder, and notify the 4821
certificate holder of the opportunity for a hearing. If timely 4822
requested by the certificate holder, a hearing shall be conducted 4823
in accordance with section 4765.115 of the Revised Code. 4824

Sec. 4765.113. If the state board of emergency medical, fire, 4825
and transportation services imposes a suspension on the basis of a 4826

conviction, judicial finding, or plea as described in division 4827
(A)(3) of section 4765.112 of the Revised Code that is overturned 4828
on appeal, the certificate holder, on exhaustion of the criminal 4829
appeal process, may file with the board a petition for 4830
reconsideration of the suspension along with appropriate court 4831
documents. On receipt of the petition and documents, the board 4832
shall reinstate the certificate holder's certificate to practice. 4833

Sec. 4765.114. (A) A certificate to practice emergency 4834
medical services issued under this chapter is automatically 4835
suspended on the certificate holder's conviction of, plea of 4836
guilty to, or judicial finding of guilt of any of the following: 4837
aggravated murder, murder, voluntary manslaughter, felonious 4838
assault, kidnapping, rape, sexual battery, gross sexual 4839
imposition, aggravated arson, aggravated burglary, aggravated 4840
robbery, or a substantially equivalent offense committed in this 4841
or another jurisdiction. Continued practice after the suspension 4842
is practicing without a certificate. 4843

(B) If the state board of emergency medical, fire, and 4844
transportation services has knowledge that an automatic suspension 4845
has occurred, it shall notify, in accordance with section 119.07 4846
of the Revised Code, the certificate holder of the suspension and 4847
of the opportunity for a hearing. If timely requested by the 4848
certificate holder, a hearing shall be conducted in accordance 4849
with section 4765.115 of the Revised Code. 4850

Sec. 4765.115. (A) A suspension order issued under section 4851
4765.112 or automatic suspension under section 4765.114 of the 4852
Revised Code is not subject to suspension by a court prior to a 4853
hearing under this section or during the pendency of any appeal 4854
filed under section 119.12 of the Revised Code. 4855

(B) A suspension order issued under section 4765.112 or 4856

automatic suspension under section 4765.114 of the Revised Code 4857
remains in effect, unless reversed by the state board of emergency 4858
medical, fire, and transportation services, until a final 4859
adjudication order issued by the board pursuant to this section 4860
becomes effective. 4861

(C) Hearings requested pursuant to section 4765.112 or 4862
4765.114 of the Revised Code shall be conducted under this section 4863
in accordance with Chapter 119. of the Revised Code. 4864

(D) A hearing under this section shall be held not later than 4865
forty-five days but not earlier than forty days after the 4866
certificate holder requests it, unless another date is agreed to 4867
by the certificate holder and the board. 4868

(E) After completion of an adjudication hearing, the board 4869
may adopt, by an affirmative vote of the majority of its members, 4870
a final adjudication order that imposes any of the following 4871
sanctions: 4872

(1) Suspension of the holder's certificate to practice; 4873

(2) Revocation of the holder's certificate to practice; 4874

(3) Issuance of a written reprimand; 4875

(4) A refusal to renew or a limitation on the holder's 4876
certificate to practice. 4877

The board shall issue its final adjudication order not later 4878
than forty-five days after completion of an adjudication hearing. 4879
If the board does not issue a final order within that time period, 4880
the suspension order is void, but any final adjudication order 4881
subsequently issued is not affected. 4882

(F) Any action taken by the board under this section 4883
resulting in a suspension from practice shall be accompanied by a 4884
written statement of the conditions under which the certificate to 4885
practice may be reinstated. Reinstatement of a certificate 4886

suspended under this section requires an affirmative vote by the 4887
majority of the members of the board. 4888

(G) When the board revokes or refuses to reinstate a 4889
certificate to practice, the board may specify that its action is 4890
permanent. An individual subject to permanent action taken by the 4891
board is forever ineligible to hold a certificate of the type 4892
revoked or refused, and the board shall not accept from the 4893
individual an application for reinstatement of the certificate or 4894
for a new certificate. 4895

Sec. 4765.116. If a certificate holder subject to a 4896
suspension order issued by the state board of emergency medical, 4897
fire, and transportation services under section 4765.112 or an 4898
automatic suspension order under section 4765.114 of the Revised 4899
Code fails to make a timely request for a hearing, the following 4900
apply: 4901

(A) In the case of a certificate holder subject to a summary 4902
suspension order, the board is not required to hold a hearing, but 4903
may adopt, by an affirmative vote of a majority of its members, a 4904
final order that contains the board's findings. In the final 4905
order, the board may order any of the sanctions listed in division 4906
(E) of section 4765.115 of the Revised Code. 4907

(B) In the case of a certificate holder subject to an 4908
automatic suspension order, the board may adopt, by an affirmative 4909
vote of a majority of its members, a final order that permanently 4910
revokes the holder's certificate to practice. 4911

Sec. 4765.12. (A) Not later than two years after ~~the~~ 4912
~~effective date of this section~~ November 3, 2000, the state board 4913
of emergency medical, fire, and transportation services shall 4914
develop and distribute guidelines for the care of trauma victims 4915
by emergency medical service personnel and for the conduct of peer 4916

review and quality assurance programs by emergency medical service 4917
organizations. The guidelines shall be consistent with the state 4918
trauma triage protocols adopted in rules under sections 4765.11 4919
and 4765.40 of the Revised Code and shall place emphasis on the 4920
special needs of pediatric and geriatric trauma victims. In 4921
developing the guidelines, the board shall consult with entities 4922
with interests in trauma and emergency medical services and shall 4923
consider any relevant guidelines adopted by national 4924
organizations, including the American college of surgeons, 4925
American college of emergency physicians, and American academy of 4926
pediatrics. The board shall distribute the guidelines, and 4927
amendments to the guidelines, to each emergency medical service 4928
organization, regional director, regional physician advisory 4929
board, certified emergency medical service instructor, and person 4930
who regularly provides medical direction to emergency medical 4931
service personnel in this state. 4932

(B) Not later than three years after ~~the effective date of~~ 4933
~~this section~~ November 3, 2000, each emergency medical service 4934
organization in this state shall implement ongoing peer review and 4935
quality assurance programs designed to improve the availability 4936
and quality of the emergency medical services it provides. The 4937
form and content of the programs shall be determined by each 4938
emergency medical service organization. In implementing the 4939
programs, each emergency medical service organization shall 4940
consider how to improve its ability to provide effective trauma 4941
care, particularly for pediatric and geriatric trauma victims, and 4942
shall take into account the trauma care guidelines developed by 4943
the state board of emergency medical, fire, and transportation 4944
services under this section. 4945

Information generated solely for use in a peer review or 4946
quality assurance program conducted on behalf of an emergency 4947
medical service organization is not a public record under section 4948

149.43 of the Revised Code. Such information, and any discussion 4949
conducted in the course of a peer review or quality assurance 4950
program conducted on behalf of an emergency medical service 4951
organization, is not subject to discovery in a civil action and 4952
shall not be introduced into evidence in a civil action against 4953
the emergency medical service organization on whose behalf the 4954
information was generated or the discussion occurred. 4955

No emergency medical service organization on whose behalf a 4956
peer review or quality assurance program is conducted, and no 4957
person who conducts such a program, because of performing such 4958
functions, shall be liable in a civil action for betrayal of 4959
professional confidence or otherwise in the absence of willful or 4960
wanton misconduct. 4961

Sec. 4765.15. A person seeking to operate an emergency 4962
medical services training program shall submit a completed 4963
application for accreditation to the state board of emergency 4964
medical, fire, and transportation services on a form the board 4965
shall prescribe and furnish. The application shall be accompanied 4966
by the appropriate application fee established in rules adopted 4967
under section 4765.11 of the Revised Code. 4968

A person seeking to operate an emergency medical services 4969
continuing education program shall submit a completed application 4970
for approval to the board on a form the board shall prescribe and 4971
furnish. The application shall be accompanied by the appropriate 4972
application fee established in rules adopted under section 4765.11 4973
of the Revised Code. 4974

The board shall administer the accreditation and approval 4975
processes pursuant to rules adopted under section 4765.11 of the 4976
Revised Code. In administering these processes, the board may 4977
authorize other persons to evaluate applications for accreditation 4978
or approval and may accept the recommendations made by those 4979

persons. 4980

The board may cause an investigation to be made into the 4981
accuracy of the information submitted in any application for 4982
accreditation or approval. If an investigation indicates that 4983
false, misleading, or incomplete information has been submitted to 4984
the board in connection with any application for accreditation or 4985
approval, the board shall conduct a hearing on the matter in 4986
accordance with Chapter 119. of the Revised Code. 4987

Sec. 4765.16. (A) All courses offered through an emergency 4988
medical services training program or an emergency medical services 4989
continuing education program, other than ambulance driving, shall 4990
be developed under the direction of a physician who specializes in 4991
emergency medicine. Each course that deals with trauma care shall 4992
be developed in consultation with a physician who specializes in 4993
trauma surgery. Except as specified by the state board of 4994
emergency medical, fire, and transportation services pursuant to 4995
rules adopted under section 4765.11 of the Revised Code, each 4996
course offered through a training program or continuing education 4997
program shall be taught by a person who holds the appropriate 4998
certificate to teach issued under section 4765.23 of the Revised 4999
Code. 5000

(B) A training program for first responders shall meet the 5001
standards established in rules adopted by the board under section 5002
4765.11 of the Revised Code. The program shall include courses in 5003
both of the following areas for at least the number of hours 5004
established by the board's rules: 5005

(1) Emergency victim care; 5006

(2) Reading and interpreting a trauma victim's vital signs. 5007

(C) A training program for emergency medical 5008
technicians-basic shall meet the standards established in rules 5009

adopted by the board under section 4765.11 of the Revised Code. 5010

The program shall include courses in each of the following areas 5011

for at least the number of hours established by the board's rules: 5012

(1) Emergency victim care; 5013

(2) Reading and interpreting a trauma victim's vital signs; 5014

(3) Triage protocols for adult and pediatric trauma victims; 5015

(4) In-hospital training; 5016

(5) Clinical training; 5017

(6) Training as an ambulance driver. 5018

Each operator of a training program for emergency medical 5019

technicians-basic shall allow any pupil in the twelfth grade in a 5020

secondary school who is at least seventeen years old and who 5021

otherwise meets the requirements for admission into such a 5022

training program to be admitted to and complete the program and, 5023

as part of the training, to ride in an ambulance with emergency 5024

medical technicians-basic, emergency medical 5025

technicians-intermediate, and emergency medical 5026

technicians-paramedic. Each emergency medical service organization 5027

shall allow pupils participating in training programs to ride in 5028

an ambulance with emergency medical technicians-basic, advanced 5029

emergency medical technicians-intermediate, and emergency medical 5030

technicians-paramedic. 5031

(D) A training program for emergency medical 5032

technicians-intermediate shall meet the standards established in 5033

rules adopted by the board under section 4765.11 of the Revised 5034

Code. The program shall include, or require as a prerequisite, the 5035

training specified in division (C) of this section and courses in 5036

each of the following areas for at least the number of hours 5037

established by the board's rules: 5038

(1) Recognizing symptoms of life-threatening allergic 5039

reactions and in calculating proper dosage levels and 5040
administering injections of epinephrine to persons who suffer 5041
life-threatening allergic reactions, conducted in accordance with 5042
rules adopted by the board under section 4765.11 of the Revised 5043
Code; 5044

(2) Venous access procedures; 5045

(3) Cardiac monitoring and electrical interventions to 5046
support or correct the cardiac function. 5047

(E) A training program for emergency medical 5048
technicians-paramedic shall meet the standards established in 5049
rules adopted by the board under section 4765.11 of the Revised 5050
Code. The program shall include, or require as a prerequisite, the 5051
training specified in divisions (C) and (D) of this section and 5052
courses in each of the following areas for at least the number of 5053
hours established by the board's rules: 5054

(1) Medical terminology; 5055

(2) Venous access procedures; 5056

(3) Airway procedures; 5057

(4) Patient assessment and triage; 5058

(5) Acute cardiac care, including administration of 5059
parenteral injections, electrical interventions, and other 5060
emergency medical services; 5061

(6) Emergency and trauma victim care beyond that required 5062
under division (C) of this section; 5063

(7) Clinical training beyond that required under division (C) 5064
of this section. 5065

(F) A continuing education program for first responders, 5066
EMTs-basic, EMTs-I, or paramedics shall meet the standards 5067
established in rules adopted by the board under section 4765.11 of 5068
the Revised Code. A continuing education program shall include 5069

instruction and training in subjects established by the board's 5070
rules for at least the number of hours established by the board's 5071
rules. 5072

Sec. 4765.17. (A) The state board of emergency medical, fire, 5073
and transportation services shall issue the appropriate 5074
certificate of accreditation or certificate of approval to an 5075
applicant who is of good reputation and meets the requirements of 5076
section 4765.16 of the Revised Code. The board shall grant or deny 5077
a certificate of accreditation or certificate of approval within 5078
one hundred twenty days of receipt of the application. The board 5079
may issue or renew a certificate of accreditation or certificate 5080
of approval on a provisional basis to an applicant who is of good 5081
reputation and is in substantial compliance with the requirements 5082
of section 4765.16 of the Revised Code. The board shall inform an 5083
applicant receiving such a certificate of the conditions that must 5084
be met to complete compliance with section 4765.16 of the Revised 5085
Code. 5086

(B) Except as provided in division (C) of this section, a 5087
certificate of accreditation or certificate of approval is valid 5088
for up to five years and may be renewed by the board pursuant to 5089
procedures and standards established in rules adopted under 5090
section 4765.11 of the Revised Code. An application for renewal 5091
shall be accompanied by the appropriate renewal fee established in 5092
rules adopted under section 4765.11 of the Revised Code. 5093

(C) A certificate of accreditation or certificate of approval 5094
issued on a provisional basis is valid for the length of time 5095
established by the board. If the board finds that the holder of 5096
such a certificate has met the conditions it specifies under 5097
division (A) of this section, the board shall issue the 5098
appropriate certificate of accreditation or certificate of 5099
approval. 5100

(D) A certificate of accreditation is valid only for the emergency medical services training program or programs for which it is issued. The holder of a certificate of accreditation may apply to operate additional training programs in accordance with rules adopted by the board under section 4765.11 of the Revised Code. Any additional training programs shall expire on the expiration date of the applicant's current certificate. A certificate of approval is valid only for the emergency medical services continuing education program for which it is issued. Neither is transferable.

(E) The holder of a certificate of accreditation or a certificate of approval may offer courses at more than one location in accordance with rules adopted under section 4765.11 of the Revised Code.

Sec. 4765.18. The state board of emergency medical, fire, and transportation services may suspend or revoke a certificate of accreditation or a certificate of approval issued under section 4765.17 of the Revised Code for any of the following reasons:

(A) Violation of this chapter or any rule adopted under it;

(B) Furnishing of false, misleading, or incomplete information to the board;

(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;

(D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;

(E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval; 5131
5132

(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program; 5133
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(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study; 5140
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(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors; 5142
5143
5144

(I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin. 5145
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Sec. 4765.22. A person seeking a certificate to teach in an emergency medical services training program or an emergency medical services continuing education program shall submit a completed application for certification to the state board of emergency medical, fire, and transportation services on a form the board shall prescribe and furnish. The application shall be accompanied by the appropriate application fee established in rules adopted under section 4765.11 of the Revised Code. 5147
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Sec. 4765.23. The state board of emergency medical, fire, and transportation services shall issue a certificate to teach in an emergency medical services training program or an emergency medical services continuing education program to any applicant who it determines meets the qualifications established in rules adopted under section 4765.11 of the Revised Code. The certificate 5155
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shall indicate each type of instruction and training the 5161
certificate holder may teach under the certificate. 5162

A certificate to teach shall have a certification cycle 5163
established by the board and may be renewed by the board pursuant 5164
to rules adopted under section 4765.11 of the Revised Code. An 5165
application for renewal shall be accompanied by the appropriate 5166
renewal fee established in rules adopted under section 4765.11 of 5167
the Revised Code. 5168

The board may suspend or revoke a certificate to teach 5169
pursuant to rules adopted under section 4765.11 of the Revised 5170
Code. 5171

Sec. 4765.28. A person seeking a certificate to practice as a 5172
first responder, emergency medical technician-basic, emergency 5173
medical technician-intermediate, or emergency medical 5174
technician-paramedic shall submit a completed application for 5175
certification to the state board of emergency medical, fire, and 5176
transportation services on a form the board shall prescribe and 5177
furnish. Except as provided in division (B) of section 4765.29 of 5178
the Revised Code, the application shall include evidence that the 5179
applicant received the appropriate certificate of completion 5180
pursuant to section 4765.24 of the Revised Code. The application 5181
shall be accompanied by the appropriate application fee 5182
established in rules adopted under section 4765.11 of the Revised 5183
Code, unless the board waives the fee on determining pursuant to 5184
those rules that the applicant cannot afford to pay the fee. 5185

Sec. 4765.29. (A) The state board of emergency medical, fire, 5186
and transportation services shall provide for the examination of 5187
applicants for certification to practice as first responders, 5188
emergency medical technicians-basic, emergency medical 5189
technicians-intermediate, and emergency medical 5190

technicians-paramedic. The examinations shall be established by 5191
the board in rules adopted under section 4765.11 of the Revised 5192
Code. The board may administer the examinations or contract with 5193
other persons to administer the examinations. In either case, the 5194
examinations shall be administered pursuant to procedures 5195
established in rules adopted under section 4765.11 of the Revised 5196
Code and shall be offered at various locations in the state 5197
selected by the board. 5198

Except as provided in division (B) of this section, an 5199
applicant shall not be permitted to take an examination for the 5200
same certificate to practice more than three times since last 5201
receiving the certificate of completion pursuant to section 5202
4765.24 of the Revised Code that qualifies the applicant to take 5203
the examination unless the applicant receives another certificate 5204
of completion that qualifies the applicant to take the 5205
examination. 5206

(B) On request of an applicant who fails three examinations 5207
for the same certificate to practice, the board may direct the 5208
applicant to complete a specific portion of an accredited 5209
emergency medical services training program. If the applicant 5210
provides satisfactory proof to the board that the applicant has 5211
successfully completed that portion of the program, the applicant 5212
shall be permitted to take the examination. 5213

Sec. 4765.30. (A)(1) The state board of emergency medical, 5214
fire, and transportation services shall issue a certificate to 5215
practice as a first responder to an applicant who meets all of the 5216
following conditions: 5217

(a) Except as provided in division (A)(2) of this section, is 5218
a volunteer for a nonprofit emergency medical service organization 5219
or a nonprofit fire department; 5220

(b) Holds the appropriate certificate of completion issued in 5221

accordance with section 4765.24 of the Revised Code;	5222
(c) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	5223 5224
(d) Is not in violation of any provision of this chapter or the rules adopted under it;	5225 5226
(e) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	5227 5228
(2) The board may waive the requirement to be a volunteer for a nonprofit entity if the applicant meets other requirements established in rules adopted under division (B)(3) of section 4765.11 of the Revised Code relative to a person's eligibility to practice as a first responder.	5229 5230 5231 5232 5233
(B) The state board of emergency medical, <u>fire, and transportation</u> services shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions:	5234 5235 5236 5237
(1) Holds a certificate of completion in emergency medical services training-basic issued in accordance with section 4765.24 of the Revised Code;	5238 5239 5240
(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;	5241 5242 5243
(3) Is not in violation of any provision of this chapter or the rules adopted under it;	5244 5245
(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	5246 5247
(C) The state board of emergency medical, <u>fire, and transportation</u> services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the	5248 5249 5250 5251

following conditions:	5252
(1) Holds a certificate to practice as an emergency medical technician-basic;	5253 5254
(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	5255 5256
(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	5257 5258
(4) Is not in violation of any provision of this chapter or the rules adopted under it;	5259 5260
(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	5261 5262
(D) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.	5263 5264 5265 5266 5267 5268
An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of section 4765.31 of the Revised Code, the application shall include evidence of either of the following:	5269 5270 5271 5272 5273 5274 5275
(1) That the applicant received a certificate of completion from the appropriate emergency medical services continuing education program pursuant to section 4765.24 of the Revised Code;	5276 5277 5278
(2) That the applicant has successfully passed an examination that demonstrates the competence to have a certificate renewed without completing an emergency medical services continuing	5279 5280 5281

education program. The board shall approve such examinations in 5282
accordance with rules adopted under section 4765.11 of the Revised 5283
Code. 5284

(E) The board shall not require an applicant for renewal of a 5285
certificate to practice to take an examination as a condition of 5286
renewing the certificate. This division does not preclude the use 5287
of examinations by operators of approved emergency medical 5288
services continuing education programs as a condition for issuance 5289
of a certificate of completion in emergency medical services 5290
continuing education. 5291

Sec. 4765.31. (A) Except as provided in division (B) of this 5292
section, a first responder, emergency medical technician-basic, 5293
emergency medical technician-intermediate, and emergency medical 5294
technician-paramedic shall complete an emergency medical services 5295
continuing education program or pass an examination approved by 5296
the state board of emergency medical, fire, and transportation 5297
services under division (A) of section 4765.10 of the Revised Code 5298
prior to the expiration of the individual's certificate to 5299
practice. Completion of the continuing education requirements for 5300
EMTs-I or paramedics satisfies the continuing education 5301
requirements for renewing the certificate to practice as an 5302
EMT-basic held by an EMT-I or paramedic. 5303

(B)(1) An applicant for renewal of a certificate to practice 5304
may apply to the board, in writing, for an extension to complete 5305
the continuing education requirements established under division 5306
(A) of this section. The board may grant such an extension and 5307
determine the length of the extension. The board may authorize the 5308
applicant to continue to practice during the extension as if the 5309
certificate to practice had not expired. 5310

(2) An applicant for renewal of a certificate to practice may 5311
apply to the board, in writing, for an exemption from the 5312

continuing education requirements established under division (A) 5313
of this section. The board may exempt an individual or a group of 5314
individuals from all or any part of the continuing education 5315
requirements due to active military service, unusual circumstance, 5316
emergency, special hardship, or any other cause considered 5317
reasonable by the board. 5318

(C) Decisions of whether to grant an extension or exemption 5319
under division (B) of this section shall be made by the board 5320
pursuant to procedures established in rules adopted under section 5321
4765.11 of the Revised Code. 5322

Sec. 4765.32. A current, valid certificate of accreditation 5323
issued under the provisions of former section 3303.11 or 3303.23 5324
of the Revised Code shall remain valid until one year after the 5325
expiration date of the certificate as determined by the provisions 5326
of those sections and shall confer the same privileges and impose 5327
the same responsibilities and requirements as a certificate of 5328
accreditation issued by the state board of emergency medical, 5329
fire, and transportation services under section 4765.17 of the 5330
Revised Code. 5331

A certificate to practice as an emergency medical 5332
technician-ambulance that is valid on November 24, 1995, shall be 5333
considered a certificate to practice as an emergency medical 5334
technician-basic. A certificate to practice as an advanced 5335
emergency medical technician-ambulance that is valid on November 5336
24, 1995, shall be considered a certificate to practice as an 5337
emergency medical technician-intermediate. 5338

Sec. 4765.33. The state board of emergency medical, fire, and 5339
transportation services may suspend or revoke certificates to 5340
practice issued under section 4765.30 of the Revised Code, and may 5341
take other disciplinary action against first responders, emergency 5342

medical technicians-basic, emergency medical 5343
technicians-intermediate, and emergency medical 5344
technicians-paramedic pursuant to rules adopted under section 5345
4765.11 of the Revised Code. 5346

Sec. 4765.37. (A) An emergency medical technician-basic shall 5347
perform the emergency medical services described in this section 5348
in accordance with this chapter and any rules adopted under it by 5349
the state board of emergency medical, fire, and transportation 5350
services. 5351

(B) An emergency medical technician-basic may operate, or be 5352
responsible for operation of, an ambulance and may provide 5353
emergency medical services to patients. In an emergency, an 5354
EMT-basic may determine the nature and extent of illness or injury 5355
and establish priority for required emergency medical services. An 5356
EMT-basic may render emergency medical services such as opening 5357
and maintaining an airway, giving positive pressure ventilation, 5358
cardiac resuscitation, electrical interventions with automated 5359
defibrillators to support or correct the cardiac function and 5360
other methods determined by the board, controlling of hemorrhage, 5361
treatment of shock, immobilization of fractures, bandaging, 5362
assisting in childbirth, management of mentally disturbed 5363
patients, initial care of poison and burn patients, and 5364
determining triage of adult and pediatric trauma victims. Where 5365
patients must in an emergency be extricated from entrapment, an 5366
EMT-basic may assess the extent of injury and render all possible 5367
emergency medical services and protection to the entrapped 5368
patient; provide light rescue services if an ambulance has not 5369
been accompanied by a specialized unit; and after extrication, 5370
provide additional care in sorting of the injured in accordance 5371
with standard emergency procedures. 5372

(C) An EMT-basic may perform any other emergency medical 5373

services approved pursuant to rules adopted under section 4765.11 5374
of the Revised Code. The board shall determine whether the nature 5375
of any such service requires that an EMT-basic receive 5376
authorization prior to performing the service. 5377

(D)(1) Except as provided in division (D)(2) of this section, 5378
if the board determines under division (C) of this section that a 5379
service requires prior authorization, the service shall be 5380
performed only pursuant to the written or verbal authorization of 5381
a physician or of the cooperating physician advisory board, or 5382
pursuant to an authorization transmitted through a direct 5383
communication device by a physician, physician assistant 5384
designated by a physician, or registered nurse designated by a 5385
physician. 5386

(2) If communications fail during an emergency situation or 5387
the required response time prohibits communication, an EMT-basic 5388
may perform services subject to this division, if, in the judgment 5389
of the EMT-basic, the life of the patient is in immediate danger. 5390
Services performed under these circumstances shall be performed in 5391
accordance with the protocols for triage of adult and pediatric 5392
trauma victims established in rules adopted under sections 4765.11 5393
and 4765.40 of the Revised Code and any applicable protocols 5394
adopted by the emergency medical service organization with which 5395
the EMT-basic is affiliated. 5396

Sec. 4765.38. (A) An emergency medical 5397
technician-intermediate shall perform the emergency medical 5398
services described in this section in accordance with this chapter 5399
and any rules adopted under it. 5400

(B) An EMT-I may do any of the following: 5401

(1) Establish and maintain an intravenous lifeline that has 5402
been approved by a cooperating physician or physician advisory 5403
board; 5404

(2) Perform cardiac monitoring;	5405
(3) Perform electrical interventions to support or correct the cardiac function;	5406 5407
(4) Administer epinephrine;	5408
(5) Determine triage of adult and pediatric trauma victims;	5409
(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code.	5410 5411 5412
(C)(1) Except as provided in division (C)(2) of this section, the services described in division (B) of this section shall be performed by an EMT-I only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician, physician assistant designated by a physician, or registered nurse designated by a physician.	5413 5414 5415 5416 5417 5418 5419 5420
(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-I may perform any of the services described in division (B) of this section, if, in the judgment of the EMT-I, the life of the patient is in immediate danger. Services performed under these circumstances shall be performed in accordance with the protocols for triage of adult and pediatric trauma victims established in rules adopted under sections 4765.11 and 4765.40 of the Revised Code and any applicable protocols adopted by the emergency medical service organization with which the EMT-I is affiliated.	5421 5422 5423 5424 5425 5426 5427 5428 5429 5430
(D) In addition to, and in the course of, providing emergency medical treatment, an emergency medical technician-intermediate may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. An emergency medical technician-intermediate shall withdraw blood in accordance with	5431 5432 5433 5434 5435

this chapter and any rules adopted under it by the state board of 5436
emergency medical, fire, and transportation services. 5437

Sec. 4765.39. (A) An emergency medical technician-paramedic 5438
shall perform the emergency medical services described in this 5439
section in accordance with this chapter and any rules adopted 5440
under it. 5441

(B) A paramedic may do any of the following: 5442

(1) Perform cardiac monitoring; 5443

(2) Perform electrical interventions to support or correct 5444
the cardiac function; 5445

(3) Perform airway procedures; 5446

(4) Perform relief of pneumothorax; 5447

(5) Administer appropriate drugs and intravenous fluids; 5448

(6) Determine triage of adult and pediatric trauma victims; 5449

(7) Perform any other emergency medical services, including 5450
life support or intensive care techniques, approved pursuant to 5451
rules adopted under section 4765.11 of the Revised Code. 5452

(C)(1) Except as provided in division (C)(2) of this section, 5453
the services described in division (B) of this section shall be 5454
performed by a paramedic only pursuant to the written or verbal 5455
authorization of a physician or of the cooperating physician 5456
advisory board, or pursuant to an authorization transmitted 5457
through a direct communication device by a physician, physician 5458
assistant designated by a physician, or registered nurse 5459
designated by a physician. 5460

(2) If communications fail during an emergency situation or 5461
the required response time prohibits communication, a paramedic 5462
may perform any of the services described in division (B) of this 5463
section, if, in the paramedic's judgment, the life of the patient 5464

is in immediate danger. Services performed under these 5465
circumstances shall be performed in accordance with the protocols 5466
for triage of adult and pediatric trauma victims established in 5467
rules adopted under sections 4765.11 and 4765.40 of the Revised 5468
Code and any applicable protocols adopted by the emergency medical 5469
service organization with which the paramedic is affiliated. 5470

(D) In addition to, and in the course of, providing emergency 5471
medical treatment, an emergency medical technician-paramedic may 5472
withdraw blood as provided under sections 1547.11, 4506.17, and 5473
4511.19 of the Revised Code. An emergency medical 5474
technician-paramedic shall withdraw blood in accordance with this 5475
chapter and any rules adopted under it by the state board of 5476
emergency medical, fire, and transportation services. 5477

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 5478
~~effective date of this amendment~~ November 3, 2000, the state board 5479
of emergency medical, fire, and transportation services shall 5480
adopt rules under section 4765.11 of the Revised Code establishing 5481
written protocols for the triage of adult and pediatric trauma 5482
victims. The rules shall define adult and pediatric trauma in a 5483
manner that is consistent with section 4765.01 of the Revised 5484
Code, minimizes overtriage and undertriage, and emphasizes the 5485
special needs of pediatric and geriatric trauma patients. 5486

(2) The state triage protocols adopted under division (A) of 5487
this section shall require a trauma victim to be transported 5488
directly to an adult or pediatric trauma center that is qualified 5489
to provide appropriate adult or pediatric trauma care, unless one 5490
or more of the following exceptions applies: 5491

(a) It is medically necessary to transport the victim to 5492
another hospital for initial assessment and stabilization before 5493
transfer to an adult or pediatric trauma center; 5494

(b) It is unsafe or medically inappropriate to transport the 5495

victim directly to an adult or pediatric trauma center due to 5496
adverse weather or ground conditions or excessive transport time; 5497

(c) Transporting the victim to an adult or pediatric trauma 5498
center would cause a shortage of local emergency medical service 5499
resources; 5500

(d) No appropriate adult or pediatric trauma center is able 5501
to receive and provide adult or pediatric trauma care to the 5502
trauma victim without undue delay; 5503

(e) Before transport of a patient begins, the patient 5504
requests to be taken to a particular hospital that is not a trauma 5505
center or, if the patient is less than eighteen years of age or is 5506
not able to communicate, such a request is made by an adult member 5507
of the patient's family or a legal representative of the patient. 5508

(3)(a) The state triage protocols adopted under division (A) 5509
of this section shall require trauma patients to be transported to 5510
an adult or pediatric trauma center that is able to provide 5511
appropriate adult or pediatric trauma care, but shall not require 5512
a trauma patient to be transported to a particular trauma center. 5513
The state triage protocols shall establish one or more procedures 5514
for evaluating whether an injury victim requires or would benefit 5515
from adult or pediatric trauma care, which procedures shall be 5516
applied by emergency medical service personnel based on the 5517
patient's medical needs. In developing state trauma triage 5518
protocols, the board shall consider relevant model triage rules 5519
and shall consult with the commission on minority health, regional 5520
directors, regional physician advisory boards, and appropriate 5521
medical, hospital, and emergency medical service organizations. 5522

(b) Before the joint committee on agency rule review 5523
considers state triage protocols for trauma victims proposed by 5524
the state board of emergency medical, fire, and transportation 5525
services, or amendments thereto, the board shall send a copy of 5526

the proposal to the Ohio chapter of the American college of 5527
emergency physicians, the Ohio chapter of the American college of 5528
surgeons, the Ohio chapter of the American academy of pediatrics, 5529
OHA: the association for hospitals and health systems, the Ohio 5530
osteopathic association, and the association of Ohio children's 5531
hospitals and shall hold a public hearing at which it must 5532
consider the appropriateness of the protocols to minimize 5533
overtriage and undertriage of trauma victims. 5534

(c) The board shall provide copies of the state triage 5535
protocols, and amendments to the protocols, to each emergency 5536
medical service organization, regional director, regional 5537
physician advisory board, certified emergency medical service 5538
instructor, and person who regularly provides medical direction to 5539
emergency medical service personnel in the state; to each medical 5540
service organization in other jurisdictions that regularly provide 5541
emergency medical services in this state; and to others upon 5542
request. 5543

(B)(1) The state board of emergency medical, fire, and 5544
transportation services shall approve regional protocols for the 5545
triage of adult and pediatric trauma victims, and amendments to 5546
such protocols, that are submitted to the board as provided in 5547
division (B)(2) of this section and provide a level of adult and 5548
pediatric trauma care comparable to the state triage protocols 5549
adopted under division (A) of this section. The board shall not 5550
otherwise approve regional triage protocols for trauma victims. 5551
The board shall not approve regional triage protocols for regions 5552
that overlap and shall resolve any such disputes by apportioning 5553
the overlapping territory among appropriate regions in a manner 5554
that best serves the medical needs of the residents of that 5555
territory. The trauma committee of the board shall have reasonable 5556
opportunity to review and comment on regional triage protocols and 5557
amendments to such protocols before the board approves or 5558

disapproves them. 5559

(2) Regional protocols for the triage of adult and pediatric 5560
trauma victims, and amendments to such protocols, shall be 5561
submitted in writing to the state board of emergency medical, 5562
fire, and transportation services by the regional physician 5563
advisory board or regional director, as appropriate, that serves a 5564
majority of the population in the region in which the protocols 5565
apply. Prior to submitting regional triage protocols, or an 5566
amendment to such protocols, to the state board of emergency 5567
medical, fire, and transportation services, a regional physician 5568
advisory board or regional director shall consult with each of the 5569
following that regularly serves the region in which the protocols 5570
apply: 5571

(a) Other regional physician advisory boards and regional 5572
directors; 5573

(b) Hospitals that operate an emergency facility; 5574

(c) Adult and pediatric trauma centers; 5575

(d) Professional societies of physicians who specialize in 5576
adult or pediatric emergency medicine or adult or pediatric trauma 5577
surgery; 5578

(e) Professional societies of nurses who specialize in adult 5579
or pediatric emergency nursing or adult or pediatric trauma 5580
surgery; 5581

(f) Professional associations or labor organizations of 5582
emergency medical service personnel; 5583

(g) Emergency medical service organizations and medical 5584
directors of such organizations; 5585

(h) Certified emergency medical service instructors. 5586

(3) Regional protocols for the triage of adult and pediatric 5587
trauma victims approved under division (B)(2) of this section 5588

shall require patients to be transported to a trauma center that 5589
is able to provide an appropriate level of adult or pediatric 5590
trauma care; shall not discriminate among trauma centers for 5591
reasons not related to a patient's medical needs; shall seek to 5592
minimize undertriage and overtriage; may include any of the 5593
exceptions in division (A)(2) of this section; and supersede the 5594
state triage protocols adopted under division (A) of this section 5595
in the region in which the regional protocols apply. 5596

(4) Upon approval of regional protocols for the triage of 5597
adult and pediatric trauma victims under division (B)(2) of this 5598
section, or an amendment to such protocols, the state board of 5599
emergency medical, fire, and transportation services shall provide 5600
written notice of the approval and a copy of the protocols or 5601
amendment to each entity in the region in which the protocols 5602
apply to which the board is required to send a copy of the state 5603
triage protocols adopted under division (A) of this section. 5604

(C)(1) The state board of emergency medical, fire, and 5605
transportation services shall review the state triage protocols 5606
adopted under division (A) of this section at least every three 5607
years to determine if they are causing overtriage or undertriage 5608
of trauma patients, and shall modify them as necessary to minimize 5609
overtriage and undertriage. 5610

(2) Each regional physician advisory board or regional 5611
director that has had regional triage protocols approved under 5612
division (B)(2) of this section shall review the protocols at 5613
least every three years to determine if they are causing 5614
overtriage or undertriage of trauma patients and shall submit an 5615
appropriate amendment to the state board, as provided in division 5616
(B) of this section, as necessary to minimize overtriage and 5617
undertriage. The state board shall approve the amendment if it 5618
will reduce overtriage or undertriage while complying with 5619
division (B) of this section, and shall not otherwise approve the 5620

amendment. 5621

(D) No provider of emergency medical services or person who 5622
provides medical direction to emergency medical service personnel 5623
in this state shall fail to comply with the state triage protocols 5624
adopted under division (A) of this section or applicable regional 5625
triage protocols approved under division (B)(2) of this section. 5626

(E) The state board of emergency medical, fire, and 5627
transportation services shall adopt rules under section 4765.11 of 5628
the Revised Code that provide for enforcement of the state triage 5629
protocols adopted under division (A) of this section and regional 5630
triage protocols approved under division (B)(2) of this section, 5631
and for education regarding those protocols for emergency medical 5632
service organizations and personnel, regional directors and 5633
regional physician advisory boards, emergency medical service 5634
instructors, and persons who regularly provide medical direction 5635
to emergency medical service personnel in this state. 5636

Sec. 4765.42. Each emergency medical service organization 5637
shall give notice of the name of its medical director or the names 5638
of the members of its cooperating physician advisory board to the 5639
state board of emergency medical, fire, and transportation 5640
services. The notice shall be made in writing. 5641

Sec. 4765.48. The attorney general, the prosecuting attorney 5642
of the county, or the city director of law shall, upon complaint 5643
of the state board of emergency medical, fire, and transportation 5644
services, prosecute to termination or bring an action for 5645
injunction against any person violating this chapter or the rules 5646
adopted under it. The common pleas court in which an action for 5647
injunction is filed has the jurisdiction to grant injunctive 5648
relief upon a showing that the respondent named in the complaint 5649
is in violation of this chapter or the rules adopted under it. 5650

Sec. 4765.49. (A) A first responder, emergency medical 5651
technician-basic, emergency medical technician-intermediate, or 5652
emergency medical technician-paramedic is not liable in damages in 5653
a civil action for injury, death, or loss to person or property 5654
resulting from the individual's administration of emergency 5655
medical services, unless the services are administered in a manner 5656
that constitutes willful or wanton misconduct. A physician, 5657
physician assistant designated by a physician, or registered nurse 5658
designated by a physician, any of whom is advising or assisting in 5659
the emergency medical services by means of any communication 5660
device or telemetering system, is not liable in damages in a civil 5661
action for injury, death, or loss to person or property resulting 5662
from the individual's advisory communication or assistance, unless 5663
the advisory communication or assistance is provided in a manner 5664
that constitutes willful or wanton misconduct. Medical directors 5665
and members of cooperating physician advisory boards of emergency 5666
medical service organizations are not liable in damages in a civil 5667
action for injury, death, or loss to person or property resulting 5668
from their acts or omissions in the performance of their duties, 5669
unless the act or omission constitutes willful or wanton 5670
misconduct. 5671

(B) A political subdivision, joint ambulance district, joint 5672
emergency medical services district, or other public agency, and 5673
any officer or employee of a public agency or of a private 5674
organization operating under contract or in joint agreement with 5675
one or more political subdivisions, that provides emergency 5676
medical services, or that enters into a joint agreement or a 5677
contract with the state, any political subdivision, joint 5678
ambulance district, or joint emergency medical services district 5679
for the provision of emergency medical services, is not liable in 5680
damages in a civil action for injury, death, or loss to person or 5681
property arising out of any actions taken by a first responder, 5682

EMT-basic, EMT-I, or paramedic working under the officer's or 5683
employee's jurisdiction, or for injury, death, or loss to person 5684
or property arising out of any actions of licensed medical 5685
personnel advising or assisting the first responder, EMT-basic, 5686
EMT-I, or paramedic, unless the services are provided in a manner 5687
that constitutes willful or wanton misconduct. 5688

(C) A student who is enrolled in an emergency medical 5689
services training program accredited under section 4765.17 of the 5690
Revised Code or an emergency medical services continuing education 5691
program approved under that section is not liable in damages in a 5692
civil action for injury, death, or loss to person or property 5693
resulting from either of the following: 5694

(1) The student's administration of emergency medical 5695
services or patient care or treatment, if the services, care, or 5696
treatment is administered while the student is under the direct 5697
supervision and in the immediate presence of an EMT-basic, EMT-I, 5698
paramedic, registered nurse, physician assistant, or physician and 5699
while the student is receiving clinical training that is required 5700
by the program, unless the services, care, or treatment is 5701
provided in a manner that constitutes willful or wanton 5702
misconduct; 5703

(2) The student's training as an ambulance driver, unless the 5704
driving is done in a manner that constitutes willful or wanton 5705
misconduct. 5706

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 5707
holds a valid commercial driver's license issued pursuant to 5708
Chapter 4506. of the Revised Code or driver's license issued 5709
pursuant to Chapter 4507. of the Revised Code and who is employed 5710
by an emergency medical service organization that is not owned or 5711
operated by a political subdivision as defined in section 2744.01 5712
of the Revised Code, is not liable in damages in a civil action 5713
for injury, death, or loss to person or property that is caused by 5714

the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 5715
or other operator while responding to or completing a call for 5716
emergency medical services, unless the operation constitutes 5717
willful or wanton misconduct or does not comply with the 5718
precautions of section 4511.03 of the Revised Code. An emergency 5719
medical service organization is not liable in damages in a civil 5720
action for any injury, death, or loss to person or property that 5721
is caused by the operation of an ambulance by its employee or 5722
agent, if this division grants the employee or agent immunity from 5723
civil liability for the injury, death, or loss. 5724

(E) An employee or agent of an emergency medical service 5725
organization who receives requests for emergency medical services 5726
that are directed to the organization, dispatches first 5727
responders, EMTs-basic, EMTs-I, or paramedics in response to those 5728
requests, communicates those requests to those employees or agents 5729
of the organization who are authorized to dispatch first 5730
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 5731
combination of these functions for the organization, is not liable 5732
in damages in a civil action for injury, death, or loss to person 5733
or property resulting from the individual's acts or omissions in 5734
the performance of those duties for the organization, unless an 5735
act or omission constitutes willful or wanton misconduct. 5736

(F) A person who is performing the functions of a first 5737
responder, EMT-basic, EMT-I, or paramedic under the authority of 5738
the laws of a state that borders this state and who provides 5739
emergency medical services to or transportation of a patient in 5740
this state is not liable in damages in a civil action for injury, 5741
death, or loss to person or property resulting from the person's 5742
administration of emergency medical services, unless the services 5743
are administered in a manner that constitutes willful or wanton 5744
misconduct. A physician, physician assistant designated by a 5745
physician, or registered nurse designated by a physician, any of 5746

whom is licensed to practice in the adjoining state and who is 5747
advising or assisting in the emergency medical services by means 5748
of any communication device or telemetering system, is not liable 5749
in damages in a civil action for injury, death, or loss to person 5750
or property resulting from the person's advisory communication or 5751
assistance, unless the advisory communication or assistance is 5752
provided in a manner that constitutes willful or wanton 5753
misconduct. 5754

(G) A person certified under section 4765.23 of the Revised 5755
Code to teach in an emergency medical services training program or 5756
emergency medical services continuing education program, and a 5757
person who teaches at the Ohio fire academy established under 5758
section 3737.33 of the Revised Code or in a fire service training 5759
program described in division (A) of section 4765.55 of the 5760
Revised Code, is not liable in damages in a civil action for 5761
injury, death, or loss to person or property resulting from the 5762
person's acts or omissions in the performance of the person's 5763
duties, unless an act or omission constitutes willful or wanton 5764
misconduct. 5765

(H) In the accreditation of emergency medical services 5766
training programs or approval of emergency medical services 5767
continuing education programs, the state board of emergency 5768
medical, fire, and transportation services and any person or 5769
entity authorized by the board to evaluate applications for 5770
accreditation or approval are not liable in damages in a civil 5771
action for injury, death, or loss to person or property resulting 5772
from their acts or omissions in the performance of their duties, 5773
unless an act or omission constitutes willful or wanton 5774
misconduct. 5775

(I) A person authorized by an emergency medical service 5776
organization to review the performance of first responders, 5777
EMTs-basic, EMTs-I, and paramedics or to administer quality 5778

assurance programs is not liable in damages in a civil action for 5779
injury, death, or loss to person or property resulting from the 5780
person's acts or omissions in the performance of the person's 5781
duties, unless an act or omission constitutes willful or wanton 5782
misconduct. 5783

Sec. 4765.55. (A) The executive director of the state board 5784
of emergency medical, fire, and transportation services, with the 5785
advice and counsel of the firefighter and fire safety inspector 5786
training committee of the state board of emergency medical, fire, 5787
and transportation services, shall assist in the establishment and 5788
maintenance by any state agency, or any county, township, city, 5789
village, school district, or educational service center of a fire 5790
service training program for the training of all persons in 5791
positions of any fire training certification level approved by the 5792
executive director, including full-time paid firefighters, 5793
part-time paid firefighters, volunteer firefighters, and fire 5794
safety inspectors in this state. The executive director, with the 5795
advice and counsel of the committee, shall adopt rules to regulate 5796
those firefighter and fire safety inspector training programs, and 5797
other training programs approved by the executive director. The 5798
rules may include, but need not be limited to, training 5799
curriculum, certification examinations, training schedules, 5800
minimum hours of instruction, attendance requirements, required 5801
equipment and facilities, basic physical requirements, and methods 5802
of training for all persons in positions of any fire training 5803
certification level approved by the executive director, including 5804
full-time paid firefighters, part-time paid firefighters, 5805
volunteer firefighters, and fire safety inspectors. The rules 5806
adopted to regulate training programs for volunteer firefighters 5807
shall not require more than thirty-six hours of training. 5808

The executive director, with the advice and counsel of the 5809
committee, shall provide for the classification and chartering of 5810

fire service training programs in accordance with rules adopted 5811
under division (B) of this section, and may take action against 5812
any chartered training program or applicant, in accordance with 5813
rules adopted under divisions (B)(4) and (5) of this section, for 5814
failure to meet standards set by the adopted rules. 5815

(B) The executive director, with the advice and counsel of 5816
the firefighter and fire safety inspector training committee of 5817
the state board of emergency medical, fire, and transportation 5818
services, shall adopt, and may amend or rescind, rules under 5819
Chapter 119. of the Revised Code that establish all of the 5820
following: 5821

(1) Requirements for, and procedures for chartering, the 5822
training programs regulated by this section; 5823

(2) Requirements for, and requirements and procedures for 5824
obtaining and renewing, an instructor certificate to teach the 5825
training programs and continuing education classes regulated by 5826
this section; 5827

(3) Requirements for, and requirements and procedures for 5828
obtaining and renewing, any of the fire training certificates 5829
regulated by this section; 5830

(4) Grounds and procedures for suspending, revoking, 5831
restricting, or refusing to issue or renew any of the certificates 5832
or charters regulated by this section, which grounds shall be 5833
limited to one of the following: 5834

(a) Failure to satisfy the education or training requirements 5835
of this section; 5836

(b) Conviction of a felony offense; 5837

(c) Conviction of a misdemeanor involving moral turpitude; 5838

(d) Conviction of a misdemeanor committed in the course of 5839
practice; 5840

(e) In the case of a chartered training program or applicant, 5841
failure to meet standards set by the rules adopted under this 5842
division. 5843

(5) Grounds and procedures for imposing and collecting fines, 5844
not to exceed one thousand dollars, in relation to actions taken 5845
under division (B)(4) of this section against persons holding 5846
certificates and charters regulated by this section, the fines to 5847
be deposited into the trauma and emergency medical services fund 5848
established under section 4513.263 of the Revised Code; 5849

(6) Continuing education requirements for certificate 5850
holders, including a requirement that credit shall be granted for 5851
in-service training programs conducted by local entities; 5852

(7) Procedures for considering the granting of an extension 5853
or exemption of fire service continuing education requirements; 5854

(8) Certification cycles for which the certificates and 5855
charters regulated by this section are valid. 5856

(C) The executive director, with the advice and counsel of 5857
the firefighter and fire safety inspector training committee of 5858
the state board of emergency medical, fire, and transportation 5859
services, shall issue or renew an instructor certificate to teach 5860
the training programs and continuing education classes regulated 5861
by this section to any applicant that the executive director 5862
determines meets the qualifications established in rules adopted 5863
under division (B) of this section, and may take disciplinary 5864
action against an instructor certificate holder or applicant in 5865
accordance with rules adopted under division (B) of this section. 5866
The executive director, with the advice and counsel of the 5867
committee, shall charter or renew the charter of any training 5868
program that the executive director determines meets the 5869
qualifications established in rules adopted under division (B) of 5870
this section, and may take disciplinary action against the holder 5871

of a charter in accordance with rules adopted under division (B) 5872
of this section. 5873

(D) The executive director shall issue or renew a fire 5874
training certificate for a firefighter, a fire safety inspector, 5875
or another position of any fire training certification level 5876
approved by the executive director, to any applicant that the 5877
executive director determines meets the qualifications established 5878
in rules adopted under division (B) of this section and may take 5879
disciplinary actions against a certificate holder or applicant in 5880
accordance with rules adopted under division (B) of this section. 5881

(E) Certificates issued under this section shall be on a form 5882
prescribed by the executive director, with the advice and counsel 5883
of the firefighter and fire safety inspector training committee of 5884
the state board of emergency medical, fire, and transportation 5885
services. 5886

(F)(1) The executive director, with the advice and counsel of 5887
the firefighter and fire safety inspector training committee of 5888
the state board of emergency medical, fire, and transportation 5889
services, shall establish criteria for evaluating the standards 5890
maintained by other states and the branches of the United States 5891
military for firefighter, fire safety inspector, and fire 5892
instructor training programs, and other training programs 5893
recognized by the executive director, to determine whether the 5894
standards are equivalent to those established under this section 5895
and shall establish requirements and procedures for issuing a 5896
certificate to each person who presents proof to the executive 5897
director of having satisfactorily completed a training program 5898
that meets those standards. 5899

(2) The executive director, with the committee's advice and 5900
counsel, shall adopt rules establishing requirements and 5901
procedures for issuing a fire training certificate in lieu of 5902
completing a chartered training program. 5903

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

Sec. 4765.56. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of emergency medical, fire, and transportation services shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate to practice issued pursuant to this chapter.

Sec. 4765.59. The state board of emergency medical, fire, and transportation services shall not administer laws and rules exceeding the statutory authority provided to the board under Chapters 4765. and 4766. of the Revised Code.

Sec. 4766.01. As used in this chapter:

(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.

(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.

(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.

(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and

transportation upon the streets or highways of this state of 5933
persons who are seriously ill, injured, wounded, or otherwise 5934
incapacitated or helpless. "Ambulance" does not include air 5935
medical transportation or a vehicle designed and used solely for 5936
the transportation of nonstretcher-bound persons, whether 5937
hospitalized or handicapped or whether ambulatory or confined to a 5938
wheelchair. 5939

(E) "Ambulette" means a motor vehicle that is specifically 5940
designed, constructed, or modified and equipped and is intended to 5941
be used for transportation upon the streets or highways of this 5942
state of persons who require use of a wheelchair. 5943

(F) "Basic life support" means treatment described in section 5944
4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to 5945
perform. 5946

(G) "Disaster situation" means any condition or situation 5947
described by rule of the ~~Ohio~~ state board of emergency medical, 5948
fire, and transportation board services as a mass casualty, major 5949
emergency, natural disaster, or national emergency. 5950

(H) "Emergency medical service organization" means an 5951
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, or 5952
paramedics, or a combination of ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, and 5953
paramedics, to provide medical care to victims of illness or 5954
injury. An emergency medical service organization includes, but is 5955
not limited to, a commercial ambulance service organization, a 5956
hospital, and a funeral home. 5957

(I) "~~EMT-basic~~ EMT," "~~EMT-I~~ AEMT," and "paramedic" have the 5958
same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the 5959
Revised Code. 5960

(J) "Fixed wing air ambulance" means a fixed wing aircraft 5961
that is specifically designed, constructed, or modified and 5962
equipped and is intended to be used as a means of air medical 5963

transportation. 5964

(K) "Intermediate life support" means treatment described in 5965
section 4765.38 of the Revised Code that an ~~EMT-I~~ AEMT is 5966
certified to perform. 5967

(L) "Major emergency" means any emergency event that cannot 5968
be resolved through the use of locally available emergency 5969
resources. 5970

(M) "Mass casualty" means an emergency event that results in 5971
ten or more persons being injured, incapacitated, made ill, or 5972
killed. 5973

(N) "Medical emergency" means an unforeseen event affecting 5974
an individual in such a manner that a need for immediate care is 5975
created. 5976

(O) "Mobile intensive care unit" means an ambulance used only 5977
for maintaining specialized or intensive care treatment and used 5978
primarily for interhospital transports of patients whose 5979
conditions require care beyond the scope of a paramedic as 5980
provided in section 4765.39 of the Revised Code. 5981

(P)(1) "Nonemergency medical service organization" means a 5982
person that does both of the following: 5983

(a) Provides services to the public on a regular basis for 5984
the purpose of transporting individuals who require the use of a 5985
wheelchair or are confined to a wheelchair to receive health care 5986
services at health care facilities or health care practitioners' 5987
offices in nonemergency circumstances; 5988

(b) Provides the services for a fee, regardless of whether 5989
the fee is paid by the person being transported, a third party 5990
payer, as defined in section 3702.51 of the Revised Code, or any 5991
other person or government entity. 5992

(2) "Nonemergency medical service organization" does not 5993

include a health care facility, as defined in section 1751.01 of 5994
the Revised Code, that provides ambulance services only to 5995
patients of that facility. 5996

(Q) "Nontransport vehicle" means a motor vehicle operated by 5997
a licensed emergency medical service organization not as an 5998
ambulance, but as a vehicle for providing services in conjunction 5999
with the ambulances operated by the organization or other 6000
emergency medical service organizations. 6001

(R) "Patient" means any individual who as a result of illness 6002
or injury needs medical attention, whose physical or mental 6003
condition is such that there is imminent danger of loss of life or 6004
significant health impairment, who may be otherwise incapacitated 6005
or helpless as a result of a physical or mental condition, or 6006
whose physical condition requires the use of a wheelchair. 6007

(S) "Rotorcraft air ambulance" means a helicopter or other 6008
aircraft capable of vertical takeoffs, vertical landings, and 6009
hovering that is specifically designed, constructed, or modified 6010
and equipped and is intended to be used as a means of air medical 6011
transportation. 6012

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical, 6013
fire, and transportation board services shall adopt rules, in 6014
accordance with Chapter 119. of the Revised Code, implementing the 6015
requirements of this chapter. The rules shall include provisions 6016
relating to the following: 6017

(1) Requirements for an emergency medical service 6018
organization to receive a permit for an ambulance or nontransport 6019
vehicle; 6020

(2) Requirements for an emergency medical service 6021
organization to receive a license as a basic life-support, 6022
intermediate life-support, advanced life-support, or mobile 6023

intensive care unit organization;	6024
(3) Requirements for a nonemergency medical service organization to receive a permit for an ambulette vehicle;	6025 6026
(4) Requirements for a nonemergency medical service organization to receive a license for an ambulette service;	6027 6028
(5) Requirements for an air medical service organization to receive a permit for a rotorcraft air ambulance or fixed wing air ambulance;	6029 6030 6031
(6) Requirements for licensure of air medical service organizations;	6032 6033
(7) Forms for applications and renewals of licenses and permits;	6034 6035
(8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;	6036 6037
(9) Fee amounts for licenses and permits, and their renewals;	6038
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	6039 6040
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	6041 6042 6043
(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle or aircraft the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle or aircraft;	6044 6045 6046 6047 6048 6049 6050 6051 6052
(13) The level of care each type of emergency medical service	6053

organization, nonemergency medical service organization, and air 6054
medical service organization is authorized to provide; 6055

(14) Eligibility requirements for employment as an ambulette 6056
driver, including grounds for disqualification due to the results 6057
of a motor vehicle law violation check, chemical test, or criminal 6058
records check. The rule may require that an applicant for 6059
employment as an ambulette driver provide a set of fingerprints to 6060
law enforcement authorities if the applicant comes under final 6061
consideration for employment. 6062

(15) Any other rules that the board determines necessary for 6063
the implementation and enforcement of this chapter. 6064

(B) In the rules for ambulances and nontransport vehicles 6065
adopted under division (A)(12) of this section, the board may 6066
establish requirements that vary according to whether the 6067
emergency medical service organization using the vehicles is 6068
licensed as a basic life-support, intermediate life-support, 6069
advanced life-support, or mobile intensive care unit organization. 6070

(C) A mobile intensive care unit that is not dually certified 6071
to provide advanced life-support and meets the requirements of the 6072
rules adopted under this section is not required to carry 6073
immobilization equipment, including board splint kits, traction 6074
splints, backboards, backboard straps, cervical immobilization 6075
devices, cervical collars, stair chairs, folding cots, or other 6076
types of immobilization equipment determined by the board to be 6077
unnecessary for mobile intensive care units. 6078

A mobile intensive care unit is exempt from the emergency 6079
medical technician staffing requirements of section 4765.43 of the 6080
Revised Code when it is staffed by at least one physician or 6081
registered nurse and another person, designated by a physician, 6082
who holds a valid license or certificate to practice in a health 6083
care profession, and when at least one of the persons staffing the 6084

mobile intensive care unit is a registered nurse whose training 6085
meets or exceeds the training required for a paramedic. 6086

Sec. 4766.04. (A) Except as otherwise provided in this 6087
chapter, no person shall furnish, operate, conduct, maintain, 6088
advertise, engage in, or propose or profess to engage in the 6089
business or service in this state of transporting persons who are 6090
seriously ill, injured, or otherwise incapacitated or who require 6091
the use of a wheelchair or are confined to a wheelchair unless the 6092
person is licensed pursuant to this section. 6093

(B) To qualify for a license as a basic life-support, 6094
intermediate life-support, advanced life-support, or mobile 6095
intensive care unit organization, an emergency medical service 6096
organization shall do all of the following: 6097

(1) Apply for a permit for each ambulance and nontransport 6098
vehicle owned or leased as provided in section 4766.07 of the 6099
Revised Code; 6100

(2) Meet all requirements established in rules adopted by the 6101
~~Ohio state board of emergency medical, fire, and~~ transportation 6102
~~board services~~ regarding ambulances and nontransport vehicles, 6103
including requirements pertaining to equipment, communications 6104
systems, staffing, and level of care the particular organization 6105
is permitted to render; 6106

(3) Maintain the appropriate type and amount of insurance as 6107
specified in section 4766.06 of the Revised Code; 6108

(4) Meet all other requirements established under rules 6109
adopted by the board for the particular license. 6110

(C) To qualify for a license to provide ambulette service, a 6111
nonemergency medical service organization shall do all of the 6112
following: 6113

(1) Apply for a permit for each ambulette owned or leased as 6114

provided in section 4766.07 of the Revised Code; 6115

(2) Meet all requirements established in rules adopted by the 6116
~~Ohio state board of emergency~~ medical, fire, and transportation 6117
~~board services~~ regarding ambulettes, including requirements 6118
pertaining to equipment, communication systems, staffing, and 6119
level of care the organization is permitted to render; 6120

(3) Maintain the appropriate type and amount of insurance as 6121
specified in section 4766.06 of the Revised Code; 6122

(4) Meet all other requirements established under rules 6123
adopted by the board for the license. 6124

(D) To qualify for a license to provide air medical 6125
transportation, an air medical service organization shall do all 6126
of the following: 6127

(1) Apply for a permit for each rotorcraft air ambulance and 6128
fixed wing air ambulance owned or leased as provided in section 6129
4766.07 of the Revised Code; 6130

(2) Meet all requirements established in rules adopted by the 6131
~~Ohio state board of emergency~~ medical, fire, and transportation 6132
~~board services~~ regarding rotorcraft air ambulances and fixed wing 6133
air ambulances, including requirements pertaining to equipment, 6134
communication systems, staffing, and level of care the 6135
organization is permitted to render; 6136

(3) Maintain the appropriate type and amount of insurance as 6137
specified in section 4766.06 of the Revised Code; 6138

(4) Meet all other requirements established under rules 6139
adopted by the board for the license. 6140

(E) An emergency medical service organization that applies 6141
for a license as a basic life-support, intermediate life-support, 6142
advanced life-support, or mobile intensive care unit organization; 6143
a nonemergency medical service organization that applies for a 6144

license to provide ambulance service; or an air medical service 6145
organization that applies for a license to provide air medical 6146
transportation shall submit a completed application to the board, 6147
on a form provided by the board for each particular license, 6148
together with the appropriate fees established under section 6149
4766.05 of the Revised Code. The application form shall include 6150
all of the following: 6151

(1) The name and business address of the operator of the 6152
organization for which licensure is sought; 6153

(2) The name under which the applicant will operate the 6154
organization; 6155

(3) A list of the names and addresses of all officers and 6156
directors of the organization; 6157

(4) For emergency medical service organizations and 6158
nonemergency medical service organizations, a description of each 6159
vehicle to be used, including the make, model, year of 6160
manufacture, mileage, vehicle identification number, and the color 6161
scheme, insignia, name, monogram, or other distinguishing 6162
characteristics to be used to designate the applicant's vehicle; 6163

(5) For air medical service organizations using fixed wing 6164
air ambulances, a description of each aircraft to be used, 6165
including the make, model, year of manufacture, and aircraft hours 6166
on airframe; 6167

(6) For air medical service organizations using rotorcraft 6168
air ambulances, a description of each aircraft to be used, 6169
including the make, model, year of manufacture, aircraft hours on 6170
airframe, aircraft identification number, and the color scheme, 6171
insignia, name, monogram, or other distinguishing characteristics 6172
to be used to designate the applicant's rotorcraft air ambulance; 6173

(7) The location and description of each place from which the 6174
organization will operate; 6175

(8) A description of the geographic area to be served by the applicant; 6176
6177

(9) Any other information the board, by rule, determines necessary. 6178
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(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send notice of the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code. 6180
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(G) If an applicant or licensee operates or plans to operate an organization in more than one location under the same or different identities, the applicant or licensee shall apply for and meet all requirements for licensure or renewal of a license, other than payment of a license fee or renewal fee, for operating the organization at each separate location. An applicant or licensee that operates or plans to operate under the same organization identity in separate locations shall pay only a single license fee. 6192
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(H) An emergency medical service organization that wishes to provide ambulette services to the public must apply for a separate license under division (C) of this section. 6201
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(I) Each license issued under this section and each permit issued under section 4766.07 of the Revised Code expires one year after the date of issuance and may be renewed in accordance with 6204
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the standard renewal procedures of Chapter 4745. of the Revised 6207
Code. An application for renewal shall include the license or 6208
permit renewal fee established under section 4766.05 of the 6209
Revised Code. An applicant for renewal of a permit also shall 6210
submit to the board proof of an annual inspection of the vehicle 6211
or aircraft for which permit renewal is sought. The board shall 6212
renew a license if the applicant meets the requirements for 6213
licensure and shall renew a permit if the applicant and vehicle or 6214
aircraft meet the requirements to maintain a permit for that 6215
vehicle or aircraft. 6216

(J) Each licensee shall maintain accurate records of all 6217
service responses conducted. The records shall be maintained on 6218
forms prescribed by the board and shall contain information as 6219
specified by rule by the board. 6220

Sec. 4766.05. (A) ~~The Ohio state board of emergency medical,~~ 6221
~~fire, and transportation board services~~ shall establish by rule a 6222
license fee, a permit fee for each ambulance, ambulette, 6223
rotorcraft air ambulance, fixed wing air ambulance, and 6224
nontransport vehicle owned or leased by the licensee that is or 6225
will be used as provided in section 4766.07 of the Revised Code, 6226
and fees for renewals of licenses and permits, taking into 6227
consideration the actual costs incurred by the board in carrying 6228
out its duties under this chapter. However, the fee for each 6229
license and each renewal of a license shall not exceed one hundred 6230
dollars, and the fee for each permit and each renewal of a permit 6231
shall not exceed one hundred dollars for each ambulance, 6232
rotorcraft air ambulance, fixed wing air ambulance, and 6233
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 6234
~~a permit shall be twenty five dollars for each ambulette for one~~ 6235
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 6236
rule the fee, which shall not exceed fifty dollars, for each 6237
permit and each renewal of a permit for each ambulette. For 6238

purposes of establishing fees, "actual costs" includes the costs 6239
of salaries, expenses, inspection equipment, supervision, and 6240
program administration. 6241

(B) The board shall deposit all fees and other moneys 6242
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 6243
the Revised Code in the state treasury to the credit of the 6244
~~occupational licensing~~ trauma and ~~regulatory~~ emergency medical 6245
services fund, which is created by section ~~4743.05~~ 4513.263 of the 6246
Revised Code. ~~All moneys from the fund shall be used solely for~~ 6247
~~the salaries and expenses of the board incurred in implementing~~ 6248
~~and enforcing this chapter.~~ 6249

(C) The board, subject to the approval of the controlling 6250
board, may establish fees in excess of the maximum amounts allowed 6251
under division (A) of this section, but such fees shall not exceed 6252
those maximum amounts by more than fifty per cent. 6253

Sec. 4766.07. (A) Except as otherwise provided by rule of the 6254
~~Ohio~~ state board of emergency medical, fire, and transportation 6255
~~board~~ services, each emergency medical service organization, 6256
nonemergency medical service organization, and air medical service 6257
organization subject to licensure under this chapter shall possess 6258
a valid permit for each ambulance, ambulette, rotorcraft air 6259
ambulance, fixed wing air ambulance, and nontransport vehicle it 6260
owns or leases that is or will be used by the licensee to perform 6261
the services permitted by the license. Each licensee and license 6262
applicant shall submit the appropriate fee and an application for 6263
a permit for each ambulance, ambulette, rotorcraft air ambulance, 6264
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 6265
state board of emergency medical, fire, and transportation ~~board~~ 6266
services on forms provided by the board. The application shall 6267
include documentation that the vehicle or aircraft meets the 6268
appropriate standards set by the board, that the vehicle or 6269

aircraft has been inspected pursuant to division (C) of this 6270
section, that the permit applicant maintains insurance as provided 6271
in section 4766.06 of the Revised Code, and that the vehicle or 6272
aircraft and permit applicant meet any other requirements 6273
established under rules adopted by the board. 6274

The ~~Ohio~~ state board of emergency medical, fire, and 6275
transportation ~~board~~ services may adopt rules in accordance with 6276
Chapter 119. of the Revised Code to authorize the temporary use of 6277
a vehicle or aircraft for which a permit is not possessed under 6278
this section in back-up or disaster situations. 6279

(B)(1) Within sixty days after receiving a completed 6280
application for a permit, the board shall issue or deny the 6281
permit. The board shall deny an application if it determines that 6282
the permit applicant, vehicle, or aircraft does not meet the 6283
requirements of this chapter and the rules adopted under it that 6284
apply to permits for ambulances, ambulettes, rotorcraft air 6285
ambulances, fixed wing air ambulances, and nontransport vehicles. 6286
The board shall send notice of the denial of an application by 6287
certified mail to the permit applicant. The permit applicant may 6288
request a hearing within ten days after receipt of the notice. If 6289
the board receives a timely request, it shall hold a hearing in 6290
accordance with Chapter 119. of the Revised Code. 6291

(2) If the board issues the vehicle permit for an ambulance, 6292
ambulette, or nontransport vehicle, it also shall issue a decal, 6293
in a form prescribed by rule, to be displayed on the rear window 6294
of the vehicle. The board shall not issue a decal until all of the 6295
requirements for licensure and permit issuance have been met. 6296

(3) If the board issues the aircraft permit for a rotorcraft 6297
air ambulance or fixed wing air ambulance, it also shall issue a 6298
decal, in a form prescribed by rule, to be displayed on the left 6299
fuselage aircraft window in a manner that complies with all 6300

applicable federal aviation regulations. The board shall not issue a decal until all of the requirements for licensure and permit issuance have been met.

(C) In addition to any other requirements that the board establishes by rule, a licensee or license applicant applying for an initial vehicle or aircraft permit under division (A) of this section shall submit to the board the vehicle or aircraft for which the permit is sought. Thereafter, a licensee shall annually submit to the board each vehicle or aircraft for which a permit has been issued.

(1) The board shall conduct a physical inspection of an ambulance, ambulette, or nontransport vehicle to determine its roadworthiness and compliance with standard motor vehicle requirements.

(2) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with the federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822."

(3) The board shall conduct a physical inspection of the equipment, communication system, and interior of an ambulette to determine the operational condition and safety of the equipment and the ambulette's interior and to determine whether the ambulette is in compliance with state requirements for ambulette construction. The board shall determine by rule requirements for the equipment, communication system, interior, and construction of an ambulette.

(4) The board shall conduct a physical inspection of the 6333
medical equipment, communication system, and interior of a 6334
rotorcraft air ambulance or fixed wing air ambulance to determine 6335
the operational condition and safety of the equipment and the 6336
aircraft's interior. 6337

(5) The board shall issue a certificate to the applicant for 6338
each vehicle or aircraft that passes the inspection and may assess 6339
a fee for each inspection, as established by the board. 6340

(6) The board shall adopt rules regarding the implementation 6341
and coordination of inspections. The rules may permit the board to 6342
contract with a third party to conduct the inspections required of 6343
the board under this section. 6344

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical, 6345
fire, and transportation board ~~may~~ services, pursuant to an 6346
adjudication conducted in accordance with Chapter 119. of the 6347
Revised Code, may suspend or revoke any license or permit or 6348
renewal thereof issued under this chapter for any one or 6349
combination of the following causes: 6350

(1) Violation of this chapter or any rule adopted thereunder; 6351

(2) Refusal to permit the board to inspect a vehicle or 6352
aircraft used under the terms of a permit or to inspect the 6353
records or physical facilities of a licensee; 6354

(3) Failure to meet the ambulance, ambulette, rotorcraft air 6355
ambulance, fixed wing air ambulance, and nontransport vehicle 6356
requirements specified in this chapter or the rules adopted 6357
thereunder; 6358

(4) Violation of an order issued by the board; 6359

(5) Failure to comply with any of the terms of an agreement 6360
entered into with the board regarding the suspension or revocation 6361
of a license or permit or the imposition of a penalty under this 6362

section. 6363

(B) If the board determines that the records, record-keeping 6364
procedures, or physical facilities of a licensee, or an ambulance, 6365
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 6366
nontransport vehicle for which a valid permit has been issued, do 6367
not meet the standards specified in this chapter and the rules 6368
adopted thereunder, the board shall notify the licensee of any 6369
deficiencies within thirty days of finding the deficiencies. If 6370
the board determines that the deficiencies exist and they remain 6371
uncorrected after thirty days, the board may suspend the license, 6372
vehicle permit, or aircraft permit. The licensee, notwithstanding 6373
the suspension under this division, may operate until all appeals 6374
have been exhausted. 6375

(C) At the discretion of the board, a licensee whose license 6376
has been suspended or revoked under this section may be ineligible 6377
to be licensed under this chapter for a period of not more than 6378
three years from the date of the violation, provided that the 6379
board shall make no determination on a period of ineligibility 6380
until all the licensee's appeals relating to the suspension or 6381
revocation have been exhausted. 6382

(D) The board may, in addition to any other action taken 6383
under this section and after a hearing conducted pursuant to 6384
Chapter 119. of the Revised Code, impose a penalty of not more 6385
than fifteen hundred dollars for any violation specified in this 6386
section. The attorney general shall institute a civil action for 6387
the collection of any such penalty imposed. 6388

Sec. 4766.09. This chapter does not apply to any of the 6389
following: 6390

(A) A person rendering services with an ambulance in the 6391
event of a disaster situation when licensees' vehicles based in 6392
the locality of the disaster situation are incapacitated or 6393

insufficient in number to render the services needed;	6394
(B) Any person operating an ambulance, ambulette, rotorcraft	6395
air ambulance, or fixed wing air ambulance outside this state	6396
unless receiving a person within this state for transport to a	6397
location within this state;	6398
(C) A publicly owned or operated emergency medical service	6399
organization and the vehicles it owns or leases and operates,	6400
except as provided in section 307.051, division (G) of section	6401
307.055, division (F) of section 505.37, division (B) of section	6402
505.375, and division (B)(3) of section 505.72 of the Revised	6403
Code;	6404
(D) An ambulance, ambulette, rotorcraft air ambulance, fixed	6405
wing air ambulance, or nontransport vehicle owned or leased and	6406
operated by the federal government;	6407
(E) A publicly owned and operated fire department vehicle;	6408
(F) Emergency vehicles owned by a corporation and operating	6409
only on the corporation's premises, for the sole use by that	6410
corporation;	6411
(G) An ambulance, nontransport vehicle, or other emergency	6412
medical service organization vehicle owned and operated by a	6413
municipal corporation;	6414
(H) A motor vehicle titled in the name of a volunteer rescue	6415
service organization, as defined in section 4503.172 of the	6416
Revised Code;	6417
(I) A public emergency medical service organization;	6418
(J) A fire department, rescue squad, or life squad comprised	6419
of volunteers who provide services without expectation of	6420
remuneration and do not receive payment for services other than	6421
reimbursement for expenses;	6422
(K) A private, nonprofit emergency medical service	6423

organization when fifty per cent or more of its personnel are 6424
volunteers, as defined in section 4765.01 of the Revised Code; 6425

(L) Emergency medical service personnel who are regulated by 6426
the state board of emergency medical, fire, and transportation 6427
services under Chapter 4765. of the Revised Code; 6428

(M) Any of the following that operates a transit bus, as that 6429
term is defined in division (Q) of section 5735.01 of the Revised 6430
Code, unless the entity provides ambulette services that are 6431
reimbursed under the state medicaid plan: 6432

(1) A public nonemergency medical service organization; 6433

(2) An urban or rural public transit system; 6434

(3) A private nonprofit organization that receives grants 6435
under section 5501.07 of the Revised Code. 6436

(N)(1) An entity, to the extent it provides ambulette 6437
services, if the entity meets all of the following conditions: 6438

(a) The entity is certified by the department of aging or the 6439
department's designee in accordance with section 173.391 of the 6440
Revised Code or operates under a contract or grant agreement with 6441
the department or the department's designee in accordance with 6442
section 173.392 of the Revised Code. 6443

(b) The entity meets the requirements of section 4766.14 of 6444
the Revised Code. 6445

(c) The entity does not provide ambulette services that are 6446
reimbursed under the state medicaid plan. 6447

(2) A vehicle, to the extent it is used to provide ambulette 6448
services, if the vehicle meets both of the following conditions: 6449

(a) The vehicle is owned by an entity that meets the 6450
conditions specified in division (N)(1) of this section. 6451

(b) The vehicle does not provide ambulette services that are 6452

reimbursed under the state medicaid plan. 6453

(0) A vehicle that meets both of the following criteria, 6454
unless the vehicle provides services that are reimbursed under the 6455
state medicaid plan: 6456

(1) The vehicle was purchased with funds from a grant made by 6457
the United States secretary of transportation under 49 U.S.C. 6458
5310; 6459

(2) The department of transportation holds a lien on the 6460
vehicle. 6461

Sec. 4766.10. This chapter does not invalidate any ordinance 6462
or resolution adopted by a municipal corporation that establishes 6463
standards for the licensure of emergency medical service 6464
organizations as basic life-support, intermediate life-support, or 6465
advanced life-support service organizations that have their 6466
principal places of business located within the limits of the 6467
municipal corporation, as long as the licensure standards meet or 6468
exceed the standards established in this chapter and the rules 6469
adopted thereunder. 6470

Emergency medical service organizations licensed by a 6471
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 6472
state board of emergency medical, fire, and transportation board 6473
services, but the fees they pay to the board for licenses, 6474
permits, and renewals thereof shall not exceed fifty per cent of 6475
the fee amounts established by the board pursuant to section 6476
4766.03 of the Revised Code. The board may choose to waive the 6477
vehicle inspection requirements and inspection fees, but not the 6478
permit fees, for the vehicles of organizations licensed by a 6479
municipal corporation. 6480

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical, 6481
fire, and transportation board services may investigate alleged 6482

violations of this chapter or the rules adopted under it and may 6483
investigate any complaints received regarding alleged violations. 6484

In addition to any other remedies available and regardless of 6485
whether an adequate remedy at law exists, the board may apply to 6486
the court of common pleas in the county where a violation of any 6487
provision of this chapter or any rule adopted pursuant thereto is 6488
occurring for a temporary or permanent injunction restraining a 6489
person from continuing to commit that violation. On a showing that 6490
a person has committed a violation, the court shall grant the 6491
injunction. 6492

In conducting an investigation under this section, the board 6493
may issue subpoenas compelling the attendance and testimony of 6494
witnesses and the production of books, records, and other 6495
documents pertaining to the investigation. If a person fails to 6496
obey a subpoena from the board, the board may apply to the court 6497
of common pleas in the county where the investigation is being 6498
conducted for an order compelling the person to comply with the 6499
subpoena. On application by the board, the court shall compel 6500
obedience by attachment proceedings for contempt, as in the case 6501
of disobedience of the requirements of a subpoena from the court 6502
or a refusal to testify therein. 6503

(B) The ~~medical-transportation~~ board may suspend a license 6504
issued under this chapter without a prior hearing if it determines 6505
that there is evidence that the license holder is subject to 6506
action under this section and that there is clear and convincing 6507
evidence that continued operation by the license holder presents a 6508
danger of immediate and serious harm to the public. The 6509
chairperson and executive director of the board shall make a 6510
preliminary determination and describe the evidence on which they 6511
made their determination to the board members. The board by 6512
resolution may designate another board member to act in place of 6513

the chairperson or another employee to act in place of the 6514
executive director in the event that the chairperson or executive 6515
director is unavailable or unable to act. Upon review of the 6516
allegations, the board, by the affirmative vote of ~~at least four a~~ 6517
majority of its members, may suspend the license without a 6518
hearing. 6519

~~Any method of communication, including a telephone conference 6520
call, may be utilized for describing the evidence to the board 6521
members, for reviewing the allegations, and for voting on the 6522
suspension. 6523~~

Immediately following the decision by the board to suspend a 6524
license under this division, the board shall issue a written order 6525
of suspension and cause it to be delivered in accordance with 6526
section 119.07 of the Revised Code. If the license holder subject 6527
to the suspension requests an adjudication hearing by the board, 6528
the date set for the adjudication shall be within fifteen days but 6529
not earlier than seven days after the request unless another date 6530
is agreed to by the license holder and the board. 6531

Any summary suspension imposed under this division remains in 6532
effect, unless reversed by the board, until a final adjudicative 6533
order issued by the board pursuant to this section and Chapter 6534
119. of the Revised Code becomes effective. The board shall issue 6535
its final adjudicative order not less than ninety days after 6536
completion of its adjudication hearing. Failure to issue the order 6537
by that day shall cause the summary suspension order to end, but 6538
such failure shall not affect the validity of any subsequent final 6539
adjudication order. 6540

Sec. 4766.12. If a county, township, joint ambulance 6541
district, or joint emergency medical services district chooses to 6542
have the ~~Ohio~~ state board of emergency medical, fire, and 6543
transportation ~~board~~ services license its emergency medical 6544

service organizations and issue permits for its vehicles pursuant 6545
to this chapter, except as may be otherwise provided, all 6546
provisions of this chapter and all rules adopted by the board 6547
thereunder are fully applicable. However, a county, township, 6548
joint ambulance district, or joint emergency medical services 6549
district is not required to obtain any type of permit from the 6550
board for any of its nontransport vehicles. 6551

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical, 6552
fire, and transportation board services, by endorsement, may 6553
license and issue vehicle permits to an emergency medical service 6554
organization or a nonemergency medical service organization that 6555
is regulated by another state. To qualify for a license and 6556
vehicle permits by endorsement, an organization must submit 6557
evidence satisfactory to the board that it has met standards in 6558
another state that are equal to or more stringent than the 6559
standards established by this chapter and the rules adopted under 6560
it. 6561

Sec. 4766.15. (A) An applicant for employment as an ambulette 6562
driver with an organization licensed pursuant to this chapter 6563
shall submit proof to the organization of, or give consent to the 6564
employer to obtain, all of the following: 6565

(1)(a) A valid driver's license issued pursuant to Chapter 6566
4506. or 4507. of the Revised Code, or its equivalent, if the 6567
applicant is a resident of another state; 6568

(b) A recent certified abstract of the applicant's record of 6569
convictions for violations of motor vehicle laws provided by the 6570
registrar of motor vehicles pursuant to section 4509.05 of the 6571
Revised Code, or its equivalent, if the applicant is a resident of 6572
another state. 6573

(2)(a) A certificate of completion of a course in first aid 6574

techniques offered by the American red cross or an equivalent organization; 6575
6576

(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services. 6577
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(3) The result of a chemical test or tests of the applicant's blood, breath, or urine conducted at a hospital or other institution approved by the board for the purpose of determining the alcohol, drug of abuse, controlled substance, or metabolite of a controlled substance content of the applicant's whole blood, blood serum or plasma, breath, or urine; 6581
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(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation. 6587
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(B) An organization may employ an applicant on a temporary provisional basis pending the completion of all of the requirements of this section. The length of the provisional period shall be determined by the board. 6589
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(C) An organization licensed pursuant to this chapter shall use information received pursuant to this section to determine in accordance with rules adopted by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services under section 4766.03 of the Revised Code whether an applicant is disqualified for employment. 6593
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No applicant shall be accepted for permanent employment as an ambulette driver by an organization licensed pursuant to this chapter until all of the requirements of division (A) of this section have been met. 6599
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Sec. 4766.22. (A) Not later than forty-five days after the end of each fiscal year, the ~~Ohio~~ state board of emergency 6603
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medical, fire, and transportation board services shall submit a 6605
report to the governor and general assembly that provides all of 6606
the following information for that fiscal year: 6607

(1) The number of each of the following the board issued: 6608

(a) Basic life-support organization licenses; 6609

(b) Intermediate life-support organization licenses; 6610

(c) Advanced life-support organization licenses; 6611

(d) Mobile intensive care unit organization licenses; 6612

(e) Ambulette service licenses; 6613

(f) Air medical service organization licenses; 6614

(g) Ambulance permits; 6615

(h) Nontransport vehicle permits; 6616

(i) Ambulette vehicle permits; 6617

(j) Rotorcraft air ambulance permits; 6618

(k) Fixed wing air ambulance permits. 6619

(2) The amount of fees the board collected for issuing and 6620
renewing each type of license and permit specified in division 6621
(A)(1) of this section; 6622

(3) The number of inspections the board or a third party on 6623
the board's behalf conducted in connection with each type of 6624
license and permit specified in division (A)(1) of this section 6625
and the amount of fees the board collected for the inspections; 6626

(4) The number of complaints that were submitted to the 6627
board; 6628

(5) The number of investigations the board conducted under 6629
section 4766.11 of the Revised Code; 6630

(6) The number of adjudication hearings the board held and 6631
the outcomes of the adjudications; 6632

(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code; 6633
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(8) Other information the board determines reflects the board's operations. 6635
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(B) The board shall post the annual report required by this section on its web site and make it available to the public on request. 6637
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Sec. 5501.03. (A) The department of transportation shall: 6640

(1) Exercise and perform such other duties, powers, and functions as are conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department; 6641
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(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning; 6645
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(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions; 6651
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(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration; 6656
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(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code; 6660
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(6) Give particular consideration to the development of 6662

policy and planning for public transportation facilities, and to 6663
the coordination of associated activities relating thereto, as 6664
prescribed under divisions (A)(2) and (3) of this section; 6665

(7) Conduct, in cooperation with the Ohio legislative service 6666
commission, any studies or comparisons of state traffic laws and 6667
local traffic ordinances with model laws and ordinances that may 6668
be required to meet program standards adopted by the United States 6669
department of transportation pursuant to the "Highway Safety Act 6670
of 1966," 80 Stat. 731, U.S.C.A. 401; 6671

(8) Prepare, print, distribute, and advertise books, maps, 6672
pamphlets, and other information that, in the judgment of the 6673
director, will inform the public and other governmental 6674
departments, agencies, and authorities as to the duties, powers, 6675
and functions of the department; 6676

(9) In its research and development program, consider 6677
technologies for improving roadways, including construction 6678
techniques and materials to prolong project life, being used or 6679
developed by other states that have geographic, geologic, or 6680
climatic features similar to this state's, and collaborate with 6681
those states in that development. 6682

(B) Nothing contained in division (A)(1) of this section 6683
shall be held to in any manner affect, limit, restrict, or 6684
otherwise interfere with the exercise of powers relating to 6685
transportation facilities by appropriate agencies of the federal 6686
government, or by counties, municipal corporations, or other 6687
political subdivisions or special districts in this state 6688
authorized by law to exercise such powers. 6689

(C) The department may use all appropriate sources of revenue 6690
to assist in the development and implementation of rail service as 6691
defined by division (C) of section 4981.01 of the Revised Code. 6692

(D) The director of transportation may enter into contracts 6693

with public agencies including political subdivisions, other state 6694
agencies, boards, commissions, regional transit authorities, 6695
county transit boards, and port authorities, to administer the 6696
design, qualification of bidders, competitive bid letting, 6697
construction inspection, and acceptance of any projects 6698
administered by the department, provided the administration of 6699
such projects is performed in accordance with all applicable state 6700
and federal laws and regulations with oversight by the department. 6701

(E) The director may enter into cooperative or contractual 6702
agreements with any individual, organization, or business related 6703
to the creation or promotion of a traveler information program. 6704
The traveler information program shall provide real-time traffic 6705
conditions and travel time information to travelers by telephone, 6706
text message, internet, or other similar means at no cost to the 6707
traveler. The director may contract with a program manager for the 6708
traveler information program. The program manager shall be 6709
responsible for all costs associated with the development and 6710
operation of the traveler information program. The compensation 6711
due to a program manager or vendor under any of these agreements 6712
may include deferred compensation in an amount determined by the 6713
director. Excess revenue shall be remitted to the department for 6714
deposit into the highway operating fund. 6715

(F) Any materials or data submitted to, made available to, or 6716
received by the director of transportation, to the extent that the 6717
materials or data consist of trade secrets, as defined in section 6718
1333.61 of the Revised Code, or commercial or financial 6719
information, are confidential and are not public records for the 6720
purposes of section 149.43 of the Revised Code. 6721

Sec. 5501.51. (A) The state shall reimburse a utility for the 6722
cost of relocation of utility facilities necessitated by the 6723
construction of a highway project only in the event that the 6724

utility can evidence a vested interest in the nature of a fee 6725
interest, an easement interest, or a lesser estate in the real 6726
property it occupies in the event that the utility possesses a 6727
vested interest in such property. The utility shall present 6728
evidence satisfactory to the state substantiating the cost of 6729
relocation. The director may audit all financial records which the 6730
director determines necessary to verify such actual costs. 6731

(B) The director of transportation may establish and enforce 6732
such rules and procedures as the director may determine to be 6733
necessary to assure consistency governing any and all aspects of 6734
the cost of utility relocations. The director may adopt such 6735
amendments to such rules as are necessary and within the 6736
guidelines of this section. 6737

(C) As used in this section: 6738

(1) "Cost of relocation" includes the actual cost paid by a 6739
utility directly attributable to relocation after deducting any 6740
increase in the value of the new facility and any salvage value 6741
derived from the old facility. 6742

(2) "Utility" includes ~~publicly~~ all of the following: 6743

(a) Publicly, privately, and cooperatively owned utilities 6744
that are subject to the authority of the public utilities 6745
commission of Ohio. ~~"Utility" also includes a;~~ 6746

(b) A cable operator as defined in the "Cable Communications 6747
Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by 6748
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, 6749
and includes the provision of other information or 6750
telecommunications services, or both, ~~and an;~~ 6751

(c) An electric cooperative and a municipal electric utility, 6752
both as defined in section 4928.01 of the Revised Code; 6753

(d) County-owned or county-operated water and sewer 6754

facilities. 6755

Sec. 5501.73. (A) After selecting a solicited or unsolicited 6756
proposal for a public-private initiative, the department of 6757
transportation shall enter into a public-private agreement for a 6758
transportation facility with the selected private entity or any 6759
configuration of private entities. An affected jurisdiction may be 6760
a party to a public-private agreement entered into by the 6761
department and a selected private entity or combination of private 6762
entities. 6763

(B) A public-private agreement under this section shall 6764
provide for all of the following: 6765

(1) Planning, acquisition, financing, development, design, 6766
construction, reconstruction, replacement, improvement, 6767
maintenance, management, repair, leasing, or operation of a 6768
transportation facility; 6769

(2) Term of the public-private agreement; 6770

(3) Type of property interest, if any, the private entity 6771
will have in the transportation facility; 6772

(4) A specific plan to ensure proper maintenance of the 6773
transportation facility throughout the term of the agreement and a 6774
return of the facility to the department, if applicable, in good 6775
condition and repair; 6776

(5) Whether user fees will be collected on the transportation 6777
facility and the basis by which such user fees shall be determined 6778
and modified; 6779

(6) Compliance with applicable federal, state, and local 6780
laws; 6781

(7) Grounds for termination of the public-private agreement 6782
by the department or operator; 6783

(8) Disposition of the facility upon completion of the agreement;	6784 6785
(9) Procedures for amendment of the agreement.	6786
(C) A public-private agreement under this section may provide for any of the following:	6787 6788
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	6789 6790 6791
(2) Inspection by the department of construction of or improvements to the transportation facility;	6792 6793
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	6794 6795
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	6796 6797 6798
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	6799 6800
(6) Financing obligations of the operator and the department;	6801
(7) Apportionment of expenses between the operator and the department;	6802 6803
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	6804 6805 6806
(9) Rights and remedies available in the event of default or delay;	6807 6808
(10) Terms and conditions of indemnification of the operator by the department;	6809 6810
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the	6811 6812

agreement to third parties, including other private entities and 6813
other state agencies; 6814

(12) Sale or lease to the operator of private property 6815
related to the transportation facility; 6816

(13) Traffic enforcement and other policing issues, including 6817
any reimbursement by the private entity for such services. 6818

(D)(1) The director of transportation may include in any 6819
public-private agreement under sections 5501.70 to 5501.83 of the 6820
Revised Code a provision authorizing a binding dispute resolution 6821
method for any controversy subsequently arising out of the 6822
contract. The binding dispute resolution method may proceed only 6823
upon agreement of all parties to the controversy. If all parties 6824
do not agree to proceed to a binding dispute resolution, a party 6825
having a claim against the department shall exhaust its 6826
administrative remedies specified in the public-private agreement 6827
prior to filing any action against the department in the court of 6828
claims. 6829

No appeal from the determination of a technical expert lies 6830
to any court, except that the court of common pleas of Franklin 6831
County may issue an order vacating such a determination upon the 6832
application of any party to the binding dispute resolution if any 6833
of the following applies: 6834

(a) The determination was procured by corruption, fraud, or 6835
undue means. 6836

(b) There was evidence of partiality or corruption on the 6837
part of the technical expert. 6838

(c) The technical expert was guilty of misconduct in refusing 6839
to postpone the hearing, upon sufficient cause shown, or in 6840
refusing to hear evidence pertinent and material to the 6841
controversy, or of any other misbehavior by which the rights of 6842
any party have been prejudiced. 6843

(2) As used in this division, "binding dispute resolution" means a binding determination after review by a technical expert of all relevant items, which may include documents, and by interviewing appropriate personnel and visiting the project site involved in the controversy. "Binding dispute resolution" does not involve representation by legal counsel or advocacy by any person on behalf of any party to the controversy.

(E) No public-private agreement entered into under this section shall be construed to transfer to a private entity the director's authority to appropriate property under Chapters 163., 5501., and 5519. of the Revised Code.

Sec. 5501.77. (A) For the purposes of carrying out sections 5501.70 to 5501.83 of the Revised Code, the department of transportation may do all of the following:

(1) Accept, subject to applicable terms and conditions, available funds from the United States or any of its agencies, whether the funds are made available by grant, loan, or other financial assistance;

(2) Enter into agreements or other arrangements with the United States or any of its agencies as may be necessary;

(3) For the purpose of completing a transportation facility under an agreement, accept from any source any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other item of value made to the state or the department.

(B) Any transportation facility may be financed in whole or in part by contribution of any funds or property made by any private entity or affected jurisdiction that is party to a public-private agreement under sections 5501.70 to 5501.83 of the Revised Code.

(C) The department may use federal, state, local, and private funds to finance a transportation facility under sections 5501.70 to 5501.83 of the Revised Code and shall comply with any requirements and restrictions governing the use of the funds, including maintaining the funds separately when necessary.

(D) The director of transportation, in accordance with Chapter 119. of the Revised Code, may adopt such rules as the director considers advisable for the control and regulation of traffic on any transportation facility subject to a public-private agreement, for the protection and preservation of the transportation facility, for the maintenance and preservation of good order within the transportation facility, and for the purpose of establishing vehicle owner or operator liability for avoidance of user fees. The rules shall provide that public police officers shall be afforded ready access, while in the performance of their official duties, to the transportation facility without the payment of user fees.

(1) No person shall violate any rules of the department of transportation adopted under this division.

(2)(a) All fines collected for the violation of applicable laws of the state and the rules of the department of transportation or money arising from bonds forfeited for such violation shall be disposed of in accordance with section 5503.04 of the Revised Code.

(b) All fees or charges assessed by the department of transportation or a public-private operator in accordance with this section against an owner or operator of a vehicle as a civil violation for failure to comply with toll collection rules shall be revenues of the department or public-private operator as set forth in the public-private agreement.

(E)(1) Except as provided in division (E)(2) of this section,

whoever violates division (D)(1) of this section is guilty of a 6905
minor misdemeanor on a first offense; on each subsequent offense 6906
such person is guilty of a misdemeanor of the fourth degree. 6907

(2) Whoever violates division (D)(1) of this section when the 6908
violation is a civil violation for failure to comply with toll 6909
collection rules is subject to a fee or charge established by the 6910
department by rule. 6911

Sec. 5502.01. (A) The department of public safety shall 6912
administer and enforce the laws relating to the registration, 6913
licensing, sale, and operation of motor vehicles and the laws 6914
pertaining to the licensing of drivers of motor vehicles. 6915

The department shall compile, analyze, and publish statistics 6916
relative to motor vehicle accidents and the causes of them, 6917
prepare and conduct educational programs for the purpose of 6918
promoting safety in the operation of motor vehicles on the 6919
highways, and conduct research and studies for the purpose of 6920
promoting safety on the highways of this state. 6921

(B) The department shall administer the laws and rules 6922
relative to trauma and emergency medical services specified in 6923
Chapter 4765. of the Revised Code and any laws and rules relative 6924
to commercial medical transportation services as may be specified 6925
in Chapter 4766. of the Revised Code. 6926

(C) The department shall administer and enforce the laws 6927
contained in Chapters 4301. and 4303. of the Revised Code and 6928
enforce the rules and orders of the liquor control commission 6929
pertaining to retail liquor permit holders. 6930

(D) The department shall administer the laws governing the 6931
state emergency management agency and shall enforce all additional 6932
duties and responsibilities as prescribed in the Revised Code 6933
related to emergency management services. 6934

(E) The department shall conduct investigations pursuant to 6935
Chapter 5101. of the Revised Code in support of the duty of the 6936
department of job and family services to administer the 6937
supplemental nutrition assistance program throughout this state. 6938
The department of public safety shall conduct investigations 6939
necessary to protect the state's property rights and interests in 6940
the supplemental nutrition assistance program. 6941

(F) The department of public safety shall enforce compliance 6942
with orders and rules of the public utilities commission and 6943
applicable laws in accordance with Chapters 4905., 4921., and 6944
4923. of the Revised Code regarding commercial motor vehicle 6945
transportation safety, economic, and hazardous materials 6946
requirements. 6947

(G) Notwithstanding Chapter 4117. of the Revised Code, the 6948
department of public safety may establish requirements for its 6949
enforcement personnel, including its enforcement agents described 6950
in section 5502.14 of the Revised Code, that include standards of 6951
conduct, work rules and procedures, and criteria for eligibility 6952
as law enforcement personnel. 6953

(H) The department shall administer, maintain, and operate 6954
the Ohio criminal justice network. The Ohio criminal justice 6955
network shall be a computer network that supports state and local 6956
criminal justice activities. The network shall be an electronic 6957
repository for various data, which may include arrest warrants, 6958
notices of persons wanted by law enforcement agencies, criminal 6959
records, prison inmate records, stolen vehicle records, vehicle 6960
operator's licenses, and vehicle registrations and titles. 6961

(I) The department shall coordinate all homeland security 6962
activities of all state agencies and shall be a liaison between 6963
state agencies and local entities for those activities and related 6964
purposes. 6965

(J) Beginning July 1, 2004, the department shall administer 6966
and enforce the laws relative to private investigators and 6967
security service providers specified in Chapter 4749. of the 6968
Revised Code. 6969

(K) The department shall administer criminal justice services 6970
in accordance with sections 5502.61 to 5502.66 of the Revised 6971
Code. 6972

Sec. 5503.01. There is hereby created in the department of 6973
public safety a division of state highway patrol which shall be 6974
administered by a superintendent of the state highway patrol. 6975

The superintendent shall be appointed by the director of 6976
public safety, and shall serve at the director's pleasure. The 6977
superintendent shall hold the rank of colonel and be appointed 6978
from within the eligible ranks of the patrol. The superintendent 6979
shall give bond for the faithful performance of the 6980
superintendent's official duties in such amount and with such 6981
security as the director approves. 6982

The superintendent, with the approval of the director, may 6983
appoint any number of state highway patrol troopers and radio 6984
operators as are necessary to carry out sections 5503.01 to 6985
5503.06 of the Revised Code, but the number of troopers shall not 6986
be less than eight hundred eighty. The number of radio operators 6987
shall not exceed eighty in number. Except as provided in this 6988
section, at the time of appointment, troopers shall be not less 6989
than twenty-one years of age, nor have reached thirty-five years 6990
of age. A person who is attending a training school for 6991
prospective state highway patrol troopers established under 6992
section 5503.05 of the Revised Code and attains the age of 6993
thirty-five years during the person's period of attendance at that 6994
training school shall not be disqualified as over age and shall be 6995
permitted to continue to attend the training school as long as the 6996

person otherwise is eligible to do so. Such a person also remains 6997
eligible to be appointed a trooper. Any other person who attains 6998
or will attain the age of thirty-five years prior to the time of 6999
appointment shall be disqualified as over age. 7000

At the time of appointment, troopers shall have been legal 7001
residents of Ohio for at least one year, except that this 7002
residence requirement may be waived by the superintendent. 7003

If any state highway patrol troopers become disabled through 7004
accident or illness, the superintendent, with the approval of the 7005
director, shall fill any vacancies through the appointment of 7006
other troopers from a qualified list to serve during the period of 7007
the disability. 7008

The superintendent and state highway patrol troopers shall be 7009
vested with the authority of peace officers for the purpose of 7010
enforcing the laws of the state that it is the duty of the patrol 7011
to enforce and may arrest, without warrant, any person who, in the 7012
presence of the superintendent or any trooper, is engaged in the 7013
violation of any such laws. The state highway patrol troopers 7014
shall never be used as peace officers in connection with any 7015
strike or labor dispute. 7016

Each state highway patrol trooper and radio operator, upon 7017
appointment and before entering upon official duties, shall take 7018
an oath of office for faithful performance of the trooper's or 7019
radio operator's official duties and execute a bond in the sum of 7020
twenty-five hundred dollars, payable to the state and for the use 7021
and benefit of any aggrieved party who may have a cause of action 7022
against any trooper or radio operator for misconduct while in the 7023
performance of official duties. In no event shall the bond include 7024
any claim arising out of negligent operation of a motorcycle or 7025
motor vehicle used by a trooper or radio operator in the 7026
performance of official duties. 7027

The superintendent shall prescribe a distinguishing uniform 7028
and badge which shall be worn by each state highway patrol trooper 7029
and radio operator while on duty, unless otherwise designated by 7030
the superintendent. No person shall wear the distinguishing 7031
uniform of the state highway patrol or the badge or any 7032
distinctive part of that uniform, except on order of the 7033
superintendent. 7034

The superintendent, with the approval of the director, may 7035
appoint necessary clerks, stenographers, and employees. 7036

Sec. 5503.03. The state highway patrol and the superintendent 7037
of the state highway patrol shall be furnished by the state with 7038
such vehicles, equipment, and supplies as the director of public 7039
safety deems necessary, all of which shall remain the property of 7040
the state and be strictly accounted for by each member of the 7041
patrol. 7042

The patrol may be equipped with standardized and tested 7043
devices for weighing vehicles, and may stop and weigh any vehicle 7044
which appears to weigh in excess of the amounts permitted by 7045
sections 5577.01 to 5577.14 of the Revised Code. 7046

The superintendent, with the approval of the director, shall 7047
prescribe rules for instruction and discipline, make all 7048
administrative rules, and fix the hours of duty for patrol 7049
officers. ~~He~~ The superintendent shall divide the state into 7050
districts and assign members of the patrol to such districts in a 7051
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 7052
superintendent may transfer members of the patrol from one 7053
district to another, ~~and classify~~ and rank members of the patrol. 7054
All ranks below the level of superintendent shall be classified. 7055
All promotions to a higher grade shall be made from the next lower 7056
grade. When a patrol officer is promoted by the superintendent, 7057
the officer's salary shall be increased to that of the lowest step 7058

in the pay range for the new grade which shall increase the 7059
officer's salary or wage by at least nine per cent of the base pay 7060
wherever possible. 7061

Sec. 5503.04. Forty-five per cent of the fines collected from 7062
or moneys arising from bail forfeited by persons apprehended or 7063
arrested by state highway patrol troopers shall be paid into the 7064
state treasury to be credited to the general revenue fund, five 7065
per cent shall be paid into the state treasury to be credited to 7066
the trauma and emergency medical services fund created by section 7067
4513.263 of the Revised Code, and fifty per cent shall be paid 7068
into the treasury of the municipal corporation where the case is 7069
prosecuted, if in a mayor's court. If the prosecution is in a 7070
trial court outside a municipal corporation, or outside the 7071
territorial jurisdiction of a municipal court, the fifty per cent 7072
of the fines and moneys that is not paid into the state treasury 7073
shall be paid into the treasury of the county where the case is 7074
prosecuted. The fines and moneys paid into a county treasury and 7075
the fines and moneys paid into the treasury of a municipal 7076
corporation shall be deposited one-half to the same fund and 7077
expended in the same manner as is the revenue received from the 7078
registration of motor vehicles, and one-half to the general fund 7079
of such county or municipal corporation. 7080

If the prosecution is in a municipal court, forty-five per 7081
cent of the fines and moneys shall be paid into the state treasury 7082
to be credited to the general revenue fund, five per cent shall be 7083
paid into the state treasury to be credited to the trauma and 7084
emergency medical services ~~grants~~ fund created by division (E) of 7085
section 4513.263 of the Revised Code, ten per cent shall be paid 7086
into the county treasury to be credited to the general fund of the 7087
county, and forty per cent shall be paid into the municipal 7088
treasury to be credited to the general fund of the municipal 7089
corporation. In the Auglaize county, Clermont county, Crawford 7090

county, Hocking county, Jackson county, Lawrence county, Madison 7091
county, Miami county, Ottawa county, Portage county, and Wayne 7092
county municipal courts, that portion of money otherwise paid into 7093
the municipal treasury shall be paid into the county treasury. 7094

The trial court shall make remittance of the fines and moneys 7095
as prescribed in this section, and at the same time as the 7096
remittance is made of the state's portion to the state treasury, 7097
the trial court shall notify the superintendent of the state 7098
highway patrol of the case and the amount covered by the 7099
remittance. 7100

This section does not apply to fines for violations of 7101
division (B) of section 4513.263 of the Revised Code, or for 7102
violations of any municipal ordinance that is substantively 7103
comparable to that division, all of which shall be delivered to 7104
the treasurer of state as provided in division (E) of section 7105
4513.263 of the Revised Code. 7106

Sec. 5515.01. ~~(A)~~ The director of transportation ~~may~~, upon 7107
formal application being made to the director, may grant a permit 7108
to any individual, firm, or corporation to use or occupy such 7109
portion of a road or highway on the state highway system as will 7110
not incommode the traveling public. Such permits, when granted, 7111
shall be upon the following conditions: 7112

~~(A)~~(1) The director may issue a permit to any individual, 7113
firm, or corporation for any use of a road or highway on the state 7114
highway system that is consistent with applicable federal law or 7115
federal regulations. 7116

~~(B)~~(2) Such location shall be changed as prescribed by the 7117
director when the director deems such change necessary for the 7118
convenience of the traveling public, or in connection with or 7119
contemplation of the construction, reconstruction, improvement, 7120
relocating, maintenance, or repair of such road or highway. 7121

~~(C)~~(3) The placing of objects or things shall be at a grade 7122
and in accordance with such plans, specifications, or both, as 7123
shall be first approved by the director. 7124

~~(D)~~(4) The road or highway in all respects shall be fully 7125
restored to its former condition of usefulness and at the expense 7126
of such individual, firm, or corporation. 7127

~~(E)~~(5) Such individual, firm, or corporation shall maintain 7128
all objects and things in a proper manner, promptly repair all 7129
damages resulting to such road or highway on account thereof, and 7130
in event of failure to so repair such road or highway to pay to 7131
the state all costs and expenses that may be expended by the 7132
director in repairing any damage. 7133

~~(F)~~(6) Such other conditions as may seem reasonable to the 7134
director, ~~but no condition shall be prescribed that imposes the~~ 7135
~~payment of a money consideration for the privilege granted~~ 7136
including payment of a reasonable one-time access permit 7137
processing fee not exceeding thirty dollars for agricultural 7138
access, seventy dollars for residential access, and three hundred 7139
dollars for commercial or industrial access. Nothing in this 7140
division prohibits the director from requiring payment of money 7141
consideration for a lease, easement, license, or other interest in 7142
a transportation facility under control of the department of 7143
transportation. 7144

~~(G)~~(7) Permits may be revoked by the director at any time for 7145
a noncompliance with the conditions imposed. 7146

~~(H)~~(8) As a condition precedent to the issuance of any permit 7147
for telecommunications facilities or carbon capture and storage 7148
pipelines, the director shall require the applicant to provide 7149
proof it is party to a lease, easement, or license for the 7150
construction, placement, or operation of such facility or pipeline 7151
in or on a transportation facility. 7152

(B) Except as otherwise provided in this section and section 7153
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 7154
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 7155
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 7156
telephone and electric light and power companies from 7157
constructing, maintaining, and using telephone or electric light 7158
and power lines along and upon such roads or highways under 7159
section 4933.14 or other sections of the Revised Code, or to 7160
affect existing rights of any such companies, or to require such 7161
companies to obtain a permit from the director, except with 7162
respect to the location of poles, wires, conduits, and other 7163
equipment comprising lines on or beneath the surface of such road 7164
or highways. 7165

(C) This section does not prohibit steam or electric railroad 7166
companies from constructing tracks across such roads or highways, 7167
nor authorize the director to grant permission to any company 7168
owning, operating, controlling, or managing a steam railroad or 7169
interurban railway in this state to build a new line of railroad, 7170
or to change or alter the location of existing tracks across any 7171
road or highway on the state highway system at grade. No such 7172
company shall change the elevation of any of its tracks across 7173
such road or highway except in accordance with plans and 7174
specifications first approved by the director. 7175

(D) This section does not relieve any individual, firm, or 7176
corporation from the obligation of satisfying any claim or demand 7177
of an owner of lands abutting on such road or highway on the state 7178
highway system on account of placing in such road or highway a 7179
burden in addition to public travel. 7180

Sec. 5517.02. (A) Before undertaking the construction, 7181
reconstruction by widening or resurfacing, or improvement of a 7182
state highway, or a bridge or culvert thereon, or the installation 7183

of a traffic control signal on a state highway, the director of 7184
transportation, except as provided in section 5517.021 of the 7185
Revised Code, shall make an estimate of the cost of the work using 7186
the force account project assessment form developed by the auditor 7187
of state under section 117.16 of the Revised Code. ~~In~~ 7188
~~constructing, or reconstructing by widening or resurfacing,~~ 7189
~~improving, maintaining, and repairing state highways, and the~~ 7190
~~bridges and culverts thereon, and in installing, maintaining, and~~ 7191
~~repairing traffic control signals on state highways, the director,~~ 7192
~~except as provided in division (B) of this section, shall proceed~~ 7193
~~by contract let to the lowest competent and responsible bidder,~~ 7194
~~after advertisement as provided in section 5525.01 of the Revised~~ 7195
Code When a force account project assessment form is required, the 7196
estimate shall include costs for subcontracted work and any 7197
competitively bid component costs. 7198

(B)(1) ~~Where the work contemplated is the construction of a~~ 7199
~~bridge or culvert, or the installation of a traffic control~~ 7200
~~signal, estimated to cost not more than fifty thousand dollars,~~ 7201
~~the director may proceed by employing labor, purchasing materials,~~ 7202
~~and furnishing equipment.~~ 7203

~~(2) The~~ After complying with division (A) of this section, 7204
the director may also proceed without competitive bidding with 7205
maintenance or repair work by employing labor, purchasing 7206
materials, and furnishing equipment, provided if the total 7207
estimated cost of the completed operation, or series of connected 7208
operations, does not exceed ~~twenty five~~ the following, as adjusted 7209
under division (B)(2) of this section: 7210

(a) Thirty thousand dollars per centerline mile of highway, 7211
exclusive of structures and traffic control signals, ~~or fifty;~~ 7212

(b) Sixty thousand dollars for any single ~~structure or~~ 7213
traffic control signal or any other single project. 7214

+3)(2) On the first day of July of every odd-numbered year 7215
beginning in 2015, the director shall increase the amounts 7216
established in division (B)(1) of this section by an amount not to 7217
exceed the lesser of three per cent, or the percentage amount of 7218
any increase in the department of transportation's construction 7219
cost index as annualized and totaled for the prior two calendar 7220
years. The director shall publish the applicable amounts on the 7221
department's internet web site. 7222

(C) The director may proceed by furnishing equipment, 7223
purchasing materials, and employing labor in the erection of 7224
temporary bridges or the making of temporary repairs to a highway 7225
or bridge rendered necessary by flood, landslide, or other 7226
extraordinary emergency. If the director determines inability to 7227
complete such emergency work by force account, the director may 7228
contract for any part of the work, with or without advertising for 7229
bids, as the director considers for the best interest of the 7230
department of transportation. 7231

(D) When a project proceeds by force account under this 7232
section or section 5517.021 of the Revised Code, the department of 7233
transportation shall perform the work in compliance with any 7234
project requirements and specifications that would have applied if 7235
a contract for the work had been let by competitive bidding. The 7236
department shall retain in the project record all records 7237
documenting materials testing compliance, materials placement 7238
compliance, actual personnel and equipment hours usage, and all 7239
other documentation that would have been required if a contract 7240
for the work had been let by competitive bidding. 7241

(E) The director shall proceed by competitive bidding to let 7242
work to the lowest competent and responsible bidder after 7243
advertisement as provided in section 5525.01 of the Revised Code 7244
in both of the following situations: 7245

(1) When the scope of work exceeds the limits established in 7246

section 5517.021 of the Revised Code; 7247

(2) When the estimated cost for a project, other than work 7248
described in section 5517.021 of the Revised Code, exceeds the 7249
amounts established in division (B) of this section, as adjusted. 7250

Sec. 5517.021. (A)(1) The director of transportation may 7251
proceed without competitive bidding by employing labor, purchasing 7252
materials, and furnishing equipment to do any of the following 7253
work: 7254

(a) Replace any single span bridge in its substantial 7255
entirety or widen any single span bridge, including necessary 7256
modifications to accommodate widening the existing substructure 7257
and wing walls. The director shall proceed under division 7258
(A)(1)(a) of this section only if the deck area of the new or 7259
widened bridge does not exceed seven hundred square feet as 7260
measured around the outside perimeter of the deck. 7261

(b) Replace the bearings, beams, and deck of any bridge on 7262
that bridge's existing foundation if the deck area of the 7263
rehabilitated structure does not exceed eight hundred square feet; 7264

(c) Construct or replace any single cell or multi-cell 7265
culvert whose total waterway opening does not exceed fifty-two 7266
square feet; 7267

(d) Pave or patch an asphalt surface if the operation does 7268
not exceed one hundred twenty tons of asphalt per lane-mile of 7269
roadway length, except that the department shall not perform a 7270
continuous resurfacing operation under this section if the cost of 7271
the work exceeds the amount established in division (B)(1)(a) of 7272
section 5517.02 of the Revised Code, as adjusted. 7273

(2) Work performed in accordance with division (A)(1) of this 7274
section may include approach roadway work, extending not more than 7275
one hundred fifty feet as measured from the back side of the 7276

bridge abutment wall or outside edge of the culvert, as 7277
applicable. The length of an approach guardrail shall be in 7278
accordance with department of transportation design requirements 7279
and shall not be included in the approach work size limitation. 7280

(B) The requirements of section 117.16 of the Revised Code 7281
shall not apply to work described in division (A) of this section 7282
and the work shall be exempt from audit for force account purposes 7283
except to determine compliance with the applicable size or tonnage 7284
restrictions. 7285

Sec. 5525.01. Before entering into a contract, the director 7286
of transportation shall advertise for bids for two consecutive 7287
weeks in one newspaper of general circulation published in the 7288
county in which the improvement or part thereof is located, but if 7289
there is no such newspaper then in one newspaper having general 7290
circulation in an adjacent county. In the alternative, the 7291
director may advertise for bids as provided in section 7.16 of the 7292
Revised Code. The director may advertise for bids in such other 7293
publications as the director considers advisable. Such notices 7294
shall state that plans and specifications for the improvement are 7295
on file in the office of the director and the district deputy 7296
director of the district in which the improvement or part thereof 7297
is located and the time within which bids therefor will be 7298
received. 7299

Each bidder shall be required to file with the bidder's bid a 7300
bid guaranty in the form of a certified check, a cashier's check, 7301
or an electronic funds transfer to the treasurer of state that is 7302
evidenced by a receipt or by a certification to the director of 7303
transportation in a form prescribed by the director that an 7304
electronic funds transfer has been made to the treasurer of state, 7305
for an amount equal to five per cent of the bidder's bid, but in 7306
no event more than fifty thousand dollars, or a bid bond for ten 7307

per cent of the bidder's bid, payable to the director, which 7308
check, transferred sum, or bond shall be forthwith returned to the 7309
bidder in case the contract is awarded to another bidder, or, in 7310
case of a successful bidder, when the bidder has entered into a 7311
contract and furnished the bonds required by section 5525.16 of 7312
the Revised Code. In the event the contract is awarded to a 7313
bidder, and the bidder fails or refuses to furnish the bonds as 7314
required by section 5525.16 of the Revised Code, the check, 7315
transferred sum, or bid bond filed with the bidder's bid shall be 7316
forfeited as liquidated damages. No bidder shall be required 7317
either to file a signed contract with the bidder's bid, to enter 7318
into a contract, or to furnish the contract performance bond and 7319
the payment bond required by that section until the bids have been 7320
opened and the bidder has been notified by the director that the 7321
bidder is awarded the contract. 7322

The director shall permit a bidder to withdraw the bidder's 7323
bid from consideration, without forfeiture of the check, 7324
transferred sum, or bid bond filed with the bid, providing a 7325
written request together with a sworn statement of the grounds for 7326
such withdrawal is delivered within forty-eight hours after the 7327
time established for the receipt of bids, and if the price bid was 7328
substantially lower than the other bids, providing the bid was 7329
submitted in good faith, and the reason for the price bid being 7330
substantially lower was a clerical mistake evident on the face of 7331
the bid, as opposed to a judgment mistake, and was actually due to 7332
an unintentional and substantial arithmetic error or an 7333
unintentional omission of a substantial quantity of work, labor, 7334
or material made directly in the compilation of the bid. In the 7335
event the director decides the conditions for withdrawal have not 7336
been met, the director may award the contract to such bidder. If 7337
such bidder does not then enter into a contract and furnish the 7338
contract bond as required by law, the director may declare 7339
forfeited the check, transferred sum, or bid bond as liquidated 7340

damages and award the contract to the next higher bidder or reject 7341
the remaining bids and readvertise the project for bids. Such 7342
bidder ~~may~~, within thirty days, may appeal the decision of the 7343
director to the court of common pleas of Franklin county and the 7344
court may affirm or reverse the decision of the director and may 7345
order the director to refund the amount of the forfeiture. At the 7346
hearing before the common pleas court evidence may be introduced 7347
for and against the decision of the director. The decision of the 7348
common pleas court may be appealed as in other cases. 7349

There is hereby created the ODOT letting fund, which shall be 7350
in the custody of the treasurer of state but shall not be part of 7351
the state treasury. All certified checks and cashiers' checks 7352
received with bidders' bids, and all sums transferred to the 7353
treasurer of state by electronic funds transfer in connection with 7354
bidders' bids, under this section shall be credited to the fund. 7355
All such bid guaranties shall be held in the fund until a 7356
determination is made as to the final disposition of the money. If 7357
the department determines that any such bid guaranty is no longer 7358
required to be held, the amount of the bid guaranty shall be 7359
returned to the appropriate bidder. If the department determines 7360
that a bid guaranty under this section shall be forfeited, the 7361
amount of the bid guaranty shall be transferred or, in the case of 7362
money paid on a forfeited bond, deposited into the state treasury, 7363
to the credit of the highway operating fund. Any investment 7364
earnings of the ODOT letting fund shall be distributed as the 7365
treasurer of state considers appropriate. 7366

The director shall require all bidders to furnish the 7367
director, upon such forms as the director may prescribe, detailed 7368
information with respect to all pending work of the bidder, 7369
whether with the department of transportation or otherwise, 7370
together with such other information as the director considers 7371
necessary. 7372

In the event a bidder fails to submit anything required to be submitted with the bid and then fails or refuses to so submit such at the request of the director, the failure or refusal constitutes grounds for the director, in the director's discretion, to declare as forfeited the bid guaranty submitted with the bid.

The director may reject any or all bids. Except in regard to contracts for environmental remediation and specialty work for which there are no classes of work set out in the rules adopted by the director, if the director awards the contract, the director shall award it to the lowest competent and responsible bidder as defined by rules adopted by the director under section 5525.05 of the Revised Code, who is qualified to bid under sections 5525.02 to 5525.09 of the Revised Code. In regard to contracts for environmental remediation and specialty work for which there are no classes of work set out in the rules adopted by the director, the director shall competitively bid the projects in accordance with this chapter and shall award the contracts to the lowest and best bidder.

The award for all projects competitively let by the director under this section shall be made within ten days after the date on which the bids are opened, and the successful bidder shall enter into a contract and furnish a contract performance bond and a payment bond, as provided for in section 5525.16 of the Revised Code, within ten days after the bidder is notified that the bidder has been awarded the contract.

The director may insert in any contract awarded under this chapter a clause providing for value engineering change proposals, under which a contractor who has been awarded a contract may propose a change in the plans and specifications of the project that saves the department time or money on the project without impairing any of the essential functions and characteristics of the project such as service life, reliability, economy of

operation, ease of maintenance, safety, and necessary standardized 7405
features. If the director adopts the value engineering proposal, 7406
the savings from the proposal shall be divided between the 7407
department and the contractor according to guidelines established 7408
by the director, provided that the contractor shall receive at 7409
least fifty per cent of the savings from the proposal. The 7410
adoption of a value engineering proposal does not invalidate the 7411
award of the contract or require the director to rebid the 7412
project. 7413

Sec. 5525.16. (A) Before entering into a contract, the 7414
director of transportation shall require a contract performance 7415
bond and a payment bond with sufficient sureties, as follows: 7416

(1) A contract performance bond in an amount equal to one 7417
hundred per cent of the ~~estimated cost of the work~~ contract 7418
amount, conditioned, among other things, that the contractor will 7419
perform the work upon the terms proposed, within the time 7420
prescribed, and in accordance with the plans and specifications, 7421
will indemnify the state against any damage that may result from 7422
any failure of the contractor to so perform, and, further, in case 7423
of a grade separation will indemnify any railroad company involved 7424
against any damage that may result by reason of the negligence of 7425
the contractor in making the improvement. 7426

(2) A payment bond in an amount equal to one hundred per cent 7427
of the ~~estimated cost of the work~~ contract amount, conditioned for 7428
the payment by the contractor and all subcontractors for labor or 7429
work performed or materials furnished in connection with the work, 7430
improvement, or project involved. 7431

(B) In no case is the state liable for damages sustained in 7432
the construction of any work, improvement, or project under this 7433
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 7434
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 7435

5535. of the Revised Code. 7436

This section does not require the director to take bonds as 7437
described in division (A) of this section in connection with any 7438
force account work, but the director may require those bonds in 7439
connection with force account work. 7440

If any bonds taken under this section are executed by a 7441
surety company, the director may not approve such bonds unless 7442
there is attached a certificate of the superintendent of insurance 7443
that the company is authorized to transact business in this state, 7444
and a copy of the power of attorney of the agent of the company. 7445
The superintendent, upon request, shall issue to any licensed 7446
agent of such company the certificate without charge. 7447

The bonds required to be taken under this section shall be 7448
executed by the same surety, approved by the director as to 7449
sufficiency of the sureties, and be in the form prescribed by the 7450
attorney general. 7451

(C) Any person to whom any money is due for labor or work 7452
performed or materials furnished in connection with a work, 7453
improvement, or project, at any time after performing the labor or 7454
furnishing the materials but not later than ninety days after the 7455
acceptance of the work, improvement, or project by the director, 7456
may furnish to the sureties on the payment bond a statement of the 7457
amount due the person. If the indebtedness is not paid in full at 7458
the expiration of sixty days after the statement is furnished, the 7459
person may commence an action in the person's own name upon the 7460
bond as provided in sections 2307.06 and 2307.07 of the Revised 7461
Code. 7462

An action shall not be commenced against the sureties on a 7463
payment bond until sixty days after the furnishing of the 7464
statement described in this section or, notwithstanding section 7465
2305.12 of the Revised Code, later than one year after the date of 7466

the acceptance of the work, improvement, or project. 7467

(D) As used in this section, "improvement," "subcontractor," 7468
"material supplier," and "materials" have the same meanings as in 7469
section 1311.01 of the Revised Code, and "contractor" has the same 7470
meaning as "original contractor" as defined in that section. 7471

Sec. 5553.051. The board of county commissioners may 7472
establish a reasonable fee to cover the costs the county incurs in 7473
proceedings to vacate a public road as provided in this chapter, 7474
including the costs the county incurs in providing published 7475
notice and mailed notice as required by section 5553.05 of the 7476
Revised Code. The board may require an initial deposit to be paid 7477
at the time a petition for vacation of a road is filed under 7478
section 5553.04 of the Revised Code or promptly thereafter. The 7479
clerk of the board shall maintain an accurate and detailed 7480
accounting of all funds received and expended in the processing of 7481
a petition for vacation of a road. 7482

Sec. 5577.04. (A) The maximum wheel load of any one wheel of 7483
any vehicle, trackless trolley, load, object, or structure 7484
operated or moved upon improved public highways, streets, bridges, 7485
or culverts shall not exceed six hundred fifty pounds per inch 7486
width of pneumatic tire, measured as prescribed by section 5577.03 7487
of the Revised Code. 7488

(B) The weight of vehicle and load imposed upon a road 7489
surface that is part of the interstate system by vehicles with 7490
pneumatic tires shall not exceed any of the following weight 7491
limitations: 7492

(1) On any one axle, twenty thousand pounds; 7493

(2) On any tandem axle, thirty-four thousand pounds; 7494

(3) On any two or more consecutive axles, the maximum weight 7495
as determined by application of the formula provided in division 7496

(C) of this section. 7497

(C) For purposes of division (B)(3) of this section, the 7498
maximum gross weight on any two or more consecutive axles shall be 7499
determined by application of the following formula: 7500

$$W = 500((LN/N-1) + 12N + 36). \quad 7501$$

In this formula, W equals the overall gross weight on any 7502
group of two or more consecutive axles to the nearest five hundred 7503
pounds, L equals the distance in rounded whole feet between the 7504
extreme of any group of two or more consecutive axles, and N 7505
equals the number of axles in the group under consideration. 7506
However, two consecutive sets of tandem axles may carry a gross 7507
load of thirty-four thousand pounds each, provided the overall 7508
distance between the first and last axles of such consecutive sets 7509
of tandem axles is thirty-six feet or more. 7510

(D) Except as provided in division (I) of this section, the 7511
weight of vehicle and load imposed upon a road surface that is not 7512
part of the interstate system by vehicles with pneumatic tires 7513
shall not exceed any of the following weight limitations: 7514

(1) On any one axle, twenty thousand pounds; 7515

(2) On any two successive axles: 7516

(a) Spaced four feet or less apart, and weighed 7517
simultaneously, twenty-four thousand pounds; 7518

(b) Spaced more than four feet apart, and weighed 7519
simultaneously, thirty-four thousand pounds, plus one thousand 7520
pounds per foot or fraction thereof, over four feet, not to exceed 7521
forty thousand pounds. 7522

(3) On any three successive load-bearing axles designed to 7523
equalize the load between such axles and spaced so that each such 7524
axle of the three-axle group is more than four feet from the next 7525
axle in the three-axle group and so that the spacing between the 7526

first axle and the third axle of the three-axle group is no more 7527
than nine feet, and with such load-bearing three-axle group 7528
weighed simultaneously as a unit: 7529

(a) Forty-eight thousand pounds, with the total weight of 7530
vehicle and load not exceeding thirty-eight thousand pounds plus 7531
an additional nine hundred pounds for each foot of spacing between 7532
the front axle and the rearmost axle of the vehicle; 7533

(b) As an alternative to division (D)(3)(a) of this section, 7534
forty-two thousand five hundred pounds, if part of a six-axle 7535
vehicle combination with at least twenty feet of spacing between 7536
the front axle and rearmost axle, with the total weight of vehicle 7537
and load not exceeding fifty-four thousand pounds plus an 7538
additional six hundred pounds for each foot of spacing between the 7539
front axle and the rearmost axle of the vehicle. 7540

(4) The total weight of vehicle and load utilizing any 7541
combination of axles, other than as provided for three-axle groups 7542
in division (D) of this section, shall not exceed thirty-eight 7543
thousand pounds plus an additional nine hundred pounds for each 7544
foot of spacing between the front axle and rearmost axle of the 7545
vehicle. 7546

(E)(1) Notwithstanding divisions (B) and (D) of this section, 7547
the maximum overall gross weight of vehicle and load imposed upon 7548
the road surface of an interstate and other roads that are not 7549
part of the state highway system shall not exceed eighty thousand 7550
pounds. 7551

(2) Notwithstanding divisions (B) and (D) of this section, 7552
the maximum overall gross weight of a vehicle and load imposed 7553
upon the road surface of a road that is part of the state highway 7554
system and is not an interstate shall not exceed ninety thousand 7555
pounds. 7556

(F) Notwithstanding any other provision of law, when a 7557

vehicle is towing another vehicle, such drawbar or other 7558
connection shall be of a length such as will limit the spacing 7559
between nearest axles of the respective vehicles to a distance not 7560
in excess of twelve feet and six inches. 7561

(G) As used in division (B) of this section, "tandem axle" 7562
means two or more consecutive axles whose centers may be included 7563
between parallel transverse vertical planes spaced more than forty 7564
inches but not more than ninety-six inches apart, extending across 7565
the full width of the vehicle. 7566

(H) This section does not apply to passenger bus type 7567
vehicles operated by a regional transit authority pursuant to 7568
sections 306.30 to 306.54 of the Revised Code. 7569

(I) Either division (B) or (D) of this section applies to the 7570
weight of a vehicle and its load imposed upon any road surface 7571
that is not a part of the interstate system by vehicles with 7572
pneumatic tires. As between divisions (B) and (D) of this section, 7573
only the division that yields the highest total gross vehicle 7574
weight limit shall be applied to any such vehicle. Once that 7575
division is determined, only the limits contained in the 7576
subdivisions of that division shall apply to that vehicle. 7577

Sec. 5577.05. (A) No vehicle shall be operated upon the 7578
public highways, streets, bridges, and culverts within the state, 7579
whose dimensions exceed those specified in this section. 7580

(B) No such vehicle shall have a width in excess of: 7581

(1) One hundred four inches for passenger bus type vehicles 7582
operated exclusively within municipal corporations; 7583

(2) One hundred two inches, excluding such safety devices as 7584
are required by law, for passenger bus type vehicles operated over 7585
freeways, and such other state roads with minimum pavement widths 7586
of twenty-two feet, except those roads or portions of roads over 7587

which operation of one hundred two-inch buses is prohibited by 7588
order of the director of transportation; 7589

(3) One hundred thirty-two inches for traction engines; 7590

(4) One hundred two inches for recreational vehicles, 7591
excluding safety devices and retracted awnings and other 7592
appurtenances of six inches or less in width and except that the 7593
director may prohibit the operation of one hundred two inch 7594
recreational vehicles on designated state highways or portions of 7595
highways; 7596

(5) One hundred two inches, including load, for all other 7597
vehicles, except that the director may prohibit the operation of 7598
one hundred two-inch vehicles on such state highways or portions 7599
of state highways as the director designates. 7600

(C) No such vehicle shall have a length in excess of: 7601

(1) Sixty-six feet for passenger bus type vehicles and 7602
articulated passenger bus type vehicles operated by a regional 7603
transit authority pursuant to sections 306.30 to 306.54 of the 7604
Revised Code; 7605

(2) Forty-five feet for all other passenger bus type 7606
vehicles; 7607

(3) Fifty-three feet for any semitrailer when operated in a 7608
commercial tractor-semitrailer combination, with or without load, 7609
except that the director may prohibit the operation of any such 7610
commercial tractor-semitrailer combination on such state highways 7611
or portions of state highways as the director designates. 7612

(4) Twenty-eight and one-half feet for any semitrailer or 7613
trailer when operated in a commercial tractor-semitrailer-trailer 7614
or commercial tractor-semitrailer-semitrailer combination, except 7615
that the director may prohibit the operation of any such 7616
commercial tractor-semitrailer-trailer or commercial 7617

tractor-semitrailer-semitrailer combination on such state highways 7618
or portions of state highways as the director designates; 7619

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 7620
transporter combinations and drive-away saddlemount with fullmount 7621
vehicle transporter combinations when operated on any interstate, 7622
United States route, or state route, including reasonable access 7623
travel on all other roadways for a distance not to exceed one road 7624
mile from any interstate, United States route, or state route, not 7625
to exceed three saddlemounted vehicles, but which may include one 7626
fullmount; 7627

(b) Seventy-five feet for drive-away saddlemount vehicle 7628
transporter combinations and drive-away saddlemount with fullmount 7629
vehicle transporter combinations, when operated on any roadway not 7630
designated as an interstate, United States route, or state route, 7631
not to exceed three saddlemounted vehicles, but which may include 7632
one fullmount; 7633

(6) Sixty-five feet for any other combination of vehicles 7634
coupled together, with or without load, except as provided in 7635
divisions (C)(3) and (4), and in division (E) of this section; 7636

(7) Forty-five feet for recreational vehicles; 7637

(8) ~~Forty~~ Fifty feet for all other vehicles except trailers 7638
and semitrailers, with or without load. 7639

(D) No such vehicle shall have a height in excess of thirteen 7640
feet six inches, with or without load. 7641

(E) An automobile transporter or boat transporter shall be 7642
allowed a length of sixty-five feet and a stinger-steered 7643
automobile transporter or stinger-steered boat transporter shall 7644
be allowed a length of seventy-five feet, except that the load 7645
thereon may extend no more than four feet beyond the rear of such 7646
vehicles and may extend no more than three feet beyond the front 7647
of such vehicles, and except further that the director may 7648

prohibit the operation of a stinger-steered automobile 7649
transporter, stinger-steered boat transporter, or a B-train 7650
assembly on any state highway or portion of any state highway that 7651
the director designates. 7652

(F) The widths prescribed in division (B) of this section 7653
shall not include side mirrors, turn signal lamps, marker lamps, 7654
handholds for cab entry and egress, flexible fender extensions, 7655
mud flaps, splash and spray suppressant devices, and load-induced 7656
tire bulge. 7657

The width prescribed in division (B)(5) of this section shall 7658
not include automatic covering devices, tarp and tarp hardware, 7659
and tiedown assemblies, provided these safety devices do not 7660
extend more than three inches from each side of the vehicle. 7661

The lengths prescribed in divisions (C)(2) to (8) of this 7662
section shall not include safety devices, bumpers attached to the 7663
front or rear of such bus or combination, nonproperty carrying 7664
devices or components that do not extend more than twenty-four 7665
inches beyond the rear of the vehicle and are needed for loading 7666
or unloading, B-train assembly used between the first and second 7667
semitrailer of a commercial tractor-semitrailer-semitrailer 7668
combination, energy conservation devices as provided in any 7669
regulations adopted by the secretary of the United States 7670
department of transportation, or any noncargo-carrying 7671
refrigeration equipment attached to the front of trailers and 7672
semitrailers. In special cases, vehicles whose dimensions exceed 7673
those prescribed by this section may operate in accordance with 7674
rules adopted by the director. 7675

(G) This section does not apply to fire engines, fire trucks, 7676
or other vehicles or apparatus belonging to any municipal 7677
corporation or to the volunteer fire department of any municipal 7678
corporation or used by such department in the discharge of its 7679
functions. This section does not apply to vehicles and pole 7680

trailers used in the transportation of wooden and metal poles, nor 7681
to the transportation of pipes or well-drilling equipment, nor to 7682
farm machinery and equipment. ~~The~~ 7683

The owner or operator of any vehicle, machinery, or equipment 7684
not specifically enumerated in this section but the dimensions of 7685
which exceed the dimensions provided by this section, when 7686
operating the same on the highways and streets of this state, 7687
shall comply with the rules of the director governing such 7688
movement that the director may adopt. Sections 119.01 to 119.13 of 7689
the Revised Code apply to any rules the director adopts under this 7690
section, or the amendment or rescission of the rules, and any 7691
person adversely affected shall have the same right of appeal as 7692
provided in those sections. 7693

This section does not require the state, a municipal 7694
corporation, county, township, or any railroad or other private 7695
corporation to provide sufficient vertical clearance to permit the 7696
operation of such vehicle, or to make any changes in or about 7697
existing structures now crossing streets, roads, and other public 7698
thoroughfares in this state. 7699

(H) As used in this section, "recreational vehicle" has the 7700
same meaning as in section 4501.01 of the Revised Code. 7701

Sec. 5739.02. For the purpose of providing revenue with which 7702
to meet the needs of the state, for the use of the general revenue 7703
fund of the state, for the purpose of securing a thorough and 7704
efficient system of common schools throughout the state, for the 7705
purpose of affording revenues, in addition to those from general 7706
property taxes, permitted under constitutional limitations, and 7707
from other sources, for the support of local governmental 7708
functions, and for the purpose of reimbursing the state for the 7709
expense of administering this chapter, an excise tax is hereby 7710
levied on each retail sale made in this state. 7711

(A)(1) The tax shall be collected as provided in section 7712
5739.025 of the Revised Code. The rate of the tax shall be five 7713
and one-half per cent. The tax applies and is collectible when the 7714
sale is made, regardless of the time when the price is paid or 7715
delivered. 7716

(2) In the case of the lease or rental, with a fixed term of 7717
more than thirty days or an indefinite term with a minimum period 7718
of more than thirty days, of any motor vehicles designed by the 7719
manufacturer to carry a load of not more than one ton, watercraft, 7720
outboard motor, or aircraft, or of any tangible personal property, 7721
other than motor vehicles designed by the manufacturer to carry a 7722
load of more than one ton, to be used by the lessee or renter 7723
primarily for business purposes, the tax shall be collected by the 7724
vendor at the time the lease or rental is consummated and shall be 7725
calculated by the vendor on the basis of the total amount to be 7726
paid by the lessee or renter under the lease agreement. If the 7727
total amount of the consideration for the lease or rental includes 7728
amounts that are not calculated at the time the lease or rental is 7729
executed, the tax shall be calculated and collected by the vendor 7730
at the time such amounts are billed to the lessee or renter. In 7731
the case of an open-end lease or rental, the tax shall be 7732
calculated by the vendor on the basis of the total amount to be 7733
paid during the initial fixed term of the lease or rental, and for 7734
each subsequent renewal period as it comes due. As used in this 7735
division, "motor vehicle" has the same meaning as in section 7736
4501.01 of the Revised Code, and "watercraft" includes an outdrive 7737
unit attached to the watercraft. 7738

A lease with a renewal clause and a termination penalty or 7739
similar provision that applies if the renewal clause is not 7740
exercised is presumed to be a sham transaction. In such a case, 7741
the tax shall be calculated and paid on the basis of the entire 7742
length of the lease period, including any renewal periods, until 7743

the termination penalty or similar provision no longer applies. 7744
The taxpayer shall bear the burden, by a preponderance of the 7745
evidence, that the transaction or series of transactions is not a 7746
sham transaction. 7747

(3) Except as provided in division (A)(2) of this section, in 7748
the case of a sale, the price of which consists in whole or in 7749
part of the lease or rental of tangible personal property, the tax 7750
shall be measured by the installments of that lease or rental. 7751

(4) In the case of a sale of a physical fitness facility 7752
service or recreation and sports club service, the price of which 7753
consists in whole or in part of a membership for the receipt of 7754
the benefit of the service, the tax applicable to the sale shall 7755
be measured by the installments thereof. 7756

(B) The tax does not apply to the following: 7757

(1) Sales to the state or any of its political subdivisions, 7758
or to any other state or its political subdivisions if the laws of 7759
that state exempt from taxation sales made to this state and its 7760
political subdivisions; 7761

(2) Sales of food for human consumption off the premises 7762
where sold; 7763

(3) Sales of food sold to students only in a cafeteria, 7764
dormitory, fraternity, or sorority maintained in a private, 7765
public, or parochial school, college, or university; 7766

(4) Sales of newspapers and of magazine subscriptions and 7767
sales or transfers of magazines distributed as controlled 7768
circulation publications; 7769

(5) The furnishing, preparing, or serving of meals without 7770
charge by an employer to an employee provided the employer records 7771
the meals as part compensation for services performed or work 7772
done; 7773

(6) Sales of motor fuel upon receipt, use, distribution, or 7774
sale of which in this state a tax is imposed by the law of this 7775
state, but this exemption shall not apply to the sale of motor 7776
fuel on which a refund of the tax is allowable under division (A) 7777
of section 5735.14 of the Revised Code; and the tax commissioner 7778
may deduct the amount of tax levied by this section applicable to 7779
the price of motor fuel when granting a refund of motor fuel tax 7780
pursuant to division (A) of section 5735.14 of the Revised Code 7781
and shall cause the amount deducted to be paid into the general 7782
revenue fund of this state; 7783

(7) Sales of natural gas by a natural gas company, of water 7784
by a water-works company, or of steam by a heating company, if in 7785
each case the thing sold is delivered to consumers through pipes 7786
or conduits, and all sales of communications services by a 7787
telegraph company, all terms as defined in section 5727.01 of the 7788
Revised Code, and sales of electricity delivered through wires; 7789

(8) Casual sales by a person, or auctioneer employed directly 7790
by the person to conduct such sales, except as to such sales of 7791
motor vehicles, watercraft or outboard motors required to be 7792
titled under section 1548.06 of the Revised Code, watercraft 7793
documented with the United States coast guard, snowmobiles, and 7794
all-purpose vehicles as defined in section 4519.01 of the Revised 7795
Code; 7796

(9)(a) Sales of services or tangible personal property, other 7797
than motor vehicles, mobile homes, and manufactured homes, by 7798
churches, organizations exempt from taxation under section 7799
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 7800
organizations operated exclusively for charitable purposes as 7801
defined in division (B)(12) of this section, provided that the 7802
number of days on which such tangible personal property or 7803
services, other than items never subject to the tax, are sold does 7804
not exceed six in any calendar year, except as otherwise provided 7805

in division (B)(9)(b) of this section. If the number of days on 7806
which such sales are made exceeds six in any calendar year, the 7807
church or organization shall be considered to be engaged in 7808
business and all subsequent sales by it shall be subject to the 7809
tax. In counting the number of days, all sales by groups within a 7810
church or within an organization shall be considered to be sales 7811
of that church or organization. 7812

(b) The limitation on the number of days on which tax-exempt 7813
sales may be made by a church or organization under division 7814
(B)(9)(a) of this section does not apply to sales made by student 7815
clubs and other groups of students of a primary or secondary 7816
school, or a parent-teacher association, booster group, or similar 7817
organization that raises money to support or fund curricular or 7818
extracurricular activities of a primary or secondary school. 7819

(c) Divisions (B)(9)(a) and (b) of this section do not apply 7820
to sales by a noncommercial educational radio or television 7821
broadcasting station. 7822

(10) Sales not within the taxing power of this state under 7823
the Constitution of the United States; 7824

(11) Except for transactions that are sales under division 7825
(B)(3)(r) of section 5739.01 of the Revised Code, the 7826
transportation of persons or property, unless the transportation 7827
is by a private investigation and security service; 7828

(12) Sales of tangible personal property or services to 7829
churches, to organizations exempt from taxation under section 7830
501(c)(3) of the Internal Revenue Code of 1986, and to any other 7831
nonprofit organizations operated exclusively for charitable 7832
purposes in this state, no part of the net income of which inures 7833
to the benefit of any private shareholder or individual, and no 7834
substantial part of the activities of which consists of carrying 7835
on propaganda or otherwise attempting to influence legislation; 7836

sales to offices administering one or more homes for the aged or 7837
one or more hospital facilities exempt under section 140.08 of the 7838
Revised Code; and sales to organizations described in division (D) 7839
of section 5709.12 of the Revised Code. 7840

"Charitable purposes" means the relief of poverty; the 7841
improvement of health through the alleviation of illness, disease, 7842
or injury; the operation of an organization exclusively for the 7843
provision of professional, laundry, printing, and purchasing 7844
services to hospitals or charitable institutions; the operation of 7845
a home for the aged, as defined in section 5701.13 of the Revised 7846
Code; the operation of a radio or television broadcasting station 7847
that is licensed by the federal communications commission as a 7848
noncommercial educational radio or television station; the 7849
operation of a nonprofit animal adoption service or a county 7850
humane society; the promotion of education by an institution of 7851
learning that maintains a faculty of qualified instructors, 7852
teaches regular continuous courses of study, and confers a 7853
recognized diploma upon completion of a specific curriculum; the 7854
operation of a parent-teacher association, booster group, or 7855
similar organization primarily engaged in the promotion and 7856
support of the curricular or extracurricular activities of a 7857
primary or secondary school; the operation of a community or area 7858
center in which presentations in music, dramatics, the arts, and 7859
related fields are made in order to foster public interest and 7860
education therein; the production of performances in music, 7861
dramatics, and the arts; or the promotion of education by an 7862
organization engaged in carrying on research in, or the 7863
dissemination of, scientific and technological knowledge and 7864
information primarily for the public. 7865

Nothing in this division shall be deemed to exempt sales to 7866
any organization for use in the operation or carrying on of a 7867
trade or business, or sales to a home for the aged for use in the 7868

operation of independent living facilities as defined in division 7869
(A) of section 5709.12 of the Revised Code. 7870

(13) Building and construction materials and services sold to 7871
construction contractors for incorporation into a structure or 7872
improvement to real property under a construction contract with 7873
this state or a political subdivision of this state, or with the 7874
United States government or any of its agencies; building and 7875
construction materials and services sold to construction 7876
contractors for incorporation into a structure or improvement to 7877
real property that are accepted for ownership by this state or any 7878
of its political subdivisions, or by the United States government 7879
or any of its agencies at the time of completion of the structures 7880
or improvements; building and construction materials sold to 7881
construction contractors for incorporation into a horticulture 7882
structure or livestock structure for a person engaged in the 7883
business of horticulture or producing livestock; building 7884
materials and services sold to a construction contractor for 7885
incorporation into a house of public worship or religious 7886
education, or a building used exclusively for charitable purposes 7887
under a construction contract with an organization whose purpose 7888
is as described in division (B)(12) of this section; building 7889
materials and services sold to a construction contractor for 7890
incorporation into a building under a construction contract with 7891
an organization exempt from taxation under section 501(c)(3) of 7892
the Internal Revenue Code of 1986 when the building is to be used 7893
exclusively for the organization's exempt purposes; building and 7894
construction materials sold for incorporation into the original 7895
construction of a sports facility under section 307.696 of the 7896
Revised Code; building and construction materials and services 7897
sold to a construction contractor for incorporation into real 7898
property outside this state if such materials and services, when 7899
sold to a construction contractor in the state in which the real 7900
property is located for incorporation into real property in that 7901

state, would be exempt from a tax on sales levied by that state; 7902
and, until one calendar year after the construction of a 7903
convention center that qualifies for property tax exemption under 7904
section 5709.084 of the Revised Code is completed, building and 7905
construction materials and services sold to a construction 7906
contractor for incorporation into the real property comprising 7907
that convention center; 7908

(14) Sales of ships or vessels or rail rolling stock used or 7909
to be used principally in interstate or foreign commerce, and 7910
repairs, alterations, fuel, and lubricants for such ships or 7911
vessels or rail rolling stock; 7912

(15) Sales to persons primarily engaged in any of the 7913
activities mentioned in division (B)(42)(a), (g), or (h) of this 7914
section, to persons engaged in making retail sales, or to persons 7915
who purchase for sale from a manufacturer tangible personal 7916
property that was produced by the manufacturer in accordance with 7917
specific designs provided by the purchaser, of packages, including 7918
material, labels, and parts for packages, and of machinery, 7919
equipment, and material for use primarily in packaging tangible 7920
personal property produced for sale, including any machinery, 7921
equipment, and supplies used to make labels or packages, to 7922
prepare packages or products for labeling, or to label packages or 7923
products, by or on the order of the person doing the packaging, or 7924
sold at retail. "Packages" includes bags, baskets, cartons, 7925
crates, boxes, cans, bottles, bindings, wrappings, and other 7926
similar devices and containers, but does not include motor 7927
vehicles or bulk tanks, trailers, or similar devices attached to 7928
motor vehicles. "Packaging" means placing in a package. Division 7929
(B)(15) of this section does not apply to persons engaged in 7930
highway transportation for hire. 7931

(16) Sales of food to persons using supplemental nutrition 7932
assistance program benefits to purchase the food. As used in this 7933

division, "food" has the same meaning as in 7 U.S.C. 2012 and 7934
federal regulations adopted pursuant to the Food and Nutrition Act 7935
of 2008. 7936

(17) Sales to persons engaged in farming, agriculture, 7937
horticulture, or floriculture, of tangible personal property for 7938
use or consumption primarily in the production by farming, 7939
agriculture, horticulture, or floriculture of other tangible 7940
personal property for use or consumption primarily in the 7941
production of tangible personal property for sale by farming, 7942
agriculture, horticulture, or floriculture; or material and parts 7943
for incorporation into any such tangible personal property for use 7944
or consumption in production; and of tangible personal property 7945
for such use or consumption in the conditioning or holding of 7946
products produced by and for such use, consumption, or sale by 7947
persons engaged in farming, agriculture, horticulture, or 7948
floriculture, except where such property is incorporated into real 7949
property; 7950

(18) Sales of drugs for a human being that may be dispensed 7951
only pursuant to a prescription; insulin as recognized in the 7952
official United States pharmacopoeia; urine and blood testing 7953
materials when used by diabetics or persons with hypoglycemia to 7954
test for glucose or acetone; hypodermic syringes and needles when 7955
used by diabetics for insulin injections; epoetin alfa when 7956
purchased for use in the treatment of persons with medical 7957
disease; hospital beds when purchased by hospitals, nursing homes, 7958
or other medical facilities; and medical oxygen and medical 7959
oxygen-dispensing equipment when purchased by hospitals, nursing 7960
homes, or other medical facilities; 7961

(19) Sales of prosthetic devices, durable medical equipment 7962
for home use, or mobility enhancing equipment, when made pursuant 7963
to a prescription and when such devices or equipment are for use 7964
by a human being. 7965

(20) Sales of emergency and fire protection vehicles and 7966
equipment to nonprofit organizations for use solely in providing 7967
fire protection and emergency services, including trauma care and 7968
emergency medical services, for political subdivisions of the 7969
state; 7970

(21) Sales of tangible personal property manufactured in this 7971
state, if sold by the manufacturer in this state to a retailer for 7972
use in the retail business of the retailer outside of this state 7973
and if possession is taken from the manufacturer by the purchaser 7974
within this state for the sole purpose of immediately removing the 7975
same from this state in a vehicle owned by the purchaser; 7976

(22) Sales of services provided by the state or any of its 7977
political subdivisions, agencies, instrumentalities, institutions, 7978
or authorities, or by governmental entities of the state or any of 7979
its political subdivisions, agencies, instrumentalities, 7980
institutions, or authorities; 7981

(23) Sales of motor vehicles to nonresidents of this state 7982
under the circumstances described in division (B) of section 7983
5739.029 of the Revised Code; 7984

(24) Sales to persons engaged in the preparation of eggs for 7985
sale of tangible personal property used or consumed directly in 7986
such preparation, including such tangible personal property used 7987
for cleaning, sanitizing, preserving, grading, sorting, and 7988
classifying by size; packages, including material and parts for 7989
packages, and machinery, equipment, and material for use in 7990
packaging eggs for sale; and handling and transportation equipment 7991
and parts therefor, except motor vehicles licensed to operate on 7992
public highways, used in intraplant or interplant transfers or 7993
shipment of eggs in the process of preparation for sale, when the 7994
plant or plants within or between which such transfers or 7995
shipments occur are operated by the same person. "Packages" 7996
includes containers, cases, baskets, flats, fillers, filler flats, 7997

cartons, closure materials, labels, and labeling materials, and	7998
"packaging" means placing therein.	7999
(25)(a) Sales of water to a consumer for residential use;	8000
(b) Sales of water by a nonprofit corporation engaged	8001
exclusively in the treatment, distribution, and sale of water to	8002
consumers, if such water is delivered to consumers through pipes	8003
or tubing.	8004
(26) Fees charged for inspection or reinspection of motor	8005
vehicles under section 3704.14 of the Revised Code;	8006
(27) Sales to persons licensed to conduct a food service	8007
operation pursuant to section 3717.43 of the Revised Code, of	8008
tangible personal property primarily used directly for the	8009
following:	8010
(a) To prepare food for human consumption for sale;	8011
(b) To preserve food that has been or will be prepared for	8012
human consumption for sale by the food service operator, not	8013
including tangible personal property used to display food for	8014
selection by the consumer;	8015
(c) To clean tangible personal property used to prepare or	8016
serve food for human consumption for sale.	8017
(28) Sales of animals by nonprofit animal adoption services	8018
or county humane societies;	8019
(29) Sales of services to a corporation described in division	8020
(A) of section 5709.72 of the Revised Code, and sales of tangible	8021
personal property that qualifies for exemption from taxation under	8022
section 5709.72 of the Revised Code;	8023
(30) Sales and installation of agricultural land tile, as	8024
defined in division (B)(5)(a) of section 5739.01 of the Revised	8025
Code;	8026
(31) Sales and erection or installation of portable grain	8027

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and

describes tangible personal property offered for retail sale. 8060

(b) Sales to direct marketing vendors of preliminary 8061
materials such as photographs, artwork, and typesetting that will 8062
be used in printing advertising material; and of printed matter 8063
that offers free merchandise or chances to win sweepstake prizes 8064
and that is mailed to potential customers with advertising 8065
material described in division (B)(35)(a) of this section; 8066

(c) Sales of equipment such as telephones, computers, 8067
facsimile machines, and similar tangible personal property 8068
primarily used to accept orders for direct marketing retail sales. 8069

(d) Sales of automatic food vending machines that preserve 8070
food with a shelf life of forty-five days or less by refrigeration 8071
and dispense it to the consumer. 8072

For purposes of division (B)(35) of this section, "direct 8073
marketing" means the method of selling where consumers order 8074
tangible personal property by United States mail, delivery 8075
service, or telecommunication and the vendor delivers or ships the 8076
tangible personal property sold to the consumer from a warehouse, 8077
catalogue distribution center, or similar fulfillment facility by 8078
means of the United States mail, delivery service, or common 8079
carrier. 8080

(36) Sales to a person engaged in the business of 8081
horticulture or producing livestock of materials to be 8082
incorporated into a horticulture structure or livestock structure; 8083

(37) Sales of personal computers, computer monitors, computer 8084
keyboards, modems, and other peripheral computer equipment to an 8085
individual who is licensed or certified to teach in an elementary 8086
or a secondary school in this state for use by that individual in 8087
preparation for teaching elementary or secondary school students; 8088

(38) Sales to a professional racing team of any of the 8089
following: 8090

(a) Motor racing vehicles;	8091
(b) Repair services for motor racing vehicles;	8092
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	8093 8094 8095 8096 8097 8098 8099 8100
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	8101 8102 8103
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	8104 8105 8106 8107 8108 8109 8110 8111 8112 8113 8114 8115 8116 8117 8118 8119 8120 8121

(41) Sales to a person providing services under division	8122
(B)(3)(r) of section 5739.01 of the Revised Code of tangible	8123
personal property and services used directly and primarily in	8124
providing taxable services under that section.	8125
(42) Sales where the purpose of the purchaser is to do any of	8126
the following:	8127
(a) To incorporate the thing transferred as a material or a	8128
part into tangible personal property to be produced for sale by	8129
manufacturing, assembling, processing, or refining; or to use or	8130
consume the thing transferred directly in producing tangible	8131
personal property for sale by mining, including, without	8132
limitation, the extraction from the earth of all substances that	8133
are classed geologically as minerals, production of crude oil and	8134
natural gas, or directly in the rendition of a public utility	8135
service, except that the sales tax levied by this section shall be	8136
collected upon all meals, drinks, and food for human consumption	8137
sold when transporting persons. Persons engaged in rendering	8138
services in the exploration for, and production of, crude oil and	8139
natural gas for others are deemed engaged directly in the	8140
exploration for, and production of, crude oil and natural gas.	8141
This paragraph does not exempt from "retail sale" or "sales at	8142
retail" the sale of tangible personal property that is to be	8143
incorporated into a structure or improvement to real property.	8144
(b) To hold the thing transferred as security for the	8145
performance of an obligation of the vendor;	8146
(c) To resell, hold, use, or consume the thing transferred as	8147
evidence of a contract of insurance;	8148
(d) To use or consume the thing directly in commercial	8149
fishing;	8150
(e) To incorporate the thing transferred as a material or a	8151
part into, or to use or consume the thing transferred directly in	8152

the production of, magazines distributed as controlled circulation publications;	8153 8154
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	8155 8156 8157 8158 8159
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	8160 8161 8162
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	8163 8164 8165 8166 8167 8168
(i) To use the thing transferred as qualified research and development equipment;	8169 8170
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	8171 8172 8173 8174 8175 8176 8177 8178 8179 8180 8181 8182 8183

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water,

whether or not in combination with soap or other cleaning agents 8215
or wax, to the consumer for the consumer's use on the premises in 8216
washing, cleaning, or waxing a motor vehicle, provided no other 8217
personal property or personal service is provided as part of the 8218
transaction. 8219

(44) Sales of replacement and modification parts for engines, 8220
airframes, instruments, and interiors in, and paint for, aircraft 8221
used primarily in a fractional aircraft ownership program, and 8222
sales of services for the repair, modification, and maintenance of 8223
such aircraft, and machinery, equipment, and supplies primarily 8224
used to provide those services. 8225

(45) Sales of telecommunications service that is used 8226
directly and primarily to perform the functions of a call center. 8227
As used in this division, "call center" means any physical 8228
location where telephone calls are placed or received in high 8229
volume for the purpose of making sales, marketing, customer 8230
service, technical support, or other specialized business 8231
activity, and that employs at least fifty individuals that engage 8232
in call center activities on a full-time basis, or sufficient 8233
individuals to fill fifty full-time equivalent positions. 8234

(46) Sales by a telecommunications service vendor of 900 8235
service to a subscriber. This division does not apply to 8236
information services, as defined in division (FF) of section 8237
5739.01 of the Revised Code. 8238

(47) Sales of value-added non-voice data service. This 8239
division does not apply to any similar service that is not 8240
otherwise a telecommunications service. 8241

(48)(a) Sales of machinery, equipment, and software to a 8242
qualified direct selling entity for use in a warehouse or 8243
distribution center primarily for storing, transporting, or 8244
otherwise handling inventory that is held for sale to independent 8245

salespersons who operate as direct sellers and that is held 8246
primarily for distribution outside this state; 8247

(b) As used in division (B)(48)(a) of this section: 8248

(i) "Direct seller" means a person selling consumer products 8249
to individuals for personal or household use and not from a fixed 8250
retail location, including selling such product at in-home product 8251
demonstrations, parties, and other one-on-one selling. 8252

(ii) "Qualified direct selling entity" means an entity 8253
selling to direct sellers at the time the entity enters into a tax 8254
credit agreement with the tax credit authority pursuant to section 8255
122.17 of the Revised Code, provided that the agreement was 8256
entered into on or after January 1, 2007. Neither contingencies 8257
relevant to the granting of, nor later developments with respect 8258
to, the tax credit shall impair the status of the qualified direct 8259
selling entity under division (B)(48) of this section after 8260
execution of the tax credit agreement by the tax credit authority. 8261

(c) Division (B)(48) of this section is limited to machinery, 8262
equipment, and software first stored, used, or consumed in this 8263
state within the period commencing June 24, 2008, and ending on 8264
the date that is five years after that date. 8265

(49) Sales of materials, parts, equipment, or engines used in 8266
the repair or maintenance of aircraft or avionics systems of such 8267
aircraft, and sales of repair, remodeling, replacement, or 8268
maintenance services in this state performed on aircraft or on an 8269
aircraft's avionics, engine, or component materials or parts. As 8270
used in division (B)(49) of this section, "aircraft" means 8271
aircraft of more than six thousand pounds maximum certified 8272
takeoff weight or used exclusively in general aviation. 8273

(50) Sales of full flight simulators that are used for pilot 8274
or flight-crew training, sales of repair or replacement parts or 8275
components, and sales of repair or maintenance services for such 8276

full flight simulators. "Full flight simulator" means a replica of 8277
a specific type, or make, model, and series of aircraft cockpit. 8278
It includes the assemblage of equipment and computer programs 8279
necessary to represent aircraft operations in ground and flight 8280
conditions, a visual system providing an out-of-the-cockpit view, 8281
and a system that provides cues at least equivalent to those of a 8282
three-degree-of-freedom motion system, and has the full range of 8283
capabilities of the systems installed in the device as described 8284
in appendices A and B of part 60 of chapter 1 of title 14 of the 8285
Code of Federal Regulations. 8286

(51) Any transfer or lease of tangible personal property 8287
~~between the state and a successful proposer in accordance with~~ 8288
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 8289
~~property is part of a project as defined in section 126.60 of the~~ 8290
~~Revised Code and the state retains ownership of the project or~~ 8291
~~part thereof that is being transferred or leased,~~ between the 8292
state and JobsOhio in accordance with section 4313.02 of the 8293
Revised Code. 8294

(C) For the purpose of the proper administration of this 8295
chapter, and to prevent the evasion of the tax, it is presumed 8296
that all sales made in this state are subject to the tax until the 8297
contrary is established. 8298

(D) The levy of this tax on retail sales of recreation and 8299
sports club service shall not prevent a municipal corporation from 8300
levying any tax on recreation and sports club dues or on any 8301
income generated by recreation and sports club dues. 8302

(E) The tax collected by the vendor from the consumer under 8303
this chapter is not part of the price, but is a tax collection for 8304
the benefit of the state, and of counties levying an additional 8305
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 8306
Code and of transit authorities levying an additional sales tax 8307
pursuant to section 5739.023 of the Revised Code. Except for the 8308

discount authorized under section 5739.12 of the Revised Code and 8309
the effects of any rounding pursuant to section 5703.055 of the 8310
Revised Code, no person other than the state or such a county or 8311
transit authority shall derive any benefit from the collection or 8312
payment of the tax levied by this section or section 5739.021, 8313
5739.023, or 5739.026 of the Revised Code. 8314

Sec. 5747.01. Except as otherwise expressly provided or 8315
clearly appearing from the context, any term used in this chapter 8316
that is not otherwise defined in this section has the same meaning 8317
as when used in a comparable context in the laws of the United 8318
States relating to federal income taxes or if not used in a 8319
comparable context in those laws, has the same meaning as in 8320
section 5733.40 of the Revised Code. Any reference in this chapter 8321
to the Internal Revenue Code includes other laws of the United 8322
States relating to federal income taxes. 8323

As used in this chapter: 8324

(A) "Adjusted gross income" or "Ohio adjusted gross income" 8325
means federal adjusted gross income, as defined and used in the 8326
Internal Revenue Code, adjusted as provided in this section: 8327

(1) Add interest or dividends on obligations or securities of 8328
any state or of any political subdivision or authority of any 8329
state, other than this state and its subdivisions and authorities. 8330

(2) Add interest or dividends on obligations of any 8331
authority, commission, instrumentality, territory, or possession 8332
of the United States to the extent that the interest or dividends 8333
are exempt from federal income taxes but not from state income 8334
taxes. 8335

(3) Deduct interest or dividends on obligations of the United 8336
States and its territories and possessions or of any authority, 8337
commission, or instrumentality of the United States to the extent 8338

that the interest or dividends are included in federal adjusted 8339
gross income but exempt from state income taxes under the laws of 8340
the United States. 8341

(4) Deduct disability and survivor's benefits to the extent 8342
included in federal adjusted gross income. 8343

(5) Deduct benefits under Title II of the Social Security Act 8344
and tier 1 railroad retirement benefits to the extent included in 8345
federal adjusted gross income under section 86 of the Internal 8346
Revenue Code. 8347

(6) In the case of a taxpayer who is a beneficiary of a trust 8348
that makes an accumulation distribution as defined in section 665 8349
of the Internal Revenue Code, add, for the beneficiary's taxable 8350
years beginning before 2002, the portion, if any, of such 8351
distribution that does not exceed the undistributed net income of 8352
the trust for the three taxable years preceding the taxable year 8353
in which the distribution is made to the extent that the portion 8354
was not included in the trust's taxable income for any of the 8355
trust's taxable years beginning in 2002 or thereafter. 8356

"Undistributed net income of a trust" means the taxable income of 8357
the trust increased by (a)(i) the additions to adjusted gross 8358
income required under division (A) of this section and (ii) the 8359
personal exemptions allowed to the trust pursuant to section 8360
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 8361
deductions to adjusted gross income required under division (A) of 8362
this section, (ii) the amount of federal income taxes attributable 8363
to such income, and (iii) the amount of taxable income that has 8364
been included in the adjusted gross income of a beneficiary by 8365
reason of a prior accumulation distribution. Any undistributed net 8366
income included in the adjusted gross income of a beneficiary 8367
shall reduce the undistributed net income of the trust commencing 8368
with the earliest years of the accumulation period. 8369

(7) Deduct the amount of wages and salaries, if any, not 8370

otherwise allowable as a deduction but that would have been 8371
allowable as a deduction in computing federal adjusted gross 8372
income for the taxable year, had the targeted jobs credit allowed 8373
and determined under sections 38, 51, and 52 of the Internal 8374
Revenue Code not been in effect. 8375

(8) Deduct any interest or interest equivalent on public 8376
obligations and purchase obligations to the extent that the 8377
interest or interest equivalent is included in federal adjusted 8378
gross income. 8379

(9) Add any loss or deduct any gain resulting from the sale, 8380
exchange, or other disposition of public obligations to the extent 8381
that the loss has been deducted or the gain has been included in 8382
computing federal adjusted gross income. 8383

(10) Deduct or add amounts, as provided under section 5747.70 8384
of the Revised Code, related to contributions to variable college 8385
savings program accounts made or tuition units purchased pursuant 8386
to Chapter 3334. of the Revised Code. 8387

(11)(a) Deduct, to the extent not otherwise allowable as a 8388
deduction or exclusion in computing federal or Ohio adjusted gross 8389
income for the taxable year, the amount the taxpayer paid during 8390
the taxable year for medical care insurance and qualified 8391
long-term care insurance for the taxpayer, the taxpayer's spouse, 8392
and dependents. No deduction for medical care insurance under 8393
division (A)(11) of this section shall be allowed either to any 8394
taxpayer who is eligible to participate in any subsidized health 8395
plan maintained by any employer of the taxpayer or of the 8396
taxpayer's spouse, or to any taxpayer who is entitled to, or on 8397
application would be entitled to, benefits under part A of Title 8398
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 8399
301, as amended. For the purposes of division (A)(11)(a) of this 8400
section, "subsidized health plan" means a health plan for which 8401
the employer pays any portion of the plan's cost. The deduction 8402

allowed under division (A)(11)(a) of this section shall be the net 8403
of any related premium refunds, related premium reimbursements, or 8404
related insurance premium dividends received during the taxable 8405
year. 8406

(b) Deduct, to the extent not otherwise deducted or excluded 8407
in computing federal or Ohio adjusted gross income during the 8408
taxable year, the amount the taxpayer paid during the taxable 8409
year, not compensated for by any insurance or otherwise, for 8410
medical care of the taxpayer, the taxpayer's spouse, and 8411
dependents, to the extent the expenses exceed seven and one-half 8412
per cent of the taxpayer's federal adjusted gross income. 8413

(c) Deduct, to the extent not otherwise deducted or excluded 8414
in computing federal or Ohio adjusted gross income, any amount 8415
included in federal adjusted gross income under section 105 or not 8416
excluded under section 106 of the Internal Revenue Code solely 8417
because it relates to an accident and health plan for a person who 8418
otherwise would be a "qualifying relative" and thus a "dependent" 8419
under section 152 of the Internal Revenue Code but for the fact 8420
that the person fails to meet the income and support limitations 8421
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 8422

(d) For purposes of division (A)(11) of this section, 8423
"medical care" has the meaning given in section 213 of the 8424
Internal Revenue Code, subject to the special rules, limitations, 8425
and exclusions set forth therein, and "qualified long-term care" 8426
has the same meaning given in section 7702B(c) of the Internal 8427
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 8428
of this section, "dependent" includes a person who otherwise would 8429
be a "qualifying relative" and thus a "dependent" under section 8430
152 of the Internal Revenue Code but for the fact that the person 8431
fails to meet the income and support limitations under section 8432
152(d)(1)(B) and (C) of the Internal Revenue Code. 8433

(12)(a) Deduct any amount included in federal adjusted gross 8434

income solely because the amount represents a reimbursement or 8435
refund of expenses that in any year the taxpayer had deducted as 8436
an itemized deduction pursuant to section 63 of the Internal 8437
Revenue Code and applicable United States department of the 8438
treasury regulations. The deduction otherwise allowed under 8439
division (A)(12)(a) of this section shall be reduced to the extent 8440
the reimbursement is attributable to an amount the taxpayer 8441
deducted under this section in any taxable year. 8442

(b) Add any amount not otherwise included in Ohio adjusted 8443
gross income for any taxable year to the extent that the amount is 8444
attributable to the recovery during the taxable year of any amount 8445
deducted or excluded in computing federal or Ohio adjusted gross 8446
income in any taxable year. 8447

(13) Deduct any portion of the deduction described in section 8448
1341(a)(2) of the Internal Revenue Code, for repaying previously 8449
reported income received under a claim of right, that meets both 8450
of the following requirements: 8451

(a) It is allowable for repayment of an item that was 8452
included in the taxpayer's adjusted gross income for a prior 8453
taxable year and did not qualify for a credit under division (A) 8454
or (B) of section 5747.05 of the Revised Code for that year; 8455

(b) It does not otherwise reduce the taxpayer's adjusted 8456
gross income for the current or any other taxable year. 8457

(14) Deduct an amount equal to the deposits made to, and net 8458
investment earnings of, a medical savings account during the 8459
taxable year, in accordance with section 3924.66 of the Revised 8460
Code. The deduction allowed by division (A)(14) of this section 8461
does not apply to medical savings account deposits and earnings 8462
otherwise deducted or excluded for the current or any other 8463
taxable year from the taxpayer's federal adjusted gross income. 8464

(15)(a) Add an amount equal to the funds withdrawn from a 8465

medical savings account during the taxable year, and the net 8466
investment earnings on those funds, when the funds withdrawn were 8467
used for any purpose other than to reimburse an account holder 8468
for, or to pay, eligible medical expenses, in accordance with 8469
section 3924.66 of the Revised Code; 8470

(b) Add the amounts distributed from a medical savings 8471
account under division (A)(2) of section 3924.68 of the Revised 8472
Code during the taxable year. 8473

(16) Add any amount claimed as a credit under section 8474
5747.059 or 5747.65 of the Revised Code to the extent that such 8475
amount satisfies either of the following: 8476

(a) The amount was deducted or excluded from the computation 8477
of the taxpayer's federal adjusted gross income as required to be 8478
reported for the taxpayer's taxable year under the Internal 8479
Revenue Code; 8480

(b) The amount resulted in a reduction of the taxpayer's 8481
federal adjusted gross income as required to be reported for any 8482
of the taxpayer's taxable years under the Internal Revenue Code. 8483

(17) Deduct the amount contributed by the taxpayer to an 8484
individual development account program established by a county 8485
department of job and family services pursuant to sections 329.11 8486
to 329.14 of the Revised Code for the purpose of matching funds 8487
deposited by program participants. On request of the tax 8488
commissioner, the taxpayer shall provide any information that, in 8489
the tax commissioner's opinion, is necessary to establish the 8490
amount deducted under division (A)(17) of this section. 8491

(18) Beginning in taxable year 2001 but not for any taxable 8492
year beginning after December 31, 2005, if the taxpayer is married 8493
and files a joint return and the combined federal adjusted gross 8494
income of the taxpayer and the taxpayer's spouse for the taxable 8495
year does not exceed one hundred thousand dollars, or if the 8496

taxpayer is single and has a federal adjusted gross income for the 8497
taxable year not exceeding fifty thousand dollars, deduct amounts 8498
paid during the taxable year for qualified tuition and fees paid 8499
to an eligible institution for the taxpayer, the taxpayer's 8500
spouse, or any dependent of the taxpayer, who is a resident of 8501
this state and is enrolled in or attending a program that 8502
culminates in a degree or diploma at an eligible institution. The 8503
deduction may be claimed only to the extent that qualified tuition 8504
and fees are not otherwise deducted or excluded for any taxable 8505
year from federal or Ohio adjusted gross income. The deduction may 8506
not be claimed for educational expenses for which the taxpayer 8507
claims a credit under section 5747.27 of the Revised Code. 8508

(19) Add any reimbursement received during the taxable year 8509
of any amount the taxpayer deducted under division (A)(18) of this 8510
section in any previous taxable year to the extent the amount is 8511
not otherwise included in Ohio adjusted gross income. 8512

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 8513
(v) of this section, add five-sixths of the amount of depreciation 8514
expense allowed by subsection (k) of section 168 of the Internal 8515
Revenue Code, including the taxpayer's proportionate or 8516
distributive share of the amount of depreciation expense allowed 8517
by that subsection to a pass-through entity in which the taxpayer 8518
has a direct or indirect ownership interest. 8519

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 8520
this section, add five-sixths of the amount of qualifying section 8521
179 depreciation expense, including the taxpayer's proportionate 8522
or distributive share of the amount of qualifying section 179 8523
depreciation expense allowed to any pass-through entity in which 8524
the taxpayer has a direct or indirect ownership interest. 8525

(iii) Subject to division (A)(20)(a)(v) of this section, for 8526
taxable years beginning in 2012 or thereafter, if the increase in 8527
income taxes withheld by the taxpayer is equal to or greater than 8528

ten per cent of income taxes withheld by the taxpayer during the 8529
taxpayer's immediately preceding taxable year, "two-thirds" shall 8530
be substituted for "five-sixths" for the purpose of divisions 8531
(A)(20)(a)(i) and (ii) of this section. 8532

(iv) Subject to division (A)(20)(a)(v) of this section, for 8533
taxable years beginning in 2012 or thereafter, a taxpayer is not 8534
required to add an amount under division (A)(20) of this section 8535
if the increase in income taxes withheld by the taxpayer and by 8536
any pass-through entity in which the taxpayer has a direct or 8537
indirect ownership interest is equal to or greater than the sum of 8538
(I) the amount of qualifying section 179 depreciation expense and 8539
(II) the amount of depreciation expense allowed to the taxpayer by 8540
subsection (k) of section 168 of the Internal Revenue Code, and 8541
including the taxpayer's proportionate or distributive shares of 8542
such amounts allowed to any such pass-through entities. 8543

(v) If a taxpayer directly or indirectly incurs a net 8544
operating loss for the taxable year for federal income tax 8545
purposes, to the extent such loss resulted from depreciation 8546
expense allowed by subsection (k) of section 168 of the Internal 8547
Revenue Code and by qualifying section 179 depreciation expense, 8548
"the entire" shall be substituted for "five-sixths of the" for the 8549
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 8550

The tax commissioner, under procedures established by the 8551
commissioner, may waive the add-backs related to a pass-through 8552
entity if the taxpayer owns, directly or indirectly, less than 8553
five per cent of the pass-through entity. 8554

(b) Nothing in division (A)(20) of this section shall be 8555
construed to adjust or modify the adjusted basis of any asset. 8556

(c) To the extent the add-back required under division 8557
(A)(20)(a) of this section is attributable to property generating 8558
nonbusiness income or loss allocated under section 5747.20 of the 8559

Revised Code, the add-back shall be situated to the same location 8560
as the nonbusiness income or loss generated by the property for 8561
the purpose of determining the credit under division (A) of 8562
section 5747.05 of the Revised Code. Otherwise, the add-back shall 8563
be apportioned, subject to one or more of the four alternative 8564
methods of apportionment enumerated in section 5747.21 of the 8565
Revised Code. 8566

(d) For the purposes of division (A)(20)(a)(v) of this 8567
section, net operating loss carryback and carryforward shall not 8568
include the allowance of any net operating loss deduction 8569
carryback or carryforward to the taxable year to the extent such 8570
loss resulted from depreciation allowed by section 168(k) of the 8571
Internal Revenue Code and by the qualifying section 179 8572
depreciation expense amount. 8573

(e) For the purposes of divisions (A)(20) and (21) of this 8574
section: 8575

(i) "Income taxes withheld" means the total amount withheld 8576
and remitted under sections 5747.06 and 5747.07 of the Revised 8577
Code by an employer during the employer's taxable year. 8578

(ii) "Increase in income taxes withheld" means the amount by 8579
which the amount of income taxes withheld by an employer during 8580
the employer's current taxable year exceeds the amount of income 8581
taxes withheld by that employer during the employer's immediately 8582
preceding taxable year. 8583

(iii) "Qualifying section 179 depreciation expense" means the 8584
difference between (I) the amount of depreciation expense directly 8585
or indirectly allowed to a taxpayer under section 179 of the 8586
Internal Revised Code, and (II) the amount of depreciation expense 8587
directly or indirectly allowed to the taxpayer under section 179 8588
of the Internal Revenue Code as that section existed on December 8589
31, 2002. 8590

(21)(a) If the taxpayer was required to add an amount under 8591
division (A)(20)(a) of this section for a taxable year, deduct one 8592
of the following: 8593

(i) One-fifth of the amount so added for each of the five 8594
succeeding taxable years if the amount so added was five-sixths of 8595
qualifying section 179 depreciation expense or depreciation 8596
expense allowed by subsection (k) of section 168 of the Internal 8597
Revenue Code; 8598

(ii) One-half of the amount so added for each of the two 8599
succeeding taxable years if the amount so added was two-thirds of 8600
such depreciation expense; 8601

(iii) One-sixth of the amount so added for each of the six 8602
succeeding taxable years if the entire amount of such depreciation 8603
expense was so added. 8604

(b) If the amount deducted under division (A)(21)(a) of this 8605
section is attributable to an add-back allocated under division 8606
(A)(20)(c) of this section, the amount deducted shall be sitused 8607
to the same location. Otherwise, the add-back shall be apportioned 8608
using the apportionment factors for the taxable year in which the 8609
deduction is taken, subject to one or more of the four alternative 8610
methods of apportionment enumerated in section 5747.21 of the 8611
Revised Code. 8612

(c) No deduction is available under division (A)(21)(a) of 8613
this section with regard to any depreciation allowed by section 8614
168(k) of the Internal Revenue Code and by the qualifying section 8615
179 depreciation expense amount to the extent that such 8616
depreciation results in or increases a federal net operating loss 8617
carryback or carryforward. If no such deduction is available for a 8618
taxable year, the taxpayer may carry forward the amount not 8619
deducted in such taxable year to the next taxable year and add 8620
that amount to any deduction otherwise available under division 8621

(A)(21)(a) of this section for that next taxable year. The 8622
carryforward of amounts not so deducted shall continue until the 8623
entire addition required by division (A)(20)(a) of this section 8624
has been deducted. 8625

(d) No refund shall be allowed as a result of adjustments 8626
made by division (A)(21) of this section. 8627

(22) Deduct, to the extent not otherwise deducted or excluded 8628
in computing federal or Ohio adjusted gross income for the taxable 8629
year, the amount the taxpayer received during the taxable year as 8630
reimbursement for life insurance premiums under section 5919.31 of 8631
the Revised Code. 8632

(23) Deduct, to the extent not otherwise deducted or excluded 8633
in computing federal or Ohio adjusted gross income for the taxable 8634
year, the amount the taxpayer received during the taxable year as 8635
a death benefit paid by the adjutant general under section 5919.33 8636
of the Revised Code. 8637

(24) Deduct, to the extent included in federal adjusted gross 8638
income and not otherwise allowable as a deduction or exclusion in 8639
computing federal or Ohio adjusted gross income for the taxable 8640
year, military pay and allowances received by the taxpayer during 8641
the taxable year for active duty service in the United States 8642
army, air force, navy, marine corps, or coast guard or reserve 8643
components thereof or the national guard. The deduction may not be 8644
claimed for military pay and allowances received by the taxpayer 8645
while the taxpayer is stationed in this state. 8646

(25) Deduct, to the extent not otherwise allowable as a 8647
deduction or exclusion in computing federal or Ohio adjusted gross 8648
income for the taxable year and not otherwise compensated for by 8649
any other source, the amount of qualified organ donation expenses 8650
incurred by the taxpayer during the taxable year, not to exceed 8651
ten thousand dollars. A taxpayer may deduct qualified organ 8652

donation expenses only once for all taxable years beginning with 8653
taxable years beginning in 2007. 8654

For the purposes of division (A)(25) of this section: 8655

(a) "Human organ" means all or any portion of a human liver, 8656
pancreas, kidney, intestine, or lung, and any portion of human 8657
bone marrow. 8658

(b) "Qualified organ donation expenses" means travel 8659
expenses, lodging expenses, and wages and salary forgone by a 8660
taxpayer in connection with the taxpayer's donation, while living, 8661
of one or more of the taxpayer's human organs to another human 8662
being. 8663

(26) Deduct, to the extent not otherwise deducted or excluded 8664
in computing federal or Ohio adjusted gross income for the taxable 8665
year, amounts received by the taxpayer as retired military 8666
personnel pay for service in the United States army, navy, air 8667
force, coast guard, or marine corps or reserve components thereof, 8668
or the national guard, or received by the surviving spouse or 8669
former spouse of such a taxpayer under the survivor benefit plan 8670
on account of such a taxpayer's death. If the taxpayer receives 8671
income on account of retirement paid under the federal civil 8672
service retirement system or federal employees retirement system, 8673
or under any successor retirement program enacted by the congress 8674
of the United States that is established and maintained for 8675
retired employees of the United States government, and such 8676
retirement income is based, in whole or in part, on credit for the 8677
taxpayer's military service, the deduction allowed under this 8678
division shall include only that portion of such retirement income 8679
that is attributable to the taxpayer's military service, to the 8680
extent that portion of such retirement income is otherwise 8681
included in federal adjusted gross income and is not otherwise 8682
deducted under this section. Any amount deducted under division 8683
(A)(26) of this section is not included in a taxpayer's adjusted 8684

gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income ~~derived from providing public services under a contract through a project owned by the state, as described in section 126.604 of the Revised Code or~~ derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(31) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent

pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 8716
1070a, et seq., and used to pay room or board furnished by the 8717
educational institution for which the grant was awarded at the 8718
institution's facilities, including meal plans administered by the 8719
institution. For the purposes of this division, receipt of a grant 8720
includes the distribution of a grant directly to an educational 8721
institution and the crediting of the grant to the enrollee's 8722
account with the institution. 8723

(B) "Business income" means income, including gain or loss, 8724
arising from transactions, activities, and sources in the regular 8725
course of a trade or business and includes income, gain, or loss 8726
from real property, tangible property, and intangible property if 8727
the acquisition, rental, management, and disposition of the 8728
property constitute integral parts of the regular course of a 8729
trade or business operation. "Business income" includes income, 8730
including gain or loss, from a partial or complete liquidation of 8731
a business, including, but not limited to, gain or loss from the 8732
sale or other disposition of goodwill. 8733

(C) "Nonbusiness income" means all income other than business 8734
income and may include, but is not limited to, compensation, rents 8735
and royalties from real or tangible personal property, capital 8736
gains, interest, dividends and distributions, patent or copyright 8737
royalties, or lottery winnings, prizes, and awards. 8738

(D) "Compensation" means any form of remuneration paid to an 8739
employee for personal services. 8740

(E) "Fiduciary" means a guardian, trustee, executor, 8741
administrator, receiver, conservator, or any other person acting 8742
in any fiduciary capacity for any individual, trust, or estate. 8743

(F) "Fiscal year" means an accounting period of twelve months 8744
ending on the last day of any month other than December. 8745

(G) "Individual" means any natural person. 8746

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 8747
8748

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 8749
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8751

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 8752
8753

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 8754
8755
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 8758
8759
8760

For the purposes of division (I)(3) of this section: 8761

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 8762
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8765
8766
8767

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 8768
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8770
8771

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion 8772
8773
8774
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8776

of the trust's current taxable year; 8777

(iii) A person who was domiciled in this state for the 8778
purposes of this chapter when the trust document or instrument or 8779
part of the trust document or instrument became irrevocable, but 8780
only if at least one of the trust's qualifying beneficiaries is a 8781
resident domiciled in this state for the purposes of this chapter 8782
during all or some portion of the trust's current taxable year. If 8783
a trust document or instrument became irrevocable upon the death 8784
of a person who at the time of death was domiciled in this state 8785
for purposes of this chapter, that person is a person described in 8786
division (I)(3)(a)(iii) of this section. 8787

(b) A trust is irrevocable to the extent that the transferor 8788
is not considered to be the owner of the net assets of the trust 8789
under sections 671 to 678 of the Internal Revenue Code. 8790

(c) With respect to a trust other than a charitable lead 8791
trust, "qualifying beneficiary" has the same meaning as "potential 8792
current beneficiary" as defined in section 1361(e)(2) of the 8793
Internal Revenue Code, and with respect to a charitable lead trust 8794
"qualifying beneficiary" is any current, future, or contingent 8795
beneficiary, but with respect to any trust "qualifying 8796
beneficiary" excludes a person or a governmental entity or 8797
instrumentality to any of which a contribution would qualify for 8798
the charitable deduction under section 170 of the Internal Revenue 8799
Code. 8800

(d) For the purposes of division (I)(3)(a) of this section, 8801
the extent to which a trust consists directly or indirectly, in 8802
whole or in part, of assets, net of any related liabilities, that 8803
were transferred directly or indirectly, in whole or part, to the 8804
trust by any of the sources enumerated in that division shall be 8805
ascertained by multiplying the fair market value of the trust's 8806
assets, net of related liabilities, by the qualifying ratio, which 8807
shall be computed as follows: 8808

(i) The first time the trust receives assets, the numerator 8809
of the qualifying ratio is the fair market value of those assets 8810
at that time, net of any related liabilities, from sources 8811
enumerated in division (I)(3)(a) of this section. The denominator 8812
of the qualifying ratio is the fair market value of all the 8813
trust's assets at that time, net of any related liabilities. 8814

(ii) Each subsequent time the trust receives assets, a 8815
revised qualifying ratio shall be computed. The numerator of the 8816
revised qualifying ratio is the sum of (1) the fair market value 8817
of the trust's assets immediately prior to the subsequent 8818
transfer, net of any related liabilities, multiplied by the 8819
qualifying ratio last computed without regard to the subsequent 8820
transfer, and (2) the fair market value of the subsequently 8821
transferred assets at the time transferred, net of any related 8822
liabilities, from sources enumerated in division (I)(3)(a) of this 8823
section. The denominator of the revised qualifying ratio is the 8824
fair market value of all the trust's assets immediately after the 8825
subsequent transfer, net of any related liabilities. 8826

(iii) Whether a transfer to the trust is by or from any of 8827
the sources enumerated in division (I)(3)(a) of this section shall 8828
be ascertained without regard to the domicile of the trust's 8829
beneficiaries. 8830

(e) For the purposes of division (I)(3)(a)(i) of this 8831
section: 8832

(i) A trust is described in division (I)(3)(e)(i) of this 8833
section if the trust is a testamentary trust and the testator of 8834
that testamentary trust was domiciled in this state at the time of 8835
the testator's death for purposes of the taxes levied under 8836
Chapter 5731. of the Revised Code. 8837

(ii) A trust is described in division (I)(3)(e)(ii) of this 8838
section if the transfer is a qualifying transfer described in any 8839

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 8840
irrevocable inter vivos trust, and at least one of the trust's 8841
qualifying beneficiaries is domiciled in this state for purposes 8842
of this chapter during all or some portion of the trust's current 8843
taxable year. 8844

(f) For the purposes of division (I)(3)(e)(ii) of this 8845
section, a "qualifying transfer" is a transfer of assets, net of 8846
any related liabilities, directly or indirectly to a trust, if the 8847
transfer is described in any of the following: 8848

(i) The transfer is made to a trust, created by the decedent 8849
before the decedent's death and while the decedent was domiciled 8850
in this state for the purposes of this chapter, and, prior to the 8851
death of the decedent, the trust became irrevocable while the 8852
decedent was domiciled in this state for the purposes of this 8853
chapter. 8854

(ii) The transfer is made to a trust to which the decedent, 8855
prior to the decedent's death, had directly or indirectly 8856
transferred assets, net of any related liabilities, while the 8857
decedent was domiciled in this state for the purposes of this 8858
chapter, and prior to the death of the decedent the trust became 8859
irrevocable while the decedent was domiciled in this state for the 8860
purposes of this chapter. 8861

(iii) The transfer is made on account of a contractual 8862
relationship existing directly or indirectly between the 8863
transferor and either the decedent or the estate of the decedent 8864
at any time prior to the date of the decedent's death, and the 8865
decedent was domiciled in this state at the time of death for 8866
purposes of the taxes levied under Chapter 5731. of the Revised 8867
Code. 8868

(iv) The transfer is made to a trust on account of a 8869
contractual relationship existing directly or indirectly between 8870

the transferor and another person who at the time of the 8871
decedent's death was domiciled in this state for purposes of this 8872
chapter. 8873

(v) The transfer is made to a trust on account of the will of 8874
a testator who was domiciled in this state at the time of the 8875
testator's death for purposes of the taxes levied under Chapter 8876
5731. of the Revised Code. 8877

(vi) The transfer is made to a trust created by or caused to 8878
be created by a court, and the trust was directly or indirectly 8879
created in connection with or as a result of the death of an 8880
individual who, for purposes of the taxes levied under Chapter 8881
5731. of the Revised Code, was domiciled in this state at the time 8882
of the individual's death. 8883

(g) The tax commissioner may adopt rules to ascertain the 8884
part of a trust residing in this state. 8885

(J) "Nonresident" means an individual or estate that is not a 8886
resident. An individual who is a resident for only part of a 8887
taxable year is a nonresident for the remainder of that taxable 8888
year. 8889

(K) "Pass-through entity" has the same meaning as in section 8890
5733.04 of the Revised Code. 8891

(L) "Return" means the notifications and reports required to 8892
be filed pursuant to this chapter for the purpose of reporting the 8893
tax due and includes declarations of estimated tax when so 8894
required. 8895

(M) "Taxable year" means the calendar year or the taxpayer's 8896
fiscal year ending during the calendar year, or fractional part 8897
thereof, upon which the adjusted gross income is calculated 8898
pursuant to this chapter. 8899

(N) "Taxpayer" means any person subject to the tax imposed by 8900

section 5747.02 of the Revised Code or any pass-through entity 8901
that makes the election under division (D) of section 5747.08 of 8902
the Revised Code. 8903

(O) "Dependents" means dependents as defined in the Internal 8904
Revenue Code and as claimed in the taxpayer's federal income tax 8905
return for the taxable year or which the taxpayer would have been 8906
permitted to claim had the taxpayer filed a federal income tax 8907
return. 8908

(P) "Principal county of employment" means, in the case of a 8909
nonresident, the county within the state in which a taxpayer 8910
performs services for an employer or, if those services are 8911
performed in more than one county, the county in which the major 8912
portion of the services are performed. 8913

(Q) As used in sections 5747.50 to 5747.55 of the Revised 8914
Code: 8915

(1) "Subdivision" means any county, municipal corporation, 8916
park district, or township. 8917

(2) "Essential local government purposes" includes all 8918
functions that any subdivision is required by general law to 8919
exercise, including like functions that are exercised under a 8920
charter adopted pursuant to the Ohio Constitution. 8921

(R) "Overpayment" means any amount already paid that exceeds 8922
the figure determined to be the correct amount of the tax. 8923

(S) "Taxable income" or "Ohio taxable income" applies only to 8924
estates and trusts, and means federal taxable income, as defined 8925
and used in the Internal Revenue Code, adjusted as follows: 8926

(1) Add interest or dividends, net of ordinary, necessary, 8927
and reasonable expenses not deducted in computing federal taxable 8928
income, on obligations or securities of any state or of any 8929
political subdivision or authority of any state, other than this 8930

state and its subdivisions and authorities, but only to the extent 8931
that such net amount is not otherwise includible in Ohio taxable 8932
income and is described in either division (S)(1)(a) or (b) of 8933
this section: 8934

(a) The net amount is not attributable to the S portion of an 8935
electing small business trust and has not been distributed to 8936
beneficiaries for the taxable year; 8937

(b) The net amount is attributable to the S portion of an 8938
electing small business trust for the taxable year. 8939

(2) Add interest or dividends, net of ordinary, necessary, 8940
and reasonable expenses not deducted in computing federal taxable 8941
income, on obligations of any authority, commission, 8942
instrumentality, territory, or possession of the United States to 8943
the extent that the interest or dividends are exempt from federal 8944
income taxes but not from state income taxes, but only to the 8945
extent that such net amount is not otherwise includible in Ohio 8946
taxable income and is described in either division (S)(1)(a) or 8947
(b) of this section; 8948

(3) Add the amount of personal exemption allowed to the 8949
estate pursuant to section 642(b) of the Internal Revenue Code; 8950

(4) Deduct interest or dividends, net of related expenses 8951
deducted in computing federal taxable income, on obligations of 8952
the United States and its territories and possessions or of any 8953
authority, commission, or instrumentality of the United States to 8954
the extent that the interest or dividends are exempt from state 8955
taxes under the laws of the United States, but only to the extent 8956
that such amount is included in federal taxable income and is 8957
described in either division (S)(1)(a) or (b) of this section; 8958

(5) Deduct the amount of wages and salaries, if any, not 8959
otherwise allowable as a deduction but that would have been 8960
allowable as a deduction in computing federal taxable income for 8961

the taxable year, had the targeted jobs credit allowed under 8962
sections 38, 51, and 52 of the Internal Revenue Code not been in 8963
effect, but only to the extent such amount relates either to 8964
income included in federal taxable income for the taxable year or 8965
to income of the S portion of an electing small business trust for 8966
the taxable year; 8967

(6) Deduct any interest or interest equivalent, net of 8968
related expenses deducted in computing federal taxable income, on 8969
public obligations and purchase obligations, but only to the 8970
extent that such net amount relates either to income included in 8971
federal taxable income for the taxable year or to income of the S 8972
portion of an electing small business trust for the taxable year; 8973

(7) Add any loss or deduct any gain resulting from sale, 8974
exchange, or other disposition of public obligations to the extent 8975
that such loss has been deducted or such gain has been included in 8976
computing either federal taxable income or income of the S portion 8977
of an electing small business trust for the taxable year; 8978

(8) Except in the case of the final return of an estate, add 8979
any amount deducted by the taxpayer on both its Ohio estate tax 8980
return pursuant to section 5731.14 of the Revised Code, and on its 8981
federal income tax return in determining federal taxable income; 8982

(9)(a) Deduct any amount included in federal taxable income 8983
solely because the amount represents a reimbursement or refund of 8984
expenses that in a previous year the decedent had deducted as an 8985
itemized deduction pursuant to section 63 of the Internal Revenue 8986
Code and applicable treasury regulations. The deduction otherwise 8987
allowed under division (S)(9)(a) of this section shall be reduced 8988
to the extent the reimbursement is attributable to an amount the 8989
taxpayer or decedent deducted under this section in any taxable 8990
year. 8991

(b) Add any amount not otherwise included in Ohio taxable 8992

income for any taxable year to the extent that the amount is 8993
attributable to the recovery during the taxable year of any amount 8994
deducted or excluded in computing federal or Ohio taxable income 8995
in any taxable year, but only to the extent such amount has not 8996
been distributed to beneficiaries for the taxable year. 8997

(10) Deduct any portion of the deduction described in section 8998
1341(a)(2) of the Internal Revenue Code, for repaying previously 8999
reported income received under a claim of right, that meets both 9000
of the following requirements: 9001

(a) It is allowable for repayment of an item that was 9002
included in the taxpayer's taxable income or the decedent's 9003
adjusted gross income for a prior taxable year and did not qualify 9004
for a credit under division (A) or (B) of section 5747.05 of the 9005
Revised Code for that year. 9006

(b) It does not otherwise reduce the taxpayer's taxable 9007
income or the decedent's adjusted gross income for the current or 9008
any other taxable year. 9009

(11) Add any amount claimed as a credit under section 9010
5747.059 or 5747.65 of the Revised Code to the extent that the 9011
amount satisfies either of the following: 9012

(a) The amount was deducted or excluded from the computation 9013
of the taxpayer's federal taxable income as required to be 9014
reported for the taxpayer's taxable year under the Internal 9015
Revenue Code; 9016

(b) The amount resulted in a reduction in the taxpayer's 9017
federal taxable income as required to be reported for any of the 9018
taxpayer's taxable years under the Internal Revenue Code. 9019

(12) Deduct any amount, net of related expenses deducted in 9020
computing federal taxable income, that a trust is required to 9021
report as farm income on its federal income tax return, but only 9022
if the assets of the trust include at least ten acres of land 9023

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 9055
the laws of any other state. 9056

(W) "Pass-through entity investor" means any person who, 9057
during any portion of a taxable year of a pass-through entity, is 9058
a partner, member, shareholder, or equity investor in that 9059
pass-through entity. 9060

(X) "Banking day" has the same meaning as in section 1304.01 9061
of the Revised Code. 9062

(Y) "Month" means a calendar month. 9063

(Z) "Quarter" means the first three months, the second three 9064
months, the third three months, or the last three months of the 9065
taxpayer's taxable year. 9066

(AA)(1) "Eligible institution" means a state university or 9067
state institution of higher education as defined in section 9068
3345.011 of the Revised Code, or a private, nonprofit college, 9069
university, or other post-secondary institution located in this 9070
state that possesses a certificate of authorization issued by the 9071
Ohio board of regents pursuant to Chapter 1713. of the Revised 9072
Code or a certificate of registration issued by the state board of 9073
career colleges and schools under Chapter 3332. of the Revised 9074
Code. 9075

(2) "Qualified tuition and fees" means tuition and fees 9076
imposed by an eligible institution as a condition of enrollment or 9077
attendance, not exceeding two thousand five hundred dollars in 9078
each of the individual's first two years of post-secondary 9079
education. If the individual is a part-time student, "qualified 9080
tuition and fees" includes tuition and fees paid for the academic 9081
equivalent of the first two years of post-secondary education 9082
during a maximum of five taxable years, not exceeding a total of 9083
five thousand dollars. "Qualified tuition and fees" does not 9084
include: 9085

(a) Expenses for any course or activity involving sports, 9086
games, or hobbies unless the course or activity is part of the 9087
individual's degree or diploma program; 9088

(b) The cost of books, room and board, student activity fees, 9089
athletic fees, insurance expenses, or other expenses unrelated to 9090
the individual's academic course of instruction; 9091

(c) Tuition, fees, or other expenses paid or reimbursed 9092
through an employer, scholarship, grant in aid, or other 9093
educational benefit program. 9094

(BB)(1) "Modified business income" means the business income 9095
included in a trust's Ohio taxable income after such taxable 9096
income is first reduced by the qualifying trust amount, if any. 9097

(2) "Qualifying trust amount" of a trust means capital gains 9098
and losses from the sale, exchange, or other disposition of equity 9099
or ownership interests in, or debt obligations of, a qualifying 9100
investee to the extent included in the trust's Ohio taxable 9101
income, but only if the following requirements are satisfied: 9102

(a) The book value of the qualifying investee's physical 9103
assets in this state and everywhere, as of the last day of the 9104
qualifying investee's fiscal or calendar year ending immediately 9105
prior to the date on which the trust recognizes the gain or loss, 9106
is available to the trust. 9107

(b) The requirements of section 5747.011 of the Revised Code 9108
are satisfied for the trust's taxable year in which the trust 9109
recognizes the gain or loss. 9110

Any gain or loss that is not a qualifying trust amount is 9111
modified business income, qualifying investment income, or 9112
modified nonbusiness income, as the case may be. 9113

(3) "Modified nonbusiness income" means a trust's Ohio 9114
taxable income other than modified business income, other than the 9115

qualifying trust amount, and other than qualifying investment 9116
income, as defined in section 5747.012 of the Revised Code, to the 9117
extent such qualifying investment income is not otherwise part of 9118
modified business income. 9119

(4) "Modified Ohio taxable income" applies only to trusts, 9120
and means the sum of the amounts described in divisions (BB)(4)(a) 9121
to (c) of this section: 9122

(a) The fraction, calculated under section 5747.013, and 9123
applying section 5747.231 of the Revised Code, multiplied by the 9124
sum of the following amounts: 9125

(i) The trust's modified business income; 9126

(ii) The trust's qualifying investment income, as defined in 9127
section 5747.012 of the Revised Code, but only to the extent the 9128
qualifying investment income does not otherwise constitute 9129
modified business income and does not otherwise constitute a 9130
qualifying trust amount. 9131

(b) The qualifying trust amount multiplied by a fraction, the 9132
numerator of which is the sum of the book value of the qualifying 9133
investee's physical assets in this state on the last day of the 9134
qualifying investee's fiscal or calendar year ending immediately 9135
prior to the day on which the trust recognizes the qualifying 9136
trust amount, and the denominator of which is the sum of the book 9137
value of the qualifying investee's total physical assets 9138
everywhere on the last day of the qualifying investee's fiscal or 9139
calendar year ending immediately prior to the day on which the 9140
trust recognizes the qualifying trust amount. If, for a taxable 9141
year, the trust recognizes a qualifying trust amount with respect 9142
to more than one qualifying investee, the amount described in 9143
division (BB)(4)(b) of this section shall equal the sum of the 9144
products so computed for each such qualifying investee. 9145

(c)(i) With respect to a trust or portion of a trust that is 9146

a resident as ascertained in accordance with division (I)(3)(d) of 9147
this section, its modified nonbusiness income. 9148

(ii) With respect to a trust or portion of a trust that is 9149
not a resident as ascertained in accordance with division 9150
(I)(3)(d) of this section, the amount of its modified nonbusiness 9151
income satisfying the descriptions in divisions (B)(2) to (5) of 9152
section 5747.20 of the Revised Code, except as otherwise provided 9153
in division (BB)(4)(c)(ii) of this section. With respect to a 9154
trust or portion of a trust that is not a resident as ascertained 9155
in accordance with division (I)(3)(d) of this section, the trust's 9156
portion of modified nonbusiness income recognized from the sale, 9157
exchange, or other disposition of a debt interest in or equity 9158
interest in a section 5747.212 entity, as defined in section 9159
5747.212 of the Revised Code, without regard to division (A) of 9160
that section, shall not be allocated to this state in accordance 9161
with section 5747.20 of the Revised Code but shall be apportioned 9162
to this state in accordance with division (B) of section 5747.212 9163
of the Revised Code without regard to division (A) of that 9164
section. 9165

If the allocation and apportionment of a trust's income under 9166
divisions (BB)(4)(a) and (c) of this section do not fairly 9167
represent the modified Ohio taxable income of the trust in this 9168
state, the alternative methods described in division (C) of 9169
section 5747.21 of the Revised Code may be applied in the manner 9170
and to the same extent provided in that section. 9171

(5)(a) Except as set forth in division (BB)(5)(b) of this 9172
section, "qualifying investee" means a person in which a trust has 9173
an equity or ownership interest, or a person or unit of government 9174
the debt obligations of either of which are owned by a trust. For 9175
the purposes of division (BB)(2)(a) of this section and for the 9176
purpose of computing the fraction described in division (BB)(4)(b) 9177
of this section, all of the following apply: 9178

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 9211
or indirectly owns on the last day of the lower level pass-through 9212
entity's calendar or fiscal year ending within or with the last 9213
day of the upper level pass-through entity's fiscal or calendar 9214
year. If the upper level pass-through entity directly and 9215
indirectly owns less than fifty per cent of the equity of the 9216
lower level pass-through entity on each day of the upper level 9217
pass-through entity's calendar or fiscal year in which or with 9218
which ends the calendar or fiscal year of the lower level 9219
pass-through entity and if, based upon clear and convincing 9220
evidence, complete information about the location and cost of the 9221
physical assets of the lower pass-through entity is not available 9222
to the upper level pass-through entity, then solely for purposes 9223
of ascertaining if a gain or loss constitutes a qualifying trust 9224
amount, the upper level pass-through entity shall be deemed as 9225
owning no equity of the lower level pass-through entity for each 9226
day during the upper level pass-through entity's calendar or 9227
fiscal year in which or with which ends the lower level 9228
pass-through entity's calendar or fiscal year. Nothing in division 9229
(BB)(5)(a)(iii) of this section shall be construed to provide for 9230
any deduction or exclusion in computing any trust's Ohio taxable 9231
income. 9232

(b) With respect to a trust that is not a resident for the 9233
taxable year and with respect to a part of a trust that is not a 9234
resident for the taxable year, "qualifying investee" for that 9235
taxable year does not include a C corporation if both of the 9236
following apply: 9237

(i) During the taxable year the trust or part of the trust 9238
recognizes a gain or loss from the sale, exchange, or other 9239
disposition of equity or ownership interests in, or debt 9240
obligations of, the C corporation. 9241

(ii) Such gain or loss constitutes nonbusiness income. 9242

(6) "Available" means information is such that a person is 9243
able to learn of the information by the due date plus extensions, 9244
if any, for filing the return for the taxable year in which the 9245
trust recognizes the gain or loss. 9246

(CC) "Qualifying controlled group" has the same meaning as in 9247
section 5733.04 of the Revised Code. 9248

(DD) "Related member" has the same meaning as in section 9249
5733.042 of the Revised Code. 9250

(EE)(1) For the purposes of division (EE) of this section: 9251

(a) "Qualifying person" means any person other than a 9252
qualifying corporation. 9253

(b) "Qualifying corporation" means any person classified for 9254
federal income tax purposes as an association taxable as a 9255
corporation, except either of the following: 9256

(i) A corporation that has made an election under subchapter 9257
S, chapter one, subtitle A, of the Internal Revenue Code for its 9258
taxable year ending within, or on the last day of, the investor's 9259
taxable year; 9260

(ii) A subsidiary that is wholly owned by any corporation 9261
that has made an election under subchapter S, chapter one, 9262
subtitle A of the Internal Revenue Code for its taxable year 9263
ending within, or on the last day of, the investor's taxable year. 9264

(2) For the purposes of this chapter, unless expressly stated 9265
otherwise, no qualifying person indirectly owns any asset directly 9266
or indirectly owned by any qualifying corporation. 9267

(FF) For purposes of this chapter and Chapter 5751. of the 9268
Revised Code: 9269

(1) "Trust" does not include a qualified pre-income tax 9270
trust. 9271

(2) A "qualified pre-income tax trust" is any pre-income tax 9272

trust that makes a qualifying pre-income tax trust election as 9273
described in division (FF)(3) of this section. 9274

(3) A "qualifying pre-income tax trust election" is an 9275
election by a pre-income tax trust to subject to the tax imposed 9276
by section 5751.02 of the Revised Code the pre-income tax trust 9277
and all pass-through entities of which the trust owns or controls, 9278
directly, indirectly, or constructively through related interests, 9279
five per cent or more of the ownership or equity interests. The 9280
trustee shall notify the tax commissioner in writing of the 9281
election on or before April 15, 2006. The election, if timely 9282
made, shall be effective on and after January 1, 2006, and shall 9283
apply for all tax periods and tax years until revoked by the 9284
trustee of the trust. 9285

(4) A "pre-income tax trust" is a trust that satisfies all of 9286
the following requirements: 9287

(a) The document or instrument creating the trust was 9288
executed by the grantor before January 1, 1972; 9289

(b) The trust became irrevocable upon the creation of the 9290
trust; and 9291

(c) The grantor was domiciled in this state at the time the 9292
trust was created. 9293

Sec. 5751.01. As used in this chapter: 9294

(A) "Person" means, but is not limited to, individuals, 9295
combinations of individuals of any form, receivers, assignees, 9296
trustees in bankruptcy, firms, companies, joint-stock companies, 9297
business trusts, estates, partnerships, limited liability 9298
partnerships, limited liability companies, associations, joint 9299
ventures, clubs, societies, for-profit corporations, S 9300
corporations, qualified subchapter S subsidiaries, qualified 9301
subchapter S trusts, trusts, entities that are disregarded for 9302

federal income tax purposes, and any other entities. 9303

(B) "Consolidated elected taxpayer" means a group of two or 9304
more persons treated as a single taxpayer for purposes of this 9305
chapter as the result of an election made under section 5751.011 9306
of the Revised Code. 9307

(C) "Combined taxpayer" means a group of two or more persons 9308
treated as a single taxpayer for purposes of this chapter under 9309
section 5751.012 of the Revised Code. 9310

(D) "Taxpayer" means any person, or any group of persons in 9311
the case of a consolidated elected taxpayer or combined taxpayer 9312
treated as one taxpayer, required to register or pay tax under 9313
this chapter. "Taxpayer" does not include excluded persons. 9314

(E) "Excluded person" means any of the following: 9315

(1) Any person with not more than one hundred fifty thousand 9316
dollars of taxable gross receipts during the calendar year. 9317
Division (E)(1) of this section does not apply to a person that is 9318
a member of a consolidated elected taxpayer; 9319

(2) A public utility that paid the excise tax imposed by 9320
section 5727.24 or 5727.30 of the Revised Code based on one or 9321
more measurement periods that include the entire tax period under 9322
this chapter, except that a public utility that is a combined 9323
company is a taxpayer with regard to the following gross receipts: 9324

(a) Taxable gross receipts directly attributed to a public 9325
utility activity, but not directly attributed to an activity that 9326
is subject to the excise tax imposed by section 5727.24 or 5727.30 9327
of the Revised Code; 9328

(b) Taxable gross receipts that cannot be directly attributed 9329
to any activity, multiplied by a fraction whose numerator is the 9330
taxable gross receipts described in division (E)(2)(a) of this 9331
section and whose denominator is the total taxable gross receipts 9332

that can be directly attributed to any activity; 9333

(c) Except for any differences resulting from the use of an 9334
accrual basis method of accounting for purposes of determining 9335
gross receipts under this chapter and the use of the cash basis 9336
method of accounting for purposes of determining gross receipts 9337
under section 5727.24 of the Revised Code, the gross receipts 9338
directly attributed to the activity of a natural gas company shall 9339
be determined in a manner consistent with division (D) of section 9340
5727.03 of the Revised Code. 9341

As used in division (E)(2) of this section, "combined 9342
company" and "public utility" have the same meanings as in section 9343
5727.01 of the Revised Code. 9344

(3) A financial institution, as defined in section 5726.01 of 9345
the Revised Code, that paid the tax imposed by section 5726.02 of 9346
the Revised Code based on one or more taxable years that include 9347
the entire tax period under this chapter; 9348

(4) A person directly or indirectly owned by one or more 9349
financial institutions, as defined in section 5726.01 of the 9350
Revised Code, that paid the tax imposed by section 5726.02 of the 9351
Revised Code based on one or more taxable years that include the 9352
entire tax period under this chapter. 9353

For the purposes of division (E)(4) of this section, a person 9354
owns another person under the following circumstances: 9355

(a) In the case of corporations issuing capital stock, one 9356
corporation owns another corporation if it owns fifty per cent or 9357
more of the other corporation's capital stock with current voting 9358
rights; 9359

(b) In the case of a limited liability company, one person 9360
owns the company if that person's membership interest, as defined 9361
in section 1705.01 of the Revised Code, is fifty per cent or more 9362
of the combined membership interests of all persons owning such 9363

interests in the company; 9364

(c) In the case of a partnership, trust, or other 9365
unincorporated business organization other than a limited 9366
liability company, one person owns the organization if, under the 9367
articles of organization or other instrument governing the affairs 9368
of the organization, that person has a beneficial interest in the 9369
organization's profits, surpluses, losses, or distributions of 9370
fifty per cent or more of the combined beneficial interests of all 9371
persons having such an interest in the organization. 9372

(5) A domestic insurance company or foreign insurance 9373
company, as defined in section 5725.01 of the Revised Code, that 9374
paid the insurance company premiums tax imposed by section 5725.18 9375
or Chapter 5729. of the Revised Code, or an unauthorized insurance 9376
company whose gross premiums are subject to tax under section 9377
3905.36 of the Revised Code based on one or more measurement 9378
periods that include the entire tax period under this chapter; 9379

(6) A person that solely facilitates or services one or more 9380
securitizations of phase-in-recovery property pursuant to a final 9381
financing order as those terms are defined in section 4928.23 of 9382
the Revised Code. For purposes of this division, "securitization" 9383
means transferring one or more assets to one or more persons and 9384
then issuing securities backed by the right to receive payment 9385
from the asset or assets so transferred. 9386

(7) Except as otherwise provided in this division, a 9387
pre-income tax trust as defined in division (FF)(4) of section 9388
5747.01 of the Revised Code and any pass-through entity of which 9389
such pre-income tax trust owns or controls, directly, indirectly, 9390
or constructively through related interests, more than five per 9391
cent of the ownership or equity interests. If the pre-income tax 9392
trust has made a qualifying pre-income tax trust election under 9393
division (FF)(3) of section 5747.01 of the Revised Code, then the 9394
trust and the pass-through entities of which it owns or controls, 9395

directly, indirectly, or constructively through related interests, 9396
more than five per cent of the ownership or equity interests, 9397
shall not be excluded persons for purposes of the tax imposed 9398
under section 5751.02 of the Revised Code. 9399

(8) Nonprofit organizations or the state and its agencies, 9400
instrumentalities, or political subdivisions. 9401

(F) Except as otherwise provided in divisions (F)(2), (3), 9402
and (4) of this section, "gross receipts" means the total amount 9403
realized by a person, without deduction for the cost of goods sold 9404
or other expenses incurred, that contributes to the production of 9405
gross income of the person, including the fair market value of any 9406
property and any services received, and any debt transferred or 9407
forgiven as consideration. 9408

(1) The following are examples of gross receipts: 9409

(a) Amounts realized from the sale, exchange, or other 9410
disposition of the taxpayer's property to or with another; 9411

(b) Amounts realized from the taxpayer's performance of 9412
services for another; 9413

(c) Amounts realized from another's use or possession of the 9414
taxpayer's property or capital; 9415

(d) Any combination of the foregoing amounts. 9416

(2) "Gross receipts" excludes the following amounts: 9417

(a) Interest income except interest on credit sales; 9418

(b) Dividends and distributions from corporations, and 9419
distributive or proportionate shares of receipts and income from a 9420
pass-through entity as defined under section 5733.04 of the 9421
Revised Code; 9422

(c) Receipts from the sale, exchange, or other disposition of 9423
an asset described in section 1221 or 1231 of the Internal Revenue 9424
Code, without regard to the length of time the person held the 9425

asset. Notwithstanding section 1221 of the Internal Revenue Code, 9426
receipts from hedging transactions also are excluded to the extent 9427
the transactions are entered into primarily to protect a financial 9428
position, such as managing the risk of exposure to (i) foreign 9429
currency fluctuations that affect assets, liabilities, profits, 9430
losses, equity, or investments in foreign operations; (ii) 9431
interest rate fluctuations; or (iii) commodity price fluctuations. 9432
As used in division (F)(2)(c) of this section, "hedging 9433
transaction" has the same meaning as used in section 1221 of the 9434
Internal Revenue Code and also includes transactions accorded 9435
hedge accounting treatment under statement of financial accounting 9436
standards number 133 of the financial accounting standards board. 9437
For the purposes of division (F)(2)(c) of this section, the actual 9438
transfer of title of real or tangible personal property to another 9439
entity is not a hedging transaction. 9440

(d) Proceeds received attributable to the repayment, 9441
maturity, or redemption of the principal of a loan, bond, mutual 9442
fund, certificate of deposit, or marketable instrument; 9443

(e) The principal amount received under a repurchase 9444
agreement or on account of any transaction properly characterized 9445
as a loan to the person; 9446

(f) Contributions received by a trust, plan, or other 9447
arrangement, any of which is described in section 501(a) of the 9448
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 9449
1, Subchapter (D) of the Internal Revenue Code applies; 9450

(g) Compensation, whether current or deferred, and whether in 9451
cash or in kind, received or to be received by an employee, former 9452
employee, or the employee's legal successor for services rendered 9453
to or for an employer, including reimbursements received by or for 9454
an individual for medical or education expenses, health insurance 9455
premiums, or employee expenses, or on account of a dependent care 9456
spending account, legal services plan, any cafeteria plan 9457

described in section 125 of the Internal Revenue Code, or any	9458
similar employee reimbursement;	9459
(h) Proceeds received from the issuance of the taxpayer's own	9460
stock, options, warrants, puts, or calls, or from the sale of the	9461
taxpayer's treasury stock;	9462
(i) Proceeds received on the account of payments from	9463
insurance policies, except those proceeds received for the loss of	9464
business revenue;	9465
(j) Gifts or charitable contributions received; membership	9466
dues received by trade, professional, homeowners', or condominium	9467
associations; and payments received for educational courses,	9468
meetings, meals, or similar payments to a trade, professional, or	9469
other similar association; and fundraising receipts received by	9470
any person when any excess receipts are donated or used	9471
exclusively for charitable purposes;	9472
(k) Damages received as the result of litigation in excess of	9473
amounts that, if received without litigation, would be gross	9474
receipts;	9475
(l) Property, money, and other amounts received or acquired	9476
by an agent on behalf of another in excess of the agent's	9477
commission, fee, or other remuneration;	9478
(m) Tax refunds, other tax benefit recoveries, and	9479
reimbursements for the tax imposed under this chapter made by	9480
entities that are part of the same combined taxpayer or	9481
consolidated elected taxpayer group, and reimbursements made by	9482
entities that are not members of a combined taxpayer or	9483
consolidated elected taxpayer group that are required to be made	9484
for economic parity among multiple owners of an entity whose tax	9485
obligation under this chapter is required to be reported and paid	9486
entirely by one owner, pursuant to the requirements of sections	9487
5751.011 and 5751.012 of the Revised Code;	9488

(n) Pension reversions;	9489
(o) Contributions to capital;	9490
(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;	9491 9492 9493 9494 9495
(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;	9496 9497 9498 9499 9500 9501 9502
(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;	9503 9504 9505 9506 9507 9508
(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;	9509 9510 9511 9512 9513 9514 9515
(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	9516 9517 9518 9519

purpose of resale by the transferee motor vehicle dealer, but only 9520
if the sale or other transfer was based upon the transferee's need 9521
to meet a specific customer's preference for a motor vehicle; 9522

(u) Receipts from a financial institution described in 9523
division (E)(3) of this section for services provided to the 9524
financial institution in connection with the issuance, processing, 9525
servicing, and management of loans or credit accounts, if such 9526
financial institution and the recipient of such receipts have at 9527
least fifty per cent of their ownership interests owned or 9528
controlled, directly or constructively through related interests, 9529
by common owners; 9530

(v) Receipts realized from administering anti-neoplastic 9531
drugs and other cancer chemotherapy, biologicals, therapeutic 9532
agents, and supportive drugs in a physician's office to patients 9533
with cancer; 9534

(w) Funds received or used by a mortgage broker that is not a 9535
dealer in intangibles, other than fees or other consideration, 9536
pursuant to a table-funding mortgage loan or warehouse-lending 9537
mortgage loan. Terms used in division (F)(2)(w) of this section 9538
have the same meanings as in section 1322.01 of the Revised Code, 9539
except "mortgage broker" means a person assisting a buyer in 9540
obtaining a mortgage loan for a fee or other consideration paid by 9541
the buyer or a lender, or a person engaged in table-funding or 9542
warehouse-lending mortgage loans that are first lien mortgage 9543
loans. 9544

(x) Property, money, and other amounts received by a 9545
professional employer organization, as defined in section 4125.01 9546
of the Revised Code, from a client employer, as defined in that 9547
section, in excess of the administrative fee charged by the 9548
professional employer organization to the client employer; 9549

(y) In the case of amounts retained as commissions by a 9550

permit holder under Chapter 3769. of the Revised Code, an amount 9551
equal to the amounts specified under that chapter that must be 9552
paid to or collected by the tax commissioner as a tax and the 9553
amounts specified under that chapter to be used as purse money; 9554

(z) Qualifying distribution center receipts. 9555

(i) For purposes of division (F)(2)(z) of this section: 9556

(I) "Qualifying distribution center receipts" means receipts 9557
of a supplier from qualified property that is delivered to a 9558
qualified distribution center, multiplied by a quantity that 9559
equals one minus the Ohio delivery percentage. If the qualified 9560
distribution center is a refining facility, "supplier" includes 9561
all dealers, brokers, processors, sellers, vendors, cosigners, and 9562
distributors of qualified property. 9563

(II) "Qualified property" means tangible personal property 9564
delivered to a qualified distribution center that is shipped to 9565
that qualified distribution center solely for further shipping by 9566
the qualified distribution center to another location in this 9567
state or elsewhere or, in the case of gold, silver, platinum, or 9568
palladium delivered to a refining facility solely for refining to 9569
a grade and fineness acceptable for delivery to a registered 9570
commodities exchange. "Further shipping" includes storing and 9571
repackaging property into smaller or larger bundles, so long as 9572
the property is not subject to further manufacturing or 9573
processing. "Refining" is limited to extracting impurities from 9574
gold, silver, platinum, or palladium through smelting or some 9575
other process at a refining facility. 9576

(III) "Qualified distribution center" means a warehouse, a 9577
facility similar to a warehouse, or a refining facility in this 9578
state that, for the qualifying year, is operated by a person that 9579
is not part of a combined taxpayer group and that has a qualifying 9580
certificate. All warehouses or facilities similar to warehouses 9581

that are operated by persons in the same taxpayer group and that 9582
are located within one mile of each other shall be treated as one 9583
qualified distribution center. All refining facilities that are 9584
operated by persons in the same taxpayer group and that are 9585
located in the same or adjacent counties may be treated as one 9586
qualified distribution center. 9587

(IV) "Qualifying year" means the calendar year to which the 9588
qualifying certificate applies. 9589

(V) "Qualifying period" means the period of the first day of 9590
July of the second year preceding the qualifying year through the 9591
thirtieth day of June of the year preceding the qualifying year. 9592

(VI) "Qualifying certificate" means the certificate issued by 9593
the tax commissioner after the operator of a distribution center 9594
files an annual application with the commissioner. The application 9595
and annual fee shall be filed and paid for each qualified 9596
distribution center on or before the first day of September before 9597
the qualifying year or within forty-five days after the 9598
distribution center opens, whichever is later. 9599

The applicant must substantiate to the commissioner's 9600
satisfaction that, for the qualifying period, all persons 9601
operating the distribution center have more than fifty per cent of 9602
the cost of the qualified property shipped to a location such that 9603
it would be situated outside this state under the provisions of 9604
division (E) of section 5751.033 of the Revised Code. The 9605
applicant must also substantiate that the distribution center 9606
cumulatively had costs from its suppliers equal to or exceeding 9607
five hundred million dollars during the qualifying period. (For 9608
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 9609
excludes any person that is part of the consolidated elected 9610
taxpayer group, if applicable, of the operator of the qualified 9611
distribution center.) The commissioner may require the applicant 9612
to have an independent certified public accountant certify that 9613

the calculation of the minimum thresholds required for a qualified 9614
distribution center by the operator of a distribution center has 9615
been made in accordance with generally accepted accounting 9616
principles. The commissioner shall issue or deny the issuance of a 9617
certificate within sixty days after the receipt of the 9618
application. A denial is subject to appeal under section 5717.02 9619
of the Revised Code. If the operator files a timely appeal under 9620
section 5717.02 of the Revised Code, the operator shall be granted 9621
a qualifying certificate, provided that the operator is liable for 9622
any tax, interest, or penalty upon amounts claimed as qualifying 9623
distribution center receipts, other than those receipts exempt 9624
under division (C)(1) of section 5751.011 of the Revised Code, 9625
that would have otherwise not been owed by its suppliers if the 9626
qualifying certificate was valid. 9627

(VII) "Ohio delivery percentage" means the proportion of the 9628
total property delivered to a destination inside Ohio from the 9629
qualified distribution center during the qualifying period 9630
compared with total deliveries from such distribution center 9631
everywhere during the qualifying period. 9632

(VIII) "Refining facility" means one or more buildings 9633
located in a county in the Appalachian region of this state as 9634
defined by section 107.21 of the Revised Code and utilized for 9635
refining or smelting gold, silver, platinum, or palladium to a 9636
grade and fineness acceptable for delivery to a registered 9637
commodities exchange. 9638

(IX) "Registered commodities exchange" means a board of 9639
trade, such as New York mercantile exchange, inc. or commodity 9640
exchange, inc., designated as a contract market by the commodity 9641
futures trading commission under the "Commodity Exchange Act," 7 9642
U.S.C. 1 et seq., as amended. 9643

(ii) If the distribution center is new and was not open for 9644
the entire qualifying period, the operator of the distribution 9645

center may request that the commissioner grant a qualifying 9646
certificate. If the certificate is granted and it is later 9647
determined that more than fifty per cent of the qualified property 9648
during that year was not shipped to a location such that it would 9649
be sitused outside of this state under the provisions of division 9650
(E) of section 5751.033 of the Revised Code or if it is later 9651
determined that the person that operates the distribution center 9652
had average monthly costs from its suppliers of less than forty 9653
million dollars during that year, then the operator of the 9654
distribution center shall be liable for any tax, interest, or 9655
penalty upon amounts claimed as qualifying distribution center 9656
receipts, other than those receipts exempt under division (C)(1) 9657
of section 5751.011 of the Revised Code, that would have not 9658
otherwise been owed by its suppliers during the qualifying year if 9659
the qualifying certificate was valid. (For purposes of division 9660
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 9661
is part of the consolidated elected taxpayer group, if applicable, 9662
of the operator of the qualified distribution center.) 9663

(iii) When filing an application for a qualifying certificate 9664
under division (F)(2)(z)(i)(VI) of this section, the operator of a 9665
qualified distribution center also shall provide documentation, as 9666
the commissioner requires, for the commissioner to ascertain the 9667
Ohio delivery percentage. The commissioner, upon issuing the 9668
qualifying certificate, also shall certify the Ohio delivery 9669
percentage. The operator of the qualified distribution center may 9670
appeal the commissioner's certification of the Ohio delivery 9671
percentage in the same manner as an appeal is taken from the 9672
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 9673
of this section. 9674

Within thirty days after all appeals have been exhausted, the 9675
operator of the qualified distribution center shall notify the 9676
affected suppliers of qualified property that such suppliers are 9677

required to file, within sixty days after receiving notice from 9678
the operator of the qualified distribution center, amended reports 9679
for the impacted calendar quarter or quarters or calendar year, 9680
whichever the case may be. Any additional tax liability or tax 9681
overpayment shall be subject to interest but shall not be subject 9682
to the imposition of any penalty so long as the amended returns 9683
are timely filed. The supplier of tangible personal property 9684
delivered to the qualified distribution center shall include in 9685
its report of taxable gross receipts the receipts from the total 9686
sales of property delivered to the qualified distribution center 9687
for the calendar quarter or calendar year, whichever the case may 9688
be, multiplied by the Ohio delivery percentage for the qualifying 9689
year. Nothing in division (F)(2)(z)(iii) of this section shall be 9690
construed as imposing liability on the operator of a qualified 9691
distribution center for the tax imposed by this chapter arising 9692
from any change to the Ohio delivery percentage. 9693

(iv) In the case where the distribution center is new and not 9694
open for the entire qualifying period, the operator shall make a 9695
good faith estimate of an Ohio delivery percentage for use by 9696
suppliers in their reports of taxable gross receipts for the 9697
remainder of the qualifying period. The operator of the facility 9698
shall disclose to the suppliers that such Ohio delivery percentage 9699
is an estimate and is subject to recalculation. By the due date of 9700
the next application for a qualifying certificate, the operator 9701
shall determine the actual Ohio delivery percentage for the 9702
estimated qualifying period and proceed as provided in division 9703
(F)(2)(z)(iii) of this section with respect to the calculation and 9704
recalculation of the Ohio delivery percentage. The supplier is 9705
required to file, within sixty days after receiving notice from 9706
the operator of the qualified distribution center, amended reports 9707
for the impacted calendar quarter or quarters or calendar year, 9708
whichever the case may be. Any additional tax liability or tax 9709
overpayment shall be subject to interest but shall not be subject 9710

to the imposition of any penalty so long as the amended returns 9711
are timely filed. 9712

(v) Qualifying certificates and Ohio delivery percentages 9713
issued by the commissioner shall be open to public inspection and 9714
shall be timely published by the commissioner. A supplier relying 9715
in good faith on a certificate issued under this division shall 9716
not be subject to tax on the qualifying distribution center 9717
receipts under division (F)(2)(z) of this section. A person 9718
receiving a qualifying certificate is responsible for paying the 9719
tax, interest, and penalty upon amounts claimed as qualifying 9720
distribution center receipts that would not otherwise have been 9721
owed by the supplier if the qualifying certificate were available 9722
when it is later determined that the qualifying certificate should 9723
not have been issued because the statutory requirements were in 9724
fact not met. 9725

(vi) The annual fee for a qualifying certificate shall be one 9726
hundred thousand dollars for each qualified distribution center. 9727
If a qualifying certificate is not issued, the annual fee is 9728
subject to refund after the exhaustion of all appeals provided for 9729
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 9730
under this division may be assessed in the same manner as the tax 9731
imposed under this chapter. The first one hundred thousand dollars 9732
of the annual application fees collected each calendar year shall 9733
be credited to the revenue enhancement fund. The remainder of the 9734
annual application fees collected shall be distributed in the same 9735
manner required under section 5751.20 of the Revised Code. 9736

(vii) The tax commissioner may require that adequate security 9737
be posted by the operator of the distribution center on appeal 9738
when the commissioner disagrees that the applicant has met the 9739
minimum thresholds for a qualified distribution center as set 9740
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 9741
section. 9742

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	9743 9744 9745
(bb) Cash discounts allowed and taken;	9746
(cc) Returns and allowances;	9747
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;	9748 9749 9750 9751 9752 9753 9754 9755 9756 9757 9758 9759 9760 9761
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	9762 9763 9764 9765
(ff) Any receipts directly attributed to providing public services pursuant to sections 126.60 to 126.605 of the Revised Code, or any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.	9766 9767 9768 9769 9770
(gg)(i) As used in this division:	9771
(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other	9772 9773

disposition of uranium within a uranium enrichment zone certified 9774
by the tax commissioner under division (F)(2)(gg)(ii) of this 9775
section. "Qualified uranium receipts" does not include any 9776
receipts with a situs in this state outside a uranium enrichment 9777
zone certified by the tax commissioner under division 9778
(F)(2)(gg)(ii) of this section. 9779

(II) "Uranium enrichment zone" means all real property that 9780
is part of a uranium enrichment facility licensed by the United 9781
States nuclear regulatory commission and that was or is owned or 9782
controlled by the United States department of energy or its 9783
successor. 9784

(ii) Any person that owns, leases, or operates real or 9785
tangible personal property constituting or located within a 9786
uranium enrichment zone may apply to the tax commissioner to have 9787
the uranium enrichment zone certified for the purpose of excluding 9788
qualified uranium receipts under division (F)(2)(gg) of this 9789
section. The application shall include such information that the 9790
tax commissioner prescribes. Within sixty days after receiving the 9791
application, the tax commissioner shall certify the zone for that 9792
purpose if the commissioner determines that the property qualifies 9793
as a uranium enrichment zone as defined in division (F)(2)(gg) of 9794
this section, or, if the tax commissioner determines that the 9795
property does not qualify, the commissioner shall deny the 9796
application or request additional information from the applicant. 9797
If the tax commissioner denies an application, the commissioner 9798
shall state the reasons for the denial. The applicant may appeal 9799
the denial of an application to the board of tax appeals pursuant 9800
to section 5717.02 of the Revised Code. If the applicant files a 9801
timely appeal, the tax commissioner shall conditionally certify 9802
the applicant's property. The conditional certification shall 9803
expire when all of the applicant's appeals are exhausted. Until 9804
final resolution of the appeal, the applicant shall retain the 9805

applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

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

(ii) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(jj) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the

broker and not paid to an associated real estate salesperson or 9838
another real estate broker. For the purposes of this division, 9839
"real estate broker" and "real estate salesperson" have the same 9840
meanings as in section 4735.01 of the Revised Code. 9841

(4) A taxpayer's method of accounting for gross receipts for 9842
a tax period shall be the same as the taxpayer's method of 9843
accounting for federal income tax purposes for the taxpayer's 9844
federal taxable year that includes the tax period. If a taxpayer's 9845
method of accounting for federal income tax purposes changes, its 9846
method of accounting for gross receipts under this chapter shall 9847
be changed accordingly. 9848

(G) "Taxable gross receipts" means gross receipts situated to 9849
this state under section 5751.033 of the Revised Code. 9850

(H) A person has "substantial nexus with this state" if any 9851
of the following applies. The person: 9852

(1) Owns or uses a part or all of its capital in this state; 9853

(2) Holds a certificate of compliance with the laws of this 9854
state authorizing the person to do business in this state; 9855

(3) Has bright-line presence in this state; 9856

(4) Otherwise has nexus with this state to an extent that the 9857
person can be required to remit the tax imposed under this chapter 9858
under the Constitution of the United States. 9859

(I) A person has "bright-line presence" in this state for a 9860
reporting period and for the remaining portion of the calendar 9861
year if any of the following applies. The person: 9862

(1) Has at any time during the calendar year property in this 9863
state with an aggregate value of at least fifty thousand dollars. 9864
For the purpose of division (I)(1) of this section, owned property 9865
is valued at original cost and rented property is valued at eight 9866
times the net annual rental charge. 9867

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	9868 9869 9870
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	9871 9872
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	9873 9874 9875
(c) Any amount the person pays for services performed in this state on its behalf by another.	9876 9877
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	9878 9879
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	9880 9881 9882
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	9883 9884
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	9885 9886
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	9887 9888 9889 9890 9891 9892 9893 9894
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	9895 9896 9897

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	9898 9899 9900
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	9901 9902
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	9903 9904
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	9905 9906 9907
(1) A person receiving a fee to sell financial instruments;	9908
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	9909 9910 9911
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	9912 9913
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	9914 9915
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	9916 9917
(Q) "Received" includes amounts accrued under the accrual method of accounting.	9918 9919
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	9920 9921 9922 9923 9924 9925 9926

Sec. 5751.02. (A) For the purpose of funding the needs of 9927
this state and its local governments ~~beginning with the tax period~~ 9928
~~that commences July 1, 2005, and continuing for every tax period~~ 9929
~~thereafter~~ and providing revenue to the commercial activity tax 9930
motor fuel receipts fund, there is hereby levied a commercial 9931
activity tax on each person with taxable gross receipts for the 9932
privilege of doing business in this state. For the purposes of 9933
this chapter, "doing business" means engaging in any activity, 9934
whether legal or illegal, that is conducted for, or results in, 9935
gain, profit, or income, at any time during ~~the~~ a calendar year. 9936
Persons on which the commercial activity tax is levied include, 9937
but are not limited to, persons with substantial nexus with this 9938
state. The tax imposed under this section is not a transactional 9939
tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The 9940
tax imposed under this section is in addition to any other taxes 9941
or fees imposed under the Revised Code. The tax levied under this 9942
section is imposed on the person receiving the gross receipts and 9943
is not a tax imposed directly on a purchaser. The tax imposed by 9944
this section is an annual privilege tax for the calendar year 9945
that, in the case of calendar year taxpayers, is the annual tax 9946
period and, in the case of calendar quarter taxpayers, contains 9947
all quarterly tax periods in the calendar year. A taxpayer is 9948
subject to the annual privilege tax for doing business during any 9949
portion of such calendar year. 9950

(B) The tax imposed by this section is a tax on the taxpayer 9951
and shall not be billed or invoiced to another person. Even if the 9952
tax or any portion thereof is billed or invoiced and separately 9953
stated, such amounts remain part of the price for purposes of the 9954
sales and use taxes levied under Chapters 5739. and 5741. of the 9955
Revised Code. Nothing in division (B) of this section prohibits: 9956

(1) A person from including in the price charged for a good 9957
or service an amount sufficient to recover the tax imposed by this 9958

section; or 9959

(2) A lessor from including an amount sufficient to recover 9960
the tax imposed by this section in a lease payment charged, or 9961
from including such an amount on a billing or invoice pursuant to 9962
the terms of a written lease agreement providing for the recovery 9963
of the lessor's tax costs. The recovery of such costs shall be 9964
based on an estimate of the total tax cost of the lessor during 9965
the tax period, as the tax liability of the lessor cannot be 9966
calculated until the end of that period. 9967

Sec. 5751.051. (A)(1) Not later than the tenth day of the 9968
second month after the end of each calendar quarter, every 9969
taxpayer other than a calendar year taxpayer shall file with the 9970
tax commissioner a tax return in such form as the commissioner 9971
prescribes. The return shall include, but is not limited to, the 9972
amount of the taxpayer's taxable gross receipts for the calendar 9973
quarter and shall indicate the amount of tax due under section 9974
5751.03 of the Revised Code for the calendar quarter. The taxpayer 9975
shall indicate on the return the portion of the taxpayer's 9976
receipts attributable to motor fuel used for propelling vehicles 9977
on public highways. 9978

(2)(a) Subject to division (C) of section 5751.05 of the 9979
Revised Code, a calendar quarter taxpayer shall report the taxable 9980
gross receipts for that calendar quarter. 9981

(b) With respect to taxable gross receipts incorrectly 9982
reported in a calendar quarter that has a lower tax rate, the tax 9983
shall be computed at the tax rate in effect for the quarterly 9984
return in which such receipts should have been reported. Nothing 9985
in division (A)(2)(b) of this section prohibits a taxpayer from 9986
filing an application for refund under section 5751.08 of the 9987
Revised Code with regard to the incorrect reporting of taxable 9988
gross receipts discovered after filing the annual return described 9989

in division (A)(3) of this section. 9990

A tax return shall not be deemed to be an incorrect reporting 9991
of taxable gross receipts for the purposes of division (A)(2)(b) 9992
of this section if the return reflects between ninety-five and one 9993
hundred five per cent of the actual taxable gross receipts for the 9994
calendar quarter. 9995

(3) For the purposes of division (A)(2)(b) of this section, 9996
the tax return filed for the fourth calendar quarter of a calendar 9997
year is the annual return for the privilege tax imposed by this 9998
chapter. Such return shall report any additional taxable gross 9999
receipts not previously reported in the calendar year and shall 10000
adjust for any over-reported taxable gross receipts in the 10001
calendar year. If the taxpayer ceases to be a taxpayer before the 10002
end of the calendar year, the last return the taxpayer is required 10003
to file shall be the annual return for the taxpayer and the 10004
taxpayer shall report any additional taxable gross receipts not 10005
previously reported in the calendar year and shall adjust for any 10006
over-reported taxable gross receipts in the calendar year. 10007
Taxpayers reporting taxable gross receipts attributable to motor 10008
fuel used for propelling vehicles on public highways may not 10009
utilize the statutory estimation procedure provided in divisions 10010
(A)(2) and (3) of this section. 10011

(4) Because the tax imposed by this chapter is a privilege 10012
tax, the tax rate with respect to taxable gross receipts for a 10013
calendar quarter is not fixed until the end of the measurement 10014
period for each calendar quarter. Subject to division (A)(2)(b) of 10015
this section, the total amount of taxable gross receipts reported 10016
for a given calendar quarter shall be subject to the tax rate in 10017
effect in that quarter. 10018

(5) Not later than the tenth day of May following the end of 10019
each calendar year, every calendar year taxpayer shall file with 10020
the tax commissioner a tax return in such form as the commissioner 10021

prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar year and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar year. The taxpayer shall indicate on the return the portion of the taxpayer's receipts attributable to motor fuel used for propelling vehicles on public highways.

(B)(1) A person that first becomes subject to the tax imposed under this chapter shall pay the minimum tax imposed under division (B) of section 5751.03 of the Revised Code on or before the day the return is required to be filed for that quarter under division (A)(1) of this section, regardless of whether the person registers as a calendar year taxpayer under section 5751.05 of the Revised Code.

(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of January of the following calendar year.

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

(2) "State education aid" for a school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year:

division (A) of section 3317.022 of the Revised Code, including 10052
the amounts calculated under sections 3317.029 and 3317.0217 of 10053
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 10054
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 10055
divisions (L) and (N) of section 3317.024; section 3317.0216; and 10056
any unit payments for gifted student services paid under sections 10057
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 10058
for fiscal years 2008 and 2009, the amount computed for the 10059
district under Section 269.20.80 of H.B. 119 of the 127th general 10060
assembly and as that section subsequently may be amended shall be 10061
substituted for the amount computed under division (D) of section 10062
3317.022 of the Revised Code, and the amount computed under 10063
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10064
that section subsequently may be amended shall be included. 10065

(b) For fiscal years 2010 and 2011, the sum of the amounts 10066
computed under former sections 3306.052, 3306.12, 3306.13, 10067
3306.19, 3306.191, and 3306.192 of the Revised Code; 10068

(c) For fiscal years 2012 and 2013, the sum of the amounts 10069
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 10070
153 of the 129th general assembly. 10071

(3) "State education aid" for a joint vocational school 10072
district means the following: 10073

(a) For fiscal years prior to fiscal year 2010, the sum of 10074
the state aid computed for the district under division (N) of 10075
section 3317.024 and section 3317.16 of the Revised Code, except 10076
that, for fiscal years 2008 and 2009, the amount computed under 10077
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10078
that section subsequently may be amended shall be included. 10079

(b) For fiscal years 2010 and 2011, the amount paid in 10080
accordance with Section 265.30.50 of H.B. 1 of the 128th general 10081
assembly. 10082

- (c) For fiscal years 2012 and 2013, the amount paid in accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 10083
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- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 10086
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- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 10089
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- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 10091
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- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 10093
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- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 10095
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- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 10097
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- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 10099
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- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 10101
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 10105
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- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 10107
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- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 10110
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(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.

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(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.

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(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

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(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

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(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

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(20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

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(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero.

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(22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) or

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(33) of this section.	10144
(a) The state education aid for fiscal year 2010;	10145
(b) The sum of the payments received by the school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes;	10146 10147 10148 10149 10150 10151
(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code for fixed-sum levies charged and payable for a purpose other than paying debt charges;	10152 10153 10154 10155 10156
(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies charged and payable under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;	10157 10158 10159 10160 10161 10162 10163
(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;	10164 10165 10166 10167 10168
(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;	10169 10170 10171 10172
(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;	10173 10174

(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	10175 10176
(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.	10177 10178 10179 10180
(a) The state education aid for fiscal year 2010;	10181
(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	10182 10183 10184 10185
(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;	10186 10187 10188 10189
(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;	10190 10191 10192 10193
(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;	10194 10195 10196 10197 10198
(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;	10199 10200 10201 10202 10203
(g) The joint vocational school district's taxes charged and	10204

payable against all property on the general tax list of personal 10205
property for current expenses for tax year 2009. 10206

(24) "Total resources," in the case of county mental health 10207
and disability related functions, means the sum of the amounts in 10208
divisions (A)(24)(a) and (b) of this section less any reduction 10209
required under division (A)(32) of this section. 10210

(a) The sum of the payments received by the county for mental 10211
health and developmental disability related functions in calendar 10212
year 2010 under division (A)(1) of section 5727.86 and divisions 10213
(A)(1) and (2) of section 5751.22 of the Revised Code as they 10214
existed at that time; 10215

(b) With respect to taxes levied by the county for mental 10216
health and developmental disability related purposes, the taxes 10217
charged and payable for such purposes against all property on the 10218
tax list of real and public utility property for tax year 2009. 10219

(25) "Total resources," in the case of county senior services 10220
related functions, means the sum of the amounts in divisions 10221
(A)(25)(a) and (b) of this section less any reduction required 10222
under division (A)(32) of this section. 10223

(a) The sum of the payments received by the county for senior 10224
services related functions in calendar year 2010 under division 10225
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 10226
5751.22 of the Revised Code as they existed at that time; 10227

(b) With respect to taxes levied by the county for senior 10228
services related purposes, the taxes charged and payable for such 10229
purposes against all property on the tax list of real and public 10230
utility property for tax year 2009. 10231

(26) "Total resources," in the case of county children's 10232
services related functions, means the sum of the amounts in 10233
divisions (A)(26)(a) and (b) of this section less any reduction 10234
required under division (A)(32) of this section. 10235

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

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(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

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(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

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(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner

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for calendar year 2010 by the county auditor under division (J) of 10267
section 5747.51 of the Revised Code or division (F) of section 10268
5747.53 of the Revised Code multiplied by the total amount 10269
actually distributed in calendar year 2010 from the county 10270
undivided local government fund; 10271

(c) With respect to taxes levied by the county for all other 10272
purposes, the taxes charged and payable for such purposes against 10273
all property on the tax list of real and public utility property 10274
for tax year 2009, excluding taxes charged and payable for the 10275
purpose of paying debt charges; 10276

(d) The sum of the amounts distributed to the county in 10277
calendar year 2010 for the taxes levied pursuant to sections 10278
5739.021 and 5741.021 of the Revised Code. 10279

(29) "Total resources," in the case of a municipal 10280
corporation, means the sum of the amounts in divisions (A)(29)(a) 10281
to (g) of this section less any reduction required under division 10282
(A)(32) or (33) of this section. 10283

(a) The sum of the payments received by the municipal 10284
corporation in calendar year 2010 for current expense levy losses 10285
under division (A)(1) of section 5727.86 and divisions (A)(1) and 10286
(2) of section 5751.22 of the Revised Code as they existed at that 10287
time; 10288

(b) The municipal corporation's percentage share of county 10289
undivided local government fund allocations as certified to the 10290
tax commissioner for calendar year 2010 by the county auditor 10291
under division (J) of section 5747.51 of the Revised Code or 10292
division (F) of section 5747.53 of the Revised Code multiplied by 10293
the total amount actually distributed in calendar year 2010 from 10294
the county undivided local government fund; 10295

(c) The sum of the amounts distributed to the municipal 10296
corporation in calendar year 2010 pursuant to section 5747.50 of 10297

the Revised Code;	10298
(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(35) of this section, for tax year 2009;	10299 10300 10301 10302 10303
(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;	10304 10305 10306 10307 10308
(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;	10309 10310 10311 10312 10313
(g) The municipal corporation's median estate tax collections.	10314 10315
(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) or (33) of this section.	10316 10317 10318 10319
(a) The sum of the payments received by the township in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;	10320 10321 10322 10323 10324
(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section	10325 10326 10327 10328

5747.53 of the Revised Code multiplied by the total amount 10329
actually distributed in calendar year 2010 from the county 10330
undivided local government fund; 10331

(c) With respect to taxes levied by the township, the taxes 10332
charged and payable against all property on the tax list of real 10333
and public utility property for tax year 2009 excluding taxes 10334
charged and payable for the purpose of paying debt charges. 10335

(31) "Total resources," in the case of a local taxing unit 10336
that is not a county, municipal corporation, or township, means 10337
the sum of the amounts in divisions (A)(31)(a) to (e) of this 10338
section less any reduction required under division (A)(32) of this 10339
section. 10340

(a) The sum of the payments received by the local taxing unit 10341
in calendar year 2010 pursuant to division (A)(1) of section 10342
5727.86 of the Revised Code and divisions (A)(1) and (2) of 10343
section 5751.22 of the Revised Code as they existed at that time; 10344

(b) The local taxing unit's percentage share of county 10345
undivided local government fund allocations as certified to the 10346
tax commissioner for calendar year 2010 by the county auditor 10347
under division (J) of section 5747.51 of the Revised Code or 10348
division (F) of section 5747.53 of the Revised Code multiplied by 10349
the total amount actually distributed in calendar year 2010 from 10350
the county undivided local government fund; 10351

(c) With respect to taxes levied by the local taxing unit, 10352
the taxes charged and payable against all property on the tax list 10353
of real and public utility property for tax year 2009 excluding 10354
taxes charged and payable for the purpose of paying debt charges; 10355

(d) The amount received from the tax commissioner during 10356
calendar year 2010 for sales or use taxes authorized under 10357
sections 5739.023 and 5741.022 of the Revised Code; 10358

(e) For institutions of higher education receiving tax 10359

revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2010 as calculated by the board of regents and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total resources" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) In the case of a county, municipal corporation, school district, or township with fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, division (C)(12) of section 5751.21, or division (A)(1)(c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A)(34)(a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A)(22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges.

(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or

any levy containing the words "sewage" or "sewer"; park 10424
improvement; parkland acquisition; storm drain; street or any levy 10425
name containing the word "street"; lighting, or any levy name 10426
containing the word "lighting"; and water. 10427

(36) "Current expense TPP allocation" means, in the case of a 10428
school district or joint vocational school district, the sum of 10429
the payments received by the school district in fiscal year 2011 10430
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 10431
Revised Code to the extent paid for current expense levies. In the 10432
case of a municipal corporation, "current expense TPP allocation" 10433
means the sum of the payments received by the municipal 10434
corporation in calendar year 2010 pursuant to divisions (A)(1) and 10435
(2) of section 5751.22 of the Revised Code to the extent paid for 10436
municipal current expense property tax levies as defined in 10437
division (A)(35) of this section, excluding any such payments 10438
received for current expense levy losses attributable to a tax 10439
levied under section 5705.23 of the Revised Code. If a fixed-rate 10440
levy that is a qualifying levy is not charged and payable in any 10441
year after tax year 2010, "current expense TPP allocation" used to 10442
compute payments to be made under division (C)(12) of section 10443
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 10444
Revised Code in the tax years following the last year the levy is 10445
charged and payable shall be reduced to the extent that the 10446
payments are attributable to the fixed-rate levy loss of that levy 10447
as would be computed under divisions (C)(10) and (11) of section 10448
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 10449

(37) "TPP allocation" means the sum of payments received by a 10450
local taxing unit in calendar year 2010 pursuant to divisions 10451
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 10452
any such payments received for fixed-rate levy losses attributable 10453
to a tax levied under section 5705.23 of the Revised Code. If a 10454
fixed-rate levy that is a qualifying levy is not charged and 10455

payable in any year after tax year 2010, "TPP allocation" used to 10456
compute payments to be made under division (A)(1)(b) or (c) of 10457
section 5751.22 of the Revised Code in the tax years following the 10458
last year the levy is charged and payable shall be reduced to the 10459
extent that the payments are attributable to the fixed-rate levy 10460
loss of that levy as would be computed under division (A)(1) of 10461
that section. 10462

(38) "Total TPP allocation" means, in the case of a school 10463
district or joint vocational school district, the sum of the 10464
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 10465
and (11) and (D) of section 5751.21 of the Revised Code. In the 10466
case of a local taxing unit, "total TPP allocation" means the sum 10467
of payments received by the unit in calendar year 2010 pursuant to 10468
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 10469
Code. If a fixed-rate levy that is a qualifying levy is not 10470
charged and payable in any year after tax year 2010, "total TPP 10471
allocation" used to compute payments to be made under division 10472
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 10473
5751.22 of the Revised Code in the tax years following the last 10474
year the levy is charged and payable shall be reduced to the 10475
extent that the payments are attributable to the fixed-rate levy 10476
loss of that levy as would be computed under divisions (C)(10) and 10477
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 10478
the Revised Code. 10479

(39) "Non-current expense TPP allocation" means the 10480
difference of total TPP allocation minus the sum of current 10481
expense TPP allocation and the portion of total TPP allocation 10482
constituting reimbursement for debt levies, pursuant to division 10483
(D) of section 5751.21 of the Revised Code in the case of a school 10484
district or joint vocational school district and pursuant to 10485
division (A)(3) of section 5751.22 of the Revised Code in the case 10486
of a municipal corporation. 10487

(40) "TPP allocation for library purposes" means the sum of payments received by a county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to section 5751.22 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the Revised Code that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation for library purposes" used to compute payments to be made under division (A)(1)(d) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited ~~for each~~

~~fiscal year~~ to the commercial activity tax motor fuel receipts 10520
fund, pursuant to division (B)(2) of this section, and the 10521
remainder shall be credited in the following percentages each 10522
fiscal year to the general revenue fund, to the school district 10523
tangible property tax replacement fund, which is hereby created in 10524
the state treasury for the purpose of making the payments 10525
described in section 5751.21 of the Revised Code, and to the local 10526
government tangible property tax replacement fund, which is hereby 10527
created in the state treasury for the purpose of making the 10528
payments described in section 5751.22 of the Revised Code, in the 10529
following percentages: 10530

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	10532
2007	0%	70.0%	30.0%	10533
2008	0%	70.0%	30.0%	10534
2009	0%	70.0%	30.0%	10535
2010	0%	70.0%	30.0%	10536
2011	0%	70.0%	30.0%	10537
2012	25.0%	52.5%	22.5%	10538
2013 and thereafter	50.0%	35.0%	15.0%	10539

(2) Not later than the twentieth day of February, May, 10540
August, and November of each year, the commissioner shall provide 10541
for payment from the commercial activities tax receipts fund to 10542
the commercial activity tax motor fuel receipts fund an amount 10543
that bears the same ratio to the balance in the commercial 10544
activities tax receipts fund that (a) the taxable gross receipts 10545
attributed to motor fuel used for propelling vehicles on public 10546
highways as indicated by returns filed by the tenth day of that 10547
month for a liability that is due and payable on or after July 1, 10548

2013, bears to (b) all taxable gross receipts as indicated by 10549
those returns for such liabilities. 10550

(C) Not later than September 15, 2005, the tax commissioner 10551
shall determine for each school district, joint vocational school 10552
district, and local taxing unit its machinery and equipment, 10553
inventory property, furniture and fixtures property, and telephone 10554
property tax value losses, which are the applicable amounts 10555
described in divisions (C)(1), (2), (3), and (4) of this section, 10556
except as provided in division (C)(5) of this section: 10557

(1) Machinery and equipment property tax value loss is the 10558
taxable value of machinery and equipment property as reported by 10559
taxpayers for tax year 2004 multiplied by: 10560

(a) For tax year 2006, thirty-three and eight-tenths per 10561
cent; 10562

(b) For tax year 2007, sixty-one and three-tenths per cent; 10563

(c) For tax year 2008, eighty-three per cent; 10564

(d) For tax year 2009 and thereafter, one hundred per cent. 10565

(2) Inventory property tax value loss is the taxable value of 10566
inventory property as reported by taxpayers for tax year 2004 10567
multiplied by: 10568

(a) For tax year 2006, a fraction, the numerator of which is 10569
five and three-fourths and the denominator of which is 10570
twenty-three; 10571

(b) For tax year 2007, a fraction, the numerator of which is 10572
nine and one-half and the denominator of which is twenty-three; 10573

(c) For tax year 2008, a fraction, the numerator of which is 10574
thirteen and one-fourth and the denominator of which is 10575
twenty-three; 10576

(d) For tax year 2009 and thereafter a fraction, the 10577
numerator of which is seventeen and the denominator of which is 10578

twenty-three. 10579

(3) Furniture and fixtures property tax value loss is the 10580
taxable value of furniture and fixture property as reported by 10581
taxpayers for tax year 2004 multiplied by: 10582

(a) For tax year 2006, twenty-five per cent; 10583

(b) For tax year 2007, fifty per cent; 10584

(c) For tax year 2008, seventy-five per cent; 10585

(d) For tax year 2009 and thereafter, one hundred per cent. 10586

The taxable value of property reported by taxpayers used in 10587
divisions (C)(1), (2), and (3) of this section shall be such 10588
values as determined to be final by the tax commissioner as of 10589
August 31, 2005. Such determinations shall be final except for any 10590
correction of a clerical error that was made prior to August 31, 10591
2005, by the tax commissioner. 10592

(4) Telephone property tax value loss is the taxable value of 10593
telephone property as taxpayers would have reported that property 10594
for tax year 2004 if the assessment rate for all telephone 10595
property for that year were twenty-five per cent, multiplied by: 10596

(a) For tax year 2006, zero per cent; 10597

(b) For tax year 2007, zero per cent; 10598

(c) For tax year 2008, zero per cent; 10599

(d) For tax year 2009, sixty per cent; 10600

(e) For tax year 2010, eighty per cent; 10601

(f) For tax year 2011 and thereafter, one hundred per cent. 10602

(5) Division (C)(5) of this section applies to any school 10603
district, joint vocational school district, or local taxing unit 10604
in a county in which is located a facility currently or formerly 10605
devoted to the enrichment or commercialization of uranium or 10606
uranium products, and for which the total taxable value of 10607

property listed on the general tax list of personal property for 10608
any tax year from tax year 2001 to tax year 2004 was fifty per 10609
cent or less of the taxable value of such property listed on the 10610
general tax list of personal property for the next preceding tax 10611
year. 10612

In computing the fixed-rate levy losses under divisions 10613
(D)(1), (2), and (3) of this section for any school district, 10614
joint vocational school district, or local taxing unit to which 10615
division (C)(5) of this section applies, the taxable value of such 10616
property as listed on the general tax list of personal property 10617
for tax year 2000 shall be substituted for the taxable value of 10618
such property as reported by taxpayers for tax year 2004, in the 10619
taxing district containing the uranium facility, if the taxable 10620
value listed for tax year 2000 is greater than the taxable value 10621
reported by taxpayers for tax year 2004. For the purpose of making 10622
the computations under divisions (D)(1), (2), and (3) of this 10623
section, the tax year 2000 valuation is to be allocated to 10624
machinery and equipment, inventory, and furniture and fixtures 10625
property in the same proportions as the tax year 2004 values. For 10626
the purpose of the calculations in division (A) of section 5751.21 10627
of the Revised Code, the tax year 2004 taxable values shall be 10628
used. 10629

To facilitate the calculations required under division (C) of 10630
this section, the county auditor, upon request from the tax 10631
commissioner, shall provide by August 1, 2005, the values of 10632
machinery and equipment, inventory, and furniture and fixtures for 10633
all single-county personal property taxpayers for tax year 2004. 10634

(D) Not later than September 15, 2005, the tax commissioner 10635
shall determine for each tax year from 2006 through 2009 for each 10636
school district, joint vocational school district, and local 10637
taxing unit its machinery and equipment, inventory, and furniture 10638
and fixtures fixed-rate levy losses, and for each tax year from 10639

2006 through 2011 its telephone property fixed-rate levy loss. 10640
Except as provided in division (F) of this section, such losses 10641
are the applicable amounts described in divisions (D)(1), (2), 10642
(3), and (4) of this section: 10643

(1) The machinery and equipment fixed-rate levy loss is the 10644
machinery and equipment property tax value loss multiplied by the 10645
sum of the tax rates of fixed-rate qualifying levies. 10646

(2) The inventory fixed-rate loss is the inventory property 10647
tax value loss multiplied by the sum of the tax rates of 10648
fixed-rate qualifying levies. 10649

(3) The furniture and fixtures fixed-rate levy loss is the 10650
furniture and fixture property tax value loss multiplied by the 10651
sum of the tax rates of fixed-rate qualifying levies. 10652

(4) The telephone property fixed-rate levy loss is the 10653
telephone property tax value loss multiplied by the sum of the tax 10654
rates of fixed-rate qualifying levies. 10655

(E) Not later than September 15, 2005, the tax commissioner 10656
shall determine for each school district, joint vocational school 10657
district, and local taxing unit its fixed-sum levy loss. The 10658
fixed-sum levy loss is the amount obtained by subtracting the 10659
amount described in division (E)(2) of this section from the 10660
amount described in division (E)(1) of this section: 10661

(1) The sum of the machinery and equipment property tax value 10662
loss, the inventory property tax value loss, and the furniture and 10663
fixtures property tax value loss, and, for 2008 through 2010, the 10664
telephone property tax value loss of the district or unit 10665
multiplied by the sum of the fixed-sum tax rates of qualifying 10666
levies. For 2006 through 2010, this computation shall include all 10667
qualifying levies remaining in effect for the current tax year and 10668
any school district levies charged and payable under section 10669
5705.194 or 5705.213 of the Revised Code that are qualifying 10670

levies not remaining in effect for the current year. For 2011 10671
through 2017 in the case of school district levies charged and 10672
payable under section 5705.194 or 5705.213 of the Revised Code and 10673
for all years after 2010 in the case of other fixed-sum levies, 10674
this computation shall include only qualifying levies remaining in 10675
effect for the current year. For purposes of this computation, a 10676
qualifying school district levy charged and payable under section 10677
5705.194 or 5705.213 of the Revised Code remains in effect in a 10678
year after 2010 only if, for that year, the board of education 10679
levies a school district levy charged and payable under section 10680
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 10681
an annual sum at least equal to the annual sum levied by the board 10682
in tax year 2004 less the amount of the payment certified under 10683
this division for 2006. 10684

(2) The total taxable value in tax year 2004 less the sum of 10685
the machinery and equipment, inventory, furniture and fixtures, 10686
and telephone property tax value losses in each school district, 10687
joint vocational school district, and local taxing unit multiplied 10688
by one-half of one mill per dollar. 10689

(3) For the calculations in divisions (E)(1) and (2) of this 10690
section, the tax value losses are those that would be calculated 10691
for tax year 2009 under divisions (C)(1), (2), and (3) of this 10692
section and for tax year 2011 under division (C)(4) of this 10693
section. 10694

(4) To facilitate the calculation under divisions (D) and (E) 10695
of this section, not later than September 1, 2005, any school 10696
district, joint vocational school district, or local taxing unit 10697
that has a qualifying levy that was approved at an election 10698
conducted during 2005 before September 1, 2005, shall certify to 10699
the tax commissioner a copy of the county auditor's certificate of 10700
estimated property tax millage for such levy as required under 10701
division (B) of section 5705.03 of the Revised Code, which is the 10702

rate that shall be used in the calculations under such divisions. 10703

If the amount determined under division (E) of this section 10704
for any school district, joint vocational school district, or 10705
local taxing unit is greater than zero, that amount shall equal 10706
the reimbursement to be paid pursuant to division (E) of section 10707
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 10708
and the one-half of one mill that is subtracted under division 10709
(E)(2) of this section shall be apportioned among all contributing 10710
fixed-sum levies in the proportion that each levy bears to the sum 10711
of all fixed-sum levies within each school district, joint 10712
vocational school district, or local taxing unit. 10713

(F) If a school district levies a tax under section 5705.219 10714
of the Revised Code, the fixed-rate levy loss for qualifying 10715
levies, to the extent repealed under that section, shall equal the 10716
sum of the following amounts in lieu of the amounts computed for 10717
such levies under division (D) of this section: 10718

(1) The sum of the rates of qualifying levies to the extent 10719
so repealed multiplied by the sum of the machinery and equipment, 10720
inventory, and furniture and fixtures tax value losses for 2009 as 10721
determined under that division; 10722

(2) The sum of the rates of qualifying levies to the extent 10723
so repealed multiplied by the telephone property tax value loss 10724
for 2011 as determined under that division. 10725

The fixed-rate levy losses for qualifying levies to the 10726
extent not repealed under section 5705.219 of the Revised Code 10727
shall be as determined under division (D) of this section. The 10728
revised fixed-rate levy losses determined under this division and 10729
division (D) of this section first apply in the year following the 10730
first year the district levies the tax under section 5705.219 of 10731
the Revised Code. 10732

(G) Not later than October 1, 2005, the tax commissioner 10733

shall certify to the department of education for every school 10734
district and joint vocational school district the machinery and 10735
equipment, inventory, furniture and fixtures, and telephone 10736
property tax value losses determined under division (C) of this 10737
section, the machinery and equipment, inventory, furniture and 10738
fixtures, and telephone fixed-rate levy losses determined under 10739
division (D) of this section, and the fixed-sum levy losses 10740
calculated under division (E) of this section. The calculations 10741
under divisions (D) and (E) of this section shall separately 10742
display the levy loss for each levy eligible for reimbursement. 10743

(H) Not later than October 1, 2005, the tax commissioner 10744
shall certify the amount of the fixed-sum levy losses to the 10745
county auditor of each county in which a school district, joint 10746
vocational school district, or local taxing unit with a fixed-sum 10747
levy loss reimbursement has territory. 10748

(I) Not later than the twenty-eighth day of February each 10749
year beginning in 2011 and ending in 2014, the tax commissioner 10750
shall certify to the department of education for each school 10751
district first levying a tax under section 5705.219 of the Revised 10752
Code in the preceding year the revised fixed-rate levy losses 10753
determined under divisions (D) and (F) of this section. 10754

(J) There is hereby created in the state treasury the 10755
commercial activity tax motor fuel receipts fund. 10756

Section 101.02. That existing sections 9.33, 126.06, 127.14, 10757
153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 10758
505.44, 505.72, 718.01, 3705.242, 3791.12, 3791.13, 3791.99, 10759
4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.04, 10760
4503.042, 4503.07, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 10761
4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 4511.13, 4513.263, 10762
4513.34, 4513.53, 4513.66, 4517.021, 4561.21, 4743.05, 4765.02, 10763
4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 10764

4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 10765
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 10766
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 10767
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 10768
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 10769
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 10770
4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.51, 5501.73, 10771
5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5515.01, 5517.02, 10772
5525.01, 5525.16, 5577.04, 5577.05, 5739.02, 5747.01, 5751.01, 10773
5751.02, 5751.051, and 5751.20 and sections 126.60, 126.601, 10774
126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 4766.20, 10775
4981.36, and 4981.361 of the Revised Code are hereby repealed. 10776

Section 110.10. That the versions of sections 4503.04 and 10777
4507.05 of the Revised Code that are scheduled to take effect 10778
January 1, 2017, be amended to read as follows: 10779

Sec. 4503.04. Except as provided in sections 4503.042 and 10780
4503.65 of the Revised Code for the registration of commercial 10781
cars, trailers, semitrailers, and certain buses, the rates of the 10782
taxes imposed by section 4503.02 of the Revised Code shall be as 10783
follows: 10784

(A)(1) For motor vehicles having three wheels or less, the 10785
license tax is: 10786

(a) For each motorized bicycle or moped, ten dollars; 10787

(b) For each motorcycle, cab-enclosed motorcycle, 10788
motor-driven cycle, or motor scooter, fourteen dollars. 10789

(2) For each low-speed, under-speed, and utility vehicle, and 10790
each mini-truck, ten dollars. 10791

(B) For each passenger car, twenty dollars; 10792

(C) For each manufactured home, each mobile home, and each 10793

travel trailer or house vehicle, ten dollars;	10794
(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;	10795 10796 10797 10798 10799 10800
(E) For each noncommercial trailer, the license tax is:	10801
(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;	10802 10803 10804
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	10805 10806 10807
(F) Notwithstanding its weight, twelve dollars for any:	10808
(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;	10809 10810 10811
(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;	10812 10813 10814 10815
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	10816 10817
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	10818 10819 10820
(H) For each transit bus having motor power the license tax is twelve dollars.	10821 10822
"Transit bus" means either a motor vehicle having a seating	10823

capacity of more than seven persons which is operated and used by 10824
any person in the rendition of a public mass transportation 10825
service primarily in a municipal corporation or municipal 10826
corporations and provided at least seventy-five per cent of the 10827
annual mileage of such service and use is within such municipal 10828
corporation or municipal corporations or a motor vehicle having a 10829
seating capacity of more than seven persons which is operated 10830
solely for the transportation of persons associated with a 10831
charitable or nonprofit corporation, but does not mean any motor 10832
vehicle having a seating capacity of more than seven persons when 10833
such vehicle is used in a ridesharing capacity or any bus 10834
described by division (F)(3) of this section. 10835

The application for registration of such transit bus shall be 10836
accompanied by an affidavit prescribed by the registrar of motor 10837
vehicles and signed by the person or an agent of the firm or 10838
corporation operating such bus stating that the bus has a seating 10839
capacity of more than seven persons, and that it is either to be 10840
operated and used in the rendition of a public mass transportation 10841
service and that at least seventy-five per cent of the annual 10842
mileage of such operation and use shall be within one or more 10843
municipal corporations or that it is to be operated solely for the 10844
transportation of persons associated with a charitable or 10845
nonprofit corporation. 10846

The form of the license plate, and the manner of its 10847
attachment to the vehicle, shall be prescribed by the registrar of 10848
motor vehicles. 10849

(I) Except as otherwise provided in division (A) or (J) of 10850
this section, the minimum tax for any vehicle having motor power 10851
is ten dollars and eighty cents, and for each noncommercial 10852
trailer, five dollars. 10853

(J)(1) Except as otherwise provided in division (J) of this 10854
section, for each farm truck, except a noncommercial motor 10855

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 any tax imposed on the truck under Chapter 4504. of the Revised Code.

(3) A farm bus may be registered for a period of ~~ninety two~~ hundred ten days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates

shall not be issued for more than ~~any two ninety day periods~~ one 10886
such period in any calendar year. Such use does not include the 10887
operation of trucks by commercial processors of agricultural 10888
products. 10889

(4) License plates for farm trucks and for farm buses shall 10890
have some distinguishing marks, letters, colors, or other 10891
characteristics to be determined by the director of public safety. 10892

(5) Every person registering a farm truck or bus under this 10893
section shall furnish an affidavit certifying that the truck or 10894
bus licensed to that person is to be so used as to meet the 10895
requirements necessary for the farm truck or farm bus 10896
classification. 10897

Any farmer may use a truck owned by the farmer for commercial 10898
purposes by paying the difference between the commercial truck 10899
registration fee and the farm truck registration fee for the 10900
remaining part of the registration period for which the truck is 10901
registered. Such remainder shall be calculated from the beginning 10902
of the semiannual period in which application for such commercial 10903
license is made. 10904

Taxes at the rates provided in this section are in lieu of 10905
all taxes on or with respect to the ownership of such motor 10906
vehicles, except as provided in section 4503.042 and section 10907
4503.06 of the Revised Code. 10908

(K) Other than trucks registered under the international 10909
registration plan in another jurisdiction and for which this state 10910
has received an apportioned registration fee, the license tax for 10911
each truck which is owned, controlled, or operated by a 10912
nonresident, and licensed in another state, and which is used 10913
exclusively for the transportation of nonprocessed agricultural 10914
products intrastate, from the place of production to the place of 10915
processing, is twenty-four dollars. 10916

"Truck," as used in this division, means any pickup truck, 10917
straight truck, semitrailer, or trailer other than a travel 10918
trailer. Nonprocessed agricultural products, as used in this 10919
division, does not include livestock or grain. 10920

A license issued under this division shall be issued for a 10921
period of one hundred thirty days in the same manner in which all 10922
other licenses are issued under this section, provided that no 10923
truck shall be so licensed for more than one 10924
one-hundred-thirty-day period during any calendar year. 10925

The license issued pursuant to this division shall consist of 10926
a windshield decal to be designed by the director of public 10927
safety. 10928

Every person registering a truck under this division shall 10929
furnish an affidavit certifying that the truck licensed to the 10930
person is to be used exclusively for the purposes specified in 10931
this division. 10932

(L) Every person registering a motor vehicle as a 10933
noncommercial motor vehicle as defined in section 4501.01 of the 10934
Revised Code, or registering a trailer as a noncommercial trailer 10935
as defined in that section, shall furnish an affidavit certifying 10936
that the motor vehicle or trailer so licensed to the person is to 10937
be so used as to meet the requirements necessary for the 10938
noncommercial vehicle classification. 10939

(M) Every person registering a van or bus as provided in 10940
divisions (F)(2) and (3) of this section shall furnish a notarized 10941
statement certifying that the van or bus licensed to the person is 10942
to be used for the purposes specified in those divisions. The form 10943
of the license plate issued for such motor vehicles shall be 10944
prescribed by the registrar. 10945

(N) Every person registering as a passenger car a motor 10946
vehicle designed and used for carrying more than nine but not more 10947

than fifteen passengers, and every person registering a bus as 10948
provided in division (G) of this section, shall furnish an 10949
affidavit certifying that the vehicle so licensed to the person is 10950
to be used in a ridesharing arrangement and that the person will 10951
have in effect whenever the vehicle is used in a ridesharing 10952
arrangement a policy of liability insurance with respect to the 10953
motor vehicle in amounts and coverages no less than those required 10954
by section 4509.79 of the Revised Code. The form of the license 10955
plate issued for such a motor vehicle shall be prescribed by the 10956
registrar. 10957

(O)(1) Commencing on October 1, 2009, if an application for 10958
registration renewal is not applied for prior to the expiration 10959
date of the registration or within ~~seven~~ thirty days after that 10960
date, the registrar or deputy registrar shall collect a fee of 10961
~~twenty ten~~ ten dollars for the issuance of the vehicle registration. 10962
For any motor vehicle that is used on a seasonal basis, whether 10963
used for general transportation or not, and that has not been used 10964
on the public roads or highways since the expiration of the 10965
registration, the registrar or deputy registrar shall waive the 10966
fee established under this division if the application is 10967
accompanied by supporting evidence of seasonal use as the 10968
registrar may require. The registrar or deputy registrar may waive 10969
the fee for other good cause shown if the application is 10970
accompanied by supporting evidence as the registrar may require. 10971
The fee shall be in addition to all other fees established by this 10972
section. A deputy registrar shall retain fifty cents of the fee 10973
and shall transmit the remaining amount to the registrar at the 10974
time and in the manner provided by section 4503.10 of the Revised 10975
Code. The registrar shall deposit all moneys received under this 10976
division into the state highway safety fund established in section 10977
4501.06 of the Revised Code. 10978

(2) Division (O)(1) of this section does not apply to a farm 10979

truck or farm bus registered under division (J) of this section.	10980
(P) As used in this section:	10981
(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat.	10982 10983
(2) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, or is blind, deaf, or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair.	10984 10985 10986 10987
(3) "Farm truck" means a truck used in the transportation from the farm of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm.	10988 10989 10990 10991 10992 10993 10994 10995 10996
(4) "Farm bus" means a bus used only for the transportation of agricultural employees and used only in the transportation of such employees as are necessary in the operation of the farm.	10997 10998 10999
(5) "Farm supplies" includes fuel used exclusively in the operation of a farm, including one or more homes located on and used in the operation of one or more farms, and furniture and other things used in and around such homes.	11000 11001 11002 11003
Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years six months of age, may issue such a permit and identification card entitling the applicant to drive a motor	11004 11005 11006 11007 11008 11009

vehicle, other than a commercial motor vehicle, upon the highways 11010
under the following conditions: 11011

(1) If the permit is issued to a person who is at least 11012
fifteen years six months of age, but less than sixteen years of 11013
age: 11014

(a) The permit and identification card are in the holder's 11015
immediate possession; 11016

(b) The holder is accompanied by an eligible adult who 11017
actually occupies the seat beside the permit holder and does not 11018
have a prohibited concentration of alcohol in the whole blood, 11019
blood serum or plasma, breath, or urine as provided in division 11020
(A) of section 4511.19 of the Revised Code; 11021

(c) The total number of occupants of the vehicle does not 11022
exceed the total number of occupant restraining devices originally 11023
installed in the motor vehicle by its manufacturer, and each 11024
occupant of the vehicle is wearing all of the available elements 11025
of a properly adjusted occupant restraining device. 11026

(2) If the permit is issued to a person who is at least 11027
sixteen years of age: 11028

(a) The permit and identification card are in the holder's 11029
immediate possession; 11030

(b) The holder is accompanied by a licensed operator who is 11031
at least twenty-one years of age, is actually occupying a seat 11032
beside the driver, and does not have a prohibited concentration of 11033
alcohol in the whole blood, blood serum or plasma, breath, or 11034
urine as provided in division (A) of section 4511.19 of the 11035
Revised Code; 11036

(c) The total number of occupants of the vehicle does not 11037
exceed the total number of occupant restraining devices originally 11038
installed in the motor vehicle by its manufacturer, and each 11039

occupant of the vehicle is wearing all of the available elements 11040
of a properly adjusted occupant restraining device. 11041

(B) The registrar or a deputy registrar, upon receiving from 11042
any person an application for a temporary instruction permit and 11043
temporary instruction permit identification card to operate a 11044
motorcycle, motor-driven cycle or motor scooter, or motorized 11045
bicycle, may issue such a permit and identification card entitling 11046
the applicant, while having the permit and identification card in 11047
the applicant's immediate possession, to drive a motorcycle or 11048
motor-driven cycle or motor scooter, under the restrictions 11049
prescribed in section 4511.53 of the Revised Code, or to drive a 11050
motorized bicycle under restrictions determined by the registrar. 11051
A temporary instruction permit and temporary instruction permit 11052
identification card to operate a motorized bicycle may be issued 11053
to a person fourteen or fifteen years old. 11054

(C) Any permit and identification card issued under this 11055
section shall be issued in the same manner as a driver's license, 11056
upon a form to be furnished by the registrar. A temporary 11057
instruction permit to drive a motor vehicle other than a 11058
commercial motor vehicle shall be valid for a period of one year. 11059

(D) Any person having in the person's possession a valid and 11060
current driver's license or motorcycle operator's license or 11061
endorsement issued to the person by another jurisdiction 11062
recognized by this state is exempt from obtaining a temporary 11063
instruction permit for a driver's license, ~~but shall submit and~~ 11064
from submitting to the examination for a temporary instruction 11065
permit and the regular examination in for obtaining a driver's 11066
license or motorcycle operator's endorsement in this state if the 11067
person does all of the following: 11068

(1) Submits to and passes vision screening as provided in 11069
section 4507.12 of the Revised Code; 11070

(2) Surrenders to the registrar or deputy registrar the person's driver's license issued by the other jurisdiction; and 11071
11072

(3) Complies with all other applicable requirements for issuance by this state of a driver's license, driver's license with a motorcycle operator's endorsement, or restricted license to operate a motorcycle. 11073
11074
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If the person does not comply with all the requirements of this division, the person shall submit to the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state in order to obtain such a license or endorsement. 11077
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(E) The registrar may adopt rules governing the use of temporary instruction permits and temporary instruction permit identification cards. 11082
11083
11084

(F)(1) No holder of a permit issued under division (A) of this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section. 11085
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(2) Except as provided in division (F)(2) of this section, no holder of a permit that is issued under division (A) of this section and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. 11090
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The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six 11097
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11101

a.m. if, at the time of such operation, the holder is accompanied 11102
by the holder's parent, guardian, or custodian, and the parent, 11103
guardian, or custodian holds a current valid driver's or 11104
commercial driver's license issued by this state, is actually 11105
occupying a seat beside the permit holder, and does not have a 11106
prohibited concentration of alcohol in the whole blood, blood 11107
serum or plasma, breath, or urine as provided in division (A) of 11108
section 4511.19 of the Revised Code. 11109

(G)(1) Notwithstanding any other provision of law to the 11110
contrary, no law enforcement officer shall cause the operator of a 11111
motor vehicle being operated on any street or highway to stop the 11112
motor vehicle for the sole purpose of determining whether each 11113
occupant of the motor vehicle is wearing all of the available 11114
elements of a properly adjusted occupant restraining device as 11115
required by division (A) of this section, or for the sole purpose 11116
of issuing a ticket, citation, or summons if the requirement in 11117
that division has been or is being violated, or for causing the 11118
arrest of or commencing a prosecution of a person for a violation 11119
of that requirement. 11120

(2) Notwithstanding any other provision of law to the 11121
contrary, no law enforcement officer shall cause the operator of a 11122
motor vehicle being operated on any street or highway to stop the 11123
motor vehicle for the sole purpose of determining whether a 11124
violation of division (F)(2) of this section has been or is being 11125
committed or for the sole purpose of issuing a ticket, citation, 11126
or summons for such a violation or for causing the arrest of or 11127
commencing a prosecution of a person for such violation. 11128

(H) As used in this section: 11129

(1) "Eligible adult" means any of the following: 11130

(a) An instructor of a driver training course approved by the 11131
department of public safety; 11132

(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state: 11133
11134

(i) A parent, guardian, or custodian of the permit holder; 11135

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder. 11136
11137

(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code. 11138
11139

(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor. 11140
11141

Section 110.11. That the existing versions of sections 4503.04 and 4507.05 of the Revised Code that are scheduled to take effect January 1, 2017, are hereby repealed. 11142
11143
11144

Section 110.12. Sections 110.10 and 110.11 of this act take effect January 1, 2017. 11145
11146

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are 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 2014 and the amounts in the second column are for fiscal year 2015. 11147
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Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 11154

FUND	TITLE	FY 2014	FY 2015	
Highway Operating Fund Group				11156
2120 772426	Highway	\$ 5,000,000	\$ 5,000,000	11157
	Infrastructure Bank -			
	Federal			

2120	772427	Highway Infrastructure Bank - State	\$	10,350,000	\$	10,350,000	11158
2120	772430	Infrastructure Debt Reserve Title 23-49	\$	525,000	\$	525,000	11159
2130	772431	Roadway Infrastructure Bank - State	\$	2,475,000	\$	2,475,000	11160
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000	11161
2130	777477	Aviation Infrastructure Bank - State	\$	1,000,000	\$	1,000,000	11162
7002	771411	Planning and Research - State	\$	21,144,581	\$	21,738,277	11163
7002	771412	Planning and Research - Federal	\$	28,835,906	\$	28,959,514	11164
7002	772421	Highway Construction - State	\$	583,246,763	\$	585,240,020	11165
7002	772422	Highway Construction - Federal	\$	1,065,253,182	\$	1,063,145,274	11166
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	11167
7002	772437	GARVEE Debt Service - State	\$	31,139,500	\$	31,635,300	11168
7002	772438	GARVEE Debt Service - Federal	\$	136,039,500	\$	138,027,800	11169
7002	773431	Highway Maintenance - State	\$	480,165,521	\$	492,506,152	11170
7002	775452	Public Transportation - Federal	\$	27,590,748	\$	27,590,748	11171
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	11172

7002	775459	Elderly and Disabled Special Equipment	\$	4,730,000	\$	4,730,000	11173
7002	776462	Grade Crossings - Federal	\$	14,136,500	\$	14,129,500	11174
7002	776669	Grade Crossings - Maintenance	\$	5,000,000	\$	5,000,000	11175
7002	777472	Airport Improvements - Federal	\$	405,000	\$	405,000	11176
7002	777475	Aviation Administration	\$	4,875,000	\$	4,935,000	11177
7002	779491	Administration - State	\$	91,218,054	\$	92,543,982	11178
TOTAL HOF Highway Operating							11179
Fund Group			\$	2,595,280,255	\$	2,612,086,567	11180
State Special Revenue Fund Group							11181
4N40	776664	Rail Transportation - Other	\$	2,875,800	\$	2,875,800	11182
5W90	777615	County Airport Maintenance	\$	620,000	\$	620,000	11183
TOTAL SSR State Special Revenue							11184
Fund Group			\$	3,495,800	\$	3,495,800	11185
Infrastructure Bank Obligations Fund Group							11186
7045	772428	Highway Infrastructure Bank - Bonds	\$	96,092,215	\$	97,000,000	11187
TOTAL 045 Infrastructure Bank							11188
Obligations Fund Group			\$	96,092,215	\$	97,000,000	11189
Highway Capital Improvement Fund Group							11190
7042	772723	Highway Construction - Bonds	\$	100,294,652	\$	119,617,631	11191
TOTAL 042 Highway Capital							11192
Improvement Fund Group			\$	100,294,652	\$	119,617,631	11193

TOTAL ALL BUDGET FUND GROUPS \$ 2,795,162,922 \$ 2,832,199,998 11194

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 11196

Of the foregoing appropriation item 772421, Highway 11197
Construction - State, \$5,000,000 shall be used in each fiscal year 11198
for the construction, reconstruction, or maintenance of public 11199
access roads, including support features, to and within state 11200
facilities owned or operated by the Department of Natural 11201
Resources. 11202

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 11203
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 11204

Notwithstanding section 5511.06 of the Revised Code, of the 11205
foregoing appropriation item 772421, Highway Construction - State, 11206
\$2,228,000 in each fiscal year shall be used for the construction, 11207
reconstruction, or maintenance of park drives or park roads within 11208
the boundaries of metropolitan parks. 11209

The Department of Transportation may use the foregoing 11210
appropriation item 772421, Highway Construction - State, to 11211
perform related road work on behalf of the Ohio Expositions 11212
Commission at the state fairgrounds, including reconstruction or 11213
maintenance of public access roads and support features to and 11214
within fairgrounds facilities, as requested by the Commission and 11215
approved by the Director of Transportation. 11216

The Department of Transportation may use the foregoing 11217
appropriation item 772421, Highway Construction - State, to 11218
perform related road work on behalf of the Ohio Historical 11219
Society, including reconstruction or maintenance of public access 11220
roads and support features to and within Historical Society 11221
facilities, as requested by the Society and approved by the 11222
Director of Transportation. 11223

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 11224

(A) Notwithstanding section 5540.151 of the Revised Code, of 11225
the foregoing appropriation item 772421, Highway Construction - 11226
State, \$3,500,000 in each fiscal year shall be made available for 11227
distribution by the Director of Transportation to Transportation 11228
Improvement Districts that have facilitated funding for the cost 11229
of a project or projects in conjunction with and through other 11230
governmental agencies. 11231

(B) A Transportation Improvement District shall submit 11232
requests for project funding to the Ohio Department of 11233
Transportation not later than the first day of September in each 11234
fiscal year. The Ohio Department of Transportation shall notify 11235
the Transportation Improvement District whether the Department has 11236
approved or disapproved the project funding request within 90 days 11237
after the day the request was submitted by the Transportation 11238
Improvement District. 11239

(C) Any funding provided to a Transportation Improvement 11240
District specified in this section shall not be used for the 11241
purposes of administrative costs or administrative staffing and 11242
must be used to fund a specific project or projects within that 11243
District's area. The total amount of a specific project's cost 11244
shall not be fully funded by the amount of funds provided under 11245
this section. The total amount of funding provided for each 11246
project is limited to 10% of total project costs or \$250,000 per 11247
fiscal year, whichever is greater. Transportation Improvement 11248
Districts that are co-sponsoring a specific project may 11249
individually apply for up to \$250,000 for that project. However, 11250
not more than 10% of a project's total costs per biennium shall be 11251
funded through moneys provided under this section. 11252

(D) Funds provided under this section may be used for 11253
preliminary engineering, detailed design, right-of-way 11254

acquisition, and construction of the specific project and such 11255
other project costs that are defined in section 5540.01 of the 11256
Revised Code and approved by the Director of Transportation. Upon 11257
receipt of a copy of an invoice for work performed on the specific 11258
project, the Director of Transportation shall reimburse a 11259
Transportation Improvement District for the expenditures described 11260
above, subject to the requirements of this section. 11261

(E) Any Transportation Improvement District that is 11262
requesting funds under this section shall register with the 11263
Director of Transportation. The Director of Transportation shall 11264
register a Transportation Improvement District only if the 11265
district has a specific, eligible project and may cancel the 11266
registration of a Transportation Improvement District that is not 11267
eligible to receive funds under this section. The Director shall 11268
not provide funds to any Transportation Improvement District under 11269
this section if the district is not registered. The Director of 11270
Transportation shall not register a Transportation Improvement 11271
District and shall cancel the registration of a currently 11272
registered Transportation Improvement District unless at least one 11273
of the following applies: 11274

(1) The Transportation Improvement District, by a resolution 11275
or resolutions, designated a project or program of projects and 11276
facilitated, including in conjunction with and through other 11277
governmental agencies, funding for costs of a project or program 11278
of projects in an aggregate amount of not less than \$10,000,000 11279
within the eight-year period commencing January 1, 2005. 11280

(2) The Transportation Improvement District, by a resolution 11281
or resolutions, designated a project or program of projects and 11282
facilitated, including in conjunction with and through other 11283
governmental agencies, funding for costs of a project or program 11284
of projects in an aggregate amount of not less than \$15,000,000 11285
from the commencement date of the project or program of projects. 11286

(3) The Transportation Improvement District has designated, 11287
by a resolution or resolutions, a project or program of projects 11288
that has estimated aggregate costs in excess of \$10,000,000 and 11289
the County Engineer of the county in which the Transportation 11290
Improvement District is located has attested by a sworn affidavit 11291
that the costs of the project or program of projects exceeds 11292
\$10,000,000 and that the Transportation Improvement District is 11293
facilitating a portion of funding for that project or program of 11294
projects. 11295

(F) For purposes of this section: 11296

(1) "Project" shall have the same meaning as in division (D) 11297
of section 5540.01 of the Revised Code. 11298

(2) "Governmental agency" shall have the same meaning as in 11299
division (B) of section 5540.01 of the Revised Code. 11300

(3) "Cost" shall have the same meaning as in division (C) of 11301
section 5540.01 of the Revised Code. 11302

Section 203.40.10. GRADE CROSSINGS - MAINTENANCE 11303

The foregoing appropriation item 776669, Grade Crossings - 11304
Maintenance, shall be used for the maintenance of at-grade 11305
railroad highway crossings. Funds shall be used to reimburse 11306
operating railroads for grade crossing maintenance expenses in 11307
proportion to their share of at-grade railroad highway crossings 11308
in Ohio based on the Railroad Information System maintained by the 11309
Public Utilities Commission. 11310

Section 203.50. ISSUANCE OF BONDS 11311

The Treasurer of State, upon the request of the Director of 11312
Transportation, is authorized to issue and sell, in accordance 11313
with Section 2m of Article VIII, Ohio Constitution, and Chapter 11314
151. and particularly sections 151.01 and 151.06 of the Revised 11315

Code, obligations, including bonds and notes, in the aggregate 11316
amount of \$220,000,000 in addition to the original issuance of 11317
obligations authorized by prior acts of the General Assembly. 11318

The obligations shall be issued and sold from time to time in 11319
amounts necessary to provide sufficient moneys to the credit of 11320
the Highway Capital Improvement Fund (Fund 7042) created by 11321
section 5528.53 of the Revised Code to pay costs charged to the 11322
fund when due as estimated by the Director of Transportation, 11323
provided, however, that such obligations shall be issued and sold 11324
at such time or times so that not more than \$220,000,000 original 11325
principal amount of obligations, plus the principal amount of 11326
obligations that in prior fiscal years could have been, but were 11327
not, issued within the \$220,000,000 limit, may be issued in any 11328
fiscal year, and not more than \$1,200,000,000 original principal 11329
amount of such obligations are outstanding at any one time. 11330

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 11331
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 11332
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 11333
ADMINISTRATION 11334

The Director of Budget and Management may approve requests 11335
from the Director of Transportation for transfer of Highway 11336
Operating Fund (Fund 7002) appropriations for planning and 11337
research (appropriation items 771411 and 771412), highway 11338
construction and debt service (appropriation items 772421, 772422, 11339
772424, 772425, 772437, and 772438), highway maintenance 11340
(appropriation item 773431), public transportation - federal 11341
(appropriation item 775452), elderly and disabled special 11342
equipment (appropriation item 775459), rail grade crossings 11343
(appropriation item 776462), aviation (appropriation item 777475), 11344
and administration (appropriation item 779491). The Director of 11345
Budget and Management may not make transfers out of debt service 11346

appropriation items unless the Director determines that the 11347
appropriated amounts exceed the actual and projected debt service 11348
requirements. Transfers of appropriations may be made upon the 11349
written request of the Director of Transportation and with the 11350
approval of the Director of Budget and Management. The transfers 11351
shall be reported to the Controlling Board at the next regularly 11352
scheduled meeting of the board. 11353

This transfer authority is intended to provide for emergency 11354
situations and flexibility to meet unforeseen conditions that 11355
could arise during the budget period. It also is intended to allow 11356
the department to optimize the use of available resources and 11357
adjust to circumstances affecting the obligation and expenditure 11358
of federal funds. 11359

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 11360
AVIATION, AND RAIL AND LOCAL TRANSIT 11361

The Director of Budget and Management may approve written 11362
requests from the Director of Transportation for the transfer of 11363
appropriations between appropriation items 772422, Highway 11364
Construction - Federal, 775452, Public Transportation - Federal, 11365
775454, Public Transportation - Other, 775459, Elderly and 11366
Disabled Special Equipment, 776475, Federal Rail Administration, 11367
and 777472, Airport Improvements - Federal. The transfers shall be 11368
reported to the Controlling Board at its next regularly scheduled 11369
meeting. 11370

TRANSFER OF APPROPRIATIONS - ARRA 11371

The Director of Budget and Management may approve written 11372
requests from the Director of Transportation for the transfer of 11373
appropriations between appropriation items 771412, Planning and 11374
Research - Federal, 772422, Highway Construction - Federal, 11375
772424, Highway Construction - Other, 775452, Public 11376
Transportation - Federal, 776462, Grade Crossing - Federal, and 11377

777472, Airport Improvements - Federal, based upon the 11378
requirements of the American Recovery and Reinvestment Act of 2009 11379
that apply to the money appropriated. The transfers shall be 11380
reported to the Controlling Board at its next regularly scheduled 11381
meeting. 11382

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 11383
BANK 11384

The Director of Budget and Management may approve requests 11385
from the Director of Transportation for transfer of appropriations 11386
and cash of the Infrastructure Bank funds created in section 11387
5531.09 of the Revised Code, including transfers between fiscal 11388
years 2014 and 2015. The transfers shall be reported to the 11389
Controlling Board at its next regularly scheduled meeting. 11390

The Director of Budget and Management may approve requests 11391
from the Director of Transportation for transfer of appropriations 11392
and cash from the Highway Operating Fund (Fund 7002) to the 11393
Infrastructure Bank funds created in section 5531.09 of the 11394
Revised Code. The Director of Budget and Management may transfer 11395
from the Infrastructure Bank funds to the Highway Operating Fund 11396
up to the amounts originally transferred to the Infrastructure 11397
Bank funds under this section. However, the Director may not make 11398
transfers between modes or transfers between different funding 11399
sources. The transfers shall be reported to the Controlling Board 11400
at its next regularly scheduled meeting. 11401

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 11402

The Director of Budget and Management may approve requests 11403
from the Director of Transportation for transfer of appropriations 11404
and cash of the Ohio Toll Fund and any subaccounts created in 11405
section 5531.14 of the Revised Code, including transfers between 11406
fiscal years 2014 and 2015. The transfers shall be reported to the 11407
Controlling Board at its next regularly scheduled meeting. 11408

INCREASING APPROPRIATIONS: STATE FUNDS 11409

In the event that receipts or unexpended balances credited to 11410
the Highway Operating Fund (Fund 7002) exceed the estimates upon 11411
which the appropriations have been made in this act, upon the 11412
request of the Director of Transportation, the Controlling Board 11413
may increase those appropriations in the manner prescribed in 11414
section 131.35 of the Revised Code. 11415

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 11416

In the event that receipts or unexpended balances credited to 11417
the Highway Operating Fund (Fund 7002) or apportionments or 11418
allocations made available from the federal and local government 11419
exceed the estimates upon which the appropriations have been made 11420
in this act, upon the request of the Director of Transportation, 11421
the Controlling Board may increase those appropriations in the 11422
manner prescribed in section 131.35 of the Revised Code. 11423

REAPPROPRIATIONS 11424

In each fiscal year of the biennium ending June 30, 2015, the 11425
Director of Transportation may request that the Director of Budget 11426
and Management transfer any remaining unencumbered balances of 11427
prior years' appropriations to the Highway Operating Fund (Fund 11428
7002), the Highway Capital Improvement Fund (Fund 7042), and the 11429
Infrastructure Bank funds created in section 5531.09 of the 11430
Revised Code for the same purpose in the following fiscal year. In 11431
the request, the Director of Transportation shall identify the 11432
appropriate fund and appropriation item of the transfer, the 11433
requested transfer amount. The Director of Budget and Management 11434
may request additional information necessary for evaluating the 11435
transfer request, and the Director of Transportation shall provide 11436
the requested information to the Director of Budget and 11437
Management. Based on the information provided by the Director of 11438
Transportation, the Director of Budget and Management shall 11439

determine the amount to be transferred by fund and appropriation 11440
item, and those amounts are hereby reappropriated. The Director of 11441
Transportation shall report the reappropriations to the 11442
Controlling Board. 11443

Any balances of prior years' unencumbered appropriations to 11444
the Highway Operating Fund (Fund 7002), the Highway Capital 11445
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 11446
created in section 5531.09 of the Revised Code for which the 11447
Director of Transportation requests reappropriations, and for 11448
which reappropriations are approved by the Director of Budget and 11449
Management, are subject to the availability of revenue as 11450
determined by the Director of Transportation. 11451

LIQUIDATION OF UNFORESEEN LIABILITIES 11452

Any appropriation made from the Highway Operating Fund (Fund 11453
7002) not otherwise restricted by law is available to liquidate 11454
unforeseen liabilities arising from contractual agreements of 11455
prior years when the prior year encumbrance is insufficient. 11456

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 11457

The Director of Transportation may remove snow and ice and 11458
maintain, repair, improve, or provide lighting upon interstate 11459
highways that are located within the boundaries of municipal 11460
corporations, adequate to meet the requirements of federal law. 11461
When agreed in writing by the Director of Transportation and the 11462
legislative authority of a municipal corporation and 11463
notwithstanding sections 125.01 and 125.11 of the Revised Code, 11464
the Department of Transportation may reimburse a municipal 11465
corporation for all or any part of the costs, as provided by such 11466
agreement, incurred by the municipal corporation in maintaining, 11467
repairing, lighting, and removing snow and ice from the interstate 11468
system. 11469

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 11470

The Director of Transportation may use revenues from the 11471
state motor vehicle fuel tax to match approved federal grants 11472
awarded to the Department of Transportation, regional transit 11473
authorities, or eligible public transportation systems, for public 11474
transportation highway purposes, or to support local or state 11475
funded projects for public transportation highway purposes. Public 11476
transportation highway purposes include: the construction or 11477
repair of high-occupancy vehicle traffic lanes, the acquisition or 11478
construction of park-and-ride facilities, the acquisition or 11479
construction of public transportation vehicle loops, the 11480
construction or repair of bridges used by public transportation 11481
vehicles or that are the responsibility of a regional transit 11482
authority or other public transportation system, or other similar 11483
construction that is designated as an eligible public 11484
transportation highway purpose. Motor vehicle fuel tax revenues 11485
may not be used for operating assistance or for the purchase of 11486
vehicles, equipment, or maintenance facilities. 11487

Section 203.90. The federal payments made to the state for 11488
highway infrastructure or for transit agencies under Title XII of 11489
Division A of the American Recovery and Reinvestment Act of 2009 11490
shall be deposited to the credit of the Highway Operating Fund 11491
(Fund 7002), which is created in section 5735.291 of the Revised 11492
Code. 11493

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 11494

State Highway Safety Fund Group 11495
4W40 762321 Operating Expense - \$ 127,359,268 \$ 127,268,957 11496
BMV
5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 11497
Contribution

7036	761321	Operating Expense - Information and Education	\$	6,805,066	\$	6,749,331	11498
7036	761401	Lease Rental Payments	\$	2,472,300	\$	2,473,100	11499
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	11500
7036	764321	Operating Expense - Highway Patrol	\$	268,232,602	\$	270,232,602	11501
7036	764605	Motor Carrier Enforcement Expenses	\$	2,860,000	\$	2,860,000	11502
8300	761603	Salvage and Exchange - Administration	\$	20,053	\$	20,053	11503
8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	11504
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	11505
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	11506
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	11507
8310	765610	EMS - Federal	\$	225,000	\$	225,000	11508
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	11509
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	11510
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	11511
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	11512
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	11513
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	11514
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	11515
83G0	764633	OMVI	\$	641,927	\$	641,927	11516

		Enforcement/Education					
83J0	764693	Highway Patrol Justice	\$	2,100,000	\$	2,100,000	11517
		Contraband					
83M0	765624	Operating - EMS	\$	2,711,069	\$	2,711,069	11518
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	11519
83R0	762639	Local Immobilization	\$	450,000	\$	450,000	11520
		Reimbursement					
83T0	764694	Highway Patrol	\$	21,000	\$	21,000	11521
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	11522
8400	764617	Security and	\$	8,793,865	\$	9,514,236	11523
		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	11524
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	11525
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	11526
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	11527
		Education					
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293	11528
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	511,655,460	\$	513,689,364	11529
		Group					
		General Services Fund Group					11530
4P60	768601	Justice Program	\$	900,000	\$	875,000	11531
		Services					
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	11532
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	11533
		Services Law					
		Enforcement Support					
TOTAL	GSF	General Services Fund	\$	6,290,946	\$	6,265,946	11534
		Group					

Federal Special Revenue Fund Group					11535	
3290 763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	11536
	Program					
3370 763609	Federal Disaster	\$	27,707,636	\$	27,707,636	11537
	Relief					
3390 763647	Emergency Management	\$	70,934,765	\$	70,934,765	11538
	Assistance and					
	Training					
3CE0 768611	Justice Assistance	\$	400,000	\$	100,000	11539
	Grants - FFY09					
3DE0 768612	Federal Stimulus -	\$	1,000,000	\$	300,000	11540
	Justice Assistance					
	Grants					
3DU0 762628	BMV Grants	\$	1,350,000	\$	1,325,000	11541
3EU0 768614	Justice Assistance	\$	830,000	\$	500,000	11542
	Grants - FFY10					
3FK0 768615	Justice Assistance	\$	900,000	\$	900,000	11543
	Grants - FFY11					
3FP0 767620	Ohio Investigative	\$	55,000	\$	55,000	11544
	Unit Justice					
	Contraband					
3FY0 768616	Justice Assistance	\$	2,200,000	\$	1,500,000	11545
	Grants - FFY12					
3FZ0 768617	Justice Assistance	\$	7,000,000	\$	2,000,000	11546
	Grants - FFY13					
3GA0 768618	Justice Assistance	\$	0	\$	7,500,000	11547
	Grants - FFY14					
3L50 768604	Justice Program	\$	10,500,000	\$	10,500,000	11548
3N50 763644	U.S. Department of	\$	31,672	\$	31,672	11549
	Energy Agreement					
TOTAL FED	Federal Special Revenue	\$	133,322,715	\$	133,767,715	11550
	Fund Group					
State Special Revenue Fund Group						11551

4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	11552
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000	11553
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	11554
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	11555
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	11556
5BP0	764609	DPS Wireless 911 Administration	\$	290,000	\$	290,000	11557
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000	11558
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	11559
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	11560
5FL0	769634	Investigations	\$	899,300	\$	899,300	11561
5ML0	769635	Infrastructure Protection	\$	400,000	\$	400,000	11562
6220	767615	Investigative Contraband and Forfeiture	\$	325,000	\$	325,000	11563
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	11564
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	11565
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	11566
TOTAL	SSR	State Special Revenue Fund Group	\$	15,049,767	\$	15,039,767	11567

Agency Fund Group				11568	
5J90 761678 Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	11569
TOTAL AGY Agency Fund Group	\$	1,500,000	\$	1,500,000	11570
Holding Account Redistribution Fund Group				11571	
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000	11572
Vehicle Receipts					
R052 762623 Security Deposits	\$	350,000	\$	350,000	11573
TOTAL 090 Holding Account	\$	2,235,000	\$	2,235,000	11574
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	669,763,888	\$	672,207,792	11575

MOTOR VEHICLE REGISTRATION 11576

The Registrar of Motor Vehicles may deposit revenues to meet 11577
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 11578
4W40) established in section 4501.25 of the Revised Code, obtained 11579
under sections 4503.02 and 4504.02 of the Revised Code, less all 11580
other available cash. Revenue deposited pursuant to this paragraph 11581
shall support, in part, appropriations for operating expenses and 11582
defray the cost of manufacturing and distributing license plates 11583
and license plate stickers and enforcing the law relative to the 11584
operation and registration of motor vehicles. Notwithstanding 11585
section 4501.03 of the Revised Code, the revenues shall be paid 11586
into Fund 4W40 before any revenues obtained pursuant to sections 11587
4503.02 and 4504.02 of the Revised Code are paid into any other 11588
fund. The deposit of revenues to meet the aforementioned cash 11589
needs shall be in approximately equal amounts on a monthly basis 11590
or as otherwise determined by the Director of Budget and 11591
Management pursuant to a plan submitted by the Registrar of Motor 11592
Vehicles. 11593

LEASE RENTAL PAYMENTS 11594

The foregoing appropriation item 761401, Lease Rental 11595
Payments, shall be used for payments to the Treasurer of State for 11596

the period July 1, 2013, through June 30, 2015, under the primary 11597
leases and agreements for public safety related buildings. The 11598
appropriations are the source of funds pledged for bond service 11599
charges on obligations pursuant to Chapters 152. and 154. of the 11600
Revised Code. 11601

CASH TRANSFERS BETWEEN FUNDS 11602

Notwithstanding any provision of law to the contrary, the 11603
Director of Budget and Management, upon the written request of the 11604
Director of Public Safety, may transfer cash between the following 11605
six funds: the Trauma and Emergency Medical Services Fund (Fund 11606
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 11607
Fund (Fund 5FL0), the Emergency Management Agency Service and 11608
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 11609
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 11610
4W40). 11611

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 11612
PLATE CONTRIBUTION FUND 11613

On July 1, 2013, or as soon as possible thereafter, the 11614
Director of Budget and Management may transfer the cash balance in 11615
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 11616
Contribution Fund (Fund 5V10). Upon completion of the transfer, 11617
Fund 5JS0 is hereby abolished. 11618

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 11619
STATE HIGHWAY SAFETY FUND 11620

Not later than January 1, 2014, the Director of Budget and 11621
Management may transfer the cash balance in the Hilltop Utility 11622
Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund 11623
(Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby 11624
abolished. The Director shall cancel any existing encumbrances 11625
against appropriation item 766661, Hilltop Utility Reimbursement, 11626
and reestablish them against appropriation item 761321, Operating 11627

Expense - Information and Education. The reestablished encumbrance 11628
amounts are hereby appropriated. 11629

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 11630
SAFETY FUND 11631

On July 1, 2013, or as soon as possible thereafter, the 11632
Director of Budget and Management shall transfer the cash balance 11633
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 11634
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 11635
Fund 8380 is abolished. 11636

STATE DISASTER RELIEF 11637

The State Disaster Relief Fund (Fund 5330) may accept 11638
transfers of cash and appropriations from Controlling Board 11639
appropriation items for Ohio Emergency Management Agency disaster 11640
response costs and disaster program management costs, and may also 11641
be used for the following purposes: 11642

(A) To accept transfers of cash and appropriations from 11643
Controlling Board appropriation items for Ohio Emergency 11644
Management Agency public assistance and mitigation program match 11645
costs to reimburse eligible local governments and private 11646
nonprofit organizations for costs related to disasters; 11647

(B) To accept and transfer cash to reimburse the costs 11648
associated with Emergency Management Assistance Compact (EMAC) 11649
deployments; 11650

(C) To accept disaster related reimbursement from federal, 11651
state, and local governments. The Director of Budget and 11652
Management may transfer cash from reimbursements received by this 11653
fund to other funds of the state from which transfers were 11654
originally approved by the Controlling Board. 11655

(D) To accept transfers of cash and appropriations from 11656
Controlling Board appropriation items to fund the State Disaster 11657

Relief Program, for disasters that qualify for the program by 11658
written authorization of the Governor, and the State Individual 11659
Assistance Program for disasters that have been declared by the 11660
federal Small Business Administration and that qualify for the 11661
program by written authorization of the Governor. The Ohio 11662
Emergency Management Agency shall publish and make available 11663
application packets outlining procedures for the State Disaster 11664
Relief Program and the State Individual Assistance Program. 11665

JUSTICE ASSISTANCE GRANT FUND 11666

The federal payments made to the state for the Byrne Justice 11667
Assistance Grants Program under Title II of Division A of the 11668
American Recovery and Reinvestment Act of 2009 shall be deposited 11669
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 11670
which is hereby created in the state treasury. All investment 11671
earnings of the fund shall be credited to the fund. 11672

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 11673
AGENCY SERVICE AND REIMBURSEMENT FUND 11674

On July 1 of each fiscal year, or as soon as possible 11675
thereafter, the Director of Budget and Management shall transfer 11676
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 11677
Emergency Management Agency Service and Reimbursement Fund (Fund 11678
4V30) to be distributed to the Ohio Task Force One - Urban Search 11679
and Rescue Unit and other urban search and rescue programs around 11680
the state. 11681

FAMILY VIOLENCE PREVENTION FUND 11682

Notwithstanding any provision of law to the contrary, in each 11683
of fiscal years 2014 and 2015, the first \$750,000 received to the 11684
credit of the Family Violence Prevention Fund (Fund 5BK0) is 11685
appropriated to appropriation item 768689, Family Violence Shelter 11686
Programs, and the next \$400,000 received to the credit of Fund 11687
5BK0 in each of those fiscal years is appropriated to 11688

appropriation item 768687, Criminal Justice Services - Operating. 11689
Any moneys received to the credit of Fund 5BK0 in excess of the 11690
aforementioned appropriated amounts in each fiscal year shall, 11691
upon the approval of the Controlling Board, be used to provide 11692
grants to family violence shelters in Ohio. 11693

SARA TITLE III HAZMAT PLANNING 11694

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 11695
entitled to receive grant funds from the Emergency Response 11696
Commission to implement the Emergency Management Agency's 11697
responsibilities under Chapter 3750. of the Revised Code. 11698

COLLECTIVE BARGAINING INCREASES 11699

Notwithstanding division (D) of section 127.14 and division 11700
(B) of section 131.35 of the Revised Code, except for the General 11701
Revenue Fund, the Controlling Board may, upon the request of 11702
either the Director of Budget and Management, or the Department of 11703
Public Safety with the approval of the Director of Budget and 11704
Management, authorize expenditures in excess of appropriations and 11705
transfer appropriations, as necessary, for any fund used by the 11706
Department of Public Safety, to assist in paying the costs of 11707
increases in employee compensation that have occurred pursuant to 11708
collective bargaining agreements under Chapter 4117. of the 11709
Revised Code and, for exempt employees, under section 124.152 of 11710
the Revised Code. Any money approved for expenditure under this 11711
paragraph is hereby appropriated. 11712

CASH BALANCE FUND REVIEW 11713

Not later than the first day of April in each fiscal year of 11714
the biennium, the Director of Budget and Management shall review 11715
the cash balances for each fund, except the State Highway Safety 11716
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 11717
4W40), in the State Highway Safety Fund Group, and shall recommend 11718
to the Controlling Board an amount to be transferred to the credit 11719

of Fund 7036 or Fund 4W40, as appropriate. 11720

AUTO REGISTRATION DISTRIBUTION FUND 11721

Notwithstanding the amendment by this act to section 4501.03 11722
of the Revised Code and the enactment by this act of section 11723
4501.031 of the Revised Code, any license tax assessed under 11724
Chapters 4503. or 4504. of the Revised Code, and derived from 11725
registrations processed on business days prior to July 1, 2013, 11726
shall be deposited to the state treasury to the credit of the Auto 11727
Registration Distribution Fund (Fund 7051) created by section 11728
4501.03 of the Revised Code, even if such deposit does not occur 11729
until on or after July 1, 2013. All license tax assessed on 11730
registrations under Chapters 4503. or 4504. of the Revised Code 11731
prior to July 1, 2013, shall be deposited, and distributed, in 11732
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 11733
4501.043 of the Revised Code as they existed prior to the 11734
amendments to those sections by this act. 11735

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 11736

State Special Revenue Fund Group				11737	
4W00 195629 Roadwork Development	\$	15,199,900	\$	15,199,900	11738
TOTAL SSR State Special Revenue				11739	
Fund Group	\$	15,199,900	\$	15,199,900	11740
TOTAL ALL BUDGET FUND GROUPS	\$	15,199,900	\$	15,199,900	11741

ROADWORK DEVELOPMENT FUND 11742

The Roadwork Development Fund shall be used for road 11743
improvements associated with economic development opportunities 11744
that will retain or attract businesses for Ohio. "Road 11745
improvements" are improvements to public roadway facilities 11746
located on, or serving or capable of serving, a project site. 11747

The Department of Transportation, under the direction of the 11748
Development Services Agency, shall provide these funds in 11749

accordance with all guidelines and requirements established for 11750
Development Services Agency appropriation item 195623, Business 11751
Incentive Grants, including Controlling Board review and approval 11752
as well as the requirements for usage of gas tax revenue 11753
prescribed in Section 5a of Article XII, Ohio Constitution. Should 11754
the Development Services Agency require the assistance of the 11755
Department of Transportation to bring a project to completion, the 11756
Department of Transportation shall use its authority under Title 11757
LV of the Revised Code to provide such assistance and may enter 11758
into contracts on behalf of the Development Services Agency. In 11759
addition, these funds may be used in conjunction with 11760
appropriation item 195623, Business Incentive Grants, or any other 11761
state funds appropriated for infrastructure improvements. 11762

The Director of Budget and Management, pursuant to a plan 11763
submitted by the Director of Development Services or as otherwise 11764
determined by the Director of Budget and Management, shall set a 11765
cash transfer schedule to meet the cash needs of the Development 11766
Services Agency Roadwork Development Fund (Fund 4W00), less any 11767
other available cash. The Director shall transfer to the Roadwork 11768
Development Fund from the Highway Operating Fund (Fund 7002), 11769
established in section 5735.291 of the Revised Code, such amounts 11770
at such times as determined by the transfer schedule. 11771

Section 209.10. PWC PUBLIC WORKS COMMISSION 11772

Local Transportation Improvements Fund Group				11773	
7052 150402	Local Transportation	\$	292,526	\$ 296,555	11774
	Improvement Program -				
	Operating				
7052 150701	Local Transportation	\$	52,000,000	\$ 52,000,000	11775
	Improvement Program				
TOTAL 052	Local Transportation				11776
Improvements Fund Group		\$	52,292,526	\$ 52,296,555	11777

Local Infrastructure Improvements Fund Group					11778
7038 150321 State Capital	\$	902,579	\$	909,665	11779
Improvements Program					
- Operating Expenses					
TOTAL LIF Local Infrastructure					11780
Improvements Fund Group	\$	902,579	\$	909,665	11781
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$	53,206,220	11782
 PUBLIC WORKS OPERATING EXPENSES					11783
 The forgoing appropriation item 150321, State Capital					11784
Improvements Program-Operating Expenses, shall be used by the Ohio					11785
Public Works Commission to administer the State Capital					11786
Improvement Program under sections 164.01 to 164.16 of the Revised					11787
Code.					11788
 DISTRICT ADMINISTRATION COSTS					11789
 The Director of the Public Works Commission is authorized to					11790
create a District Administration Costs Program from interest					11791
earnings of the Capital Improvements Fund and Local Transportation					11792
Improvement Program Fund proceeds. The program shall be used to					11793
provide for the direct costs of district administration of the					11794
nineteen public works districts. Districts choosing to participate					11795
in the program shall only expend State Capital Improvements Fund					11796
moneys for State Capital Improvements Fund costs and Local					11797
Transportation Improvement Program Fund moneys for Local					11798
Transportation Improvement Program Fund costs. The account shall					11799
not exceed \$1,235,000 per fiscal year. Each public works district					11800
may be eligible for up to \$65,000 per fiscal year from its					11801
district allocation as provided in sections 164.08 and 164.14 of					11802
the Revised Code.					11803
 The Director, by rule, shall define allowable and					11804
nonallowable costs for the purpose of the District Administration					11805
Costs Program. Nonallowable costs include indirect costs, elected					11806

official salaries and benefits, and project-specific costs. No 11807
district public works committee may participate in the District 11808
Administration Costs Program without the approval of those costs 11809
by the district public works committee under section 164.04 of the 11810
Revised Code. 11811

REAPPROPRIATIONS 11812

All capital appropriations from the Local Transportation 11813
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 11814
129th General Assembly remaining unencumbered as of June 30, 2013, 11815
are reappropriated for use during the period July 1, 2013, through 11816
June 30, 2014, for the same purpose. 11817

Notwithstanding division (B) of section 127.14 of the Revised 11818
Code, all capital appropriations and reappropriations from the 11819
Local Transportation Improvement Program Fund (Fund 7052) in this 11820
act remaining unencumbered as of June 30, 2014, are reappropriated 11821
for use during the period July 1, 2014, through June 30, 2015, for 11822
the same purposes, subject to the availability of revenue as 11823
determined by the Director of the Public Works Commission. 11824

TEMPORARY TRANSFERS 11825

Notwithstanding section 127.14 of the Revised Code, the 11826
Director of the Public Works Commission may request the Director 11827
of Budget and Management to transfer moneys from the Local 11828
Transportation Improvement Fund (Fund 7052) to the State Capital 11829
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 11830
(Fund 7056). The Director of Budget and Management may approve 11831
temporary transfers if such transfers are needed for capital 11832
outlays for which notes or bonds will be issued. Any transfers 11833
executed under this section shall be reported to the Controlling 11834
Board by June 30 of the fiscal year in which the transfer 11835
occurred. 11836

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 11837

There is hereby appropriated, from those funds designated by 11838
or pursuant to the applicable proceedings authorizing the issuance 11839
of state obligations, amounts computed at the time to represent 11840
the portion of investment income to be rebated or amounts in lieu 11841
of or in addition to any rebate amount to be paid to the federal 11842
government in order to maintain the exclusion from gross income 11843
for federal income tax purposes of interest on those state 11844
obligations under section 148(f) of the Internal Revenue Code. 11845

Rebate payments shall be approved and vouchered by the Office 11846
of Budget and Management. 11847

Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 11848
PURPOSES 11849

Appropriation item 725509, Parks Special Purposes, is hereby 11850
established in the General Revenue Fund with an appropriation of 11851
\$14,000,000 in fiscal year 2013. The appropriation item shall be 11852
used by the Department of Natural Resources to facilitate the 11853
mutual termination of a lease agreement between the City of 11854
Cleveland and the Department of Natural Resources for Cleveland 11855
Lakefront Parks and to operate and conduct necessary upgrades 11856
solely and exclusively to (1) Edgewater Park; (2) East 55th/Gordon 11857
Park North of Interstate 90 and including the East 55th Street 11858
Department of Natural Resources Headquarters and the East 72nd 11859
Street Maintenance Facility; (3) Euclid Beach Park; and (4) Villa 11860
Angela/Wildwood Park. Any unexpended and unencumbered portion of 11861
the foregoing appropriation item remaining at the end of fiscal 11862
year 2013 shall be reappropriated for the same purposes in fiscal 11863
year 2014. 11864

Section 506.10. Notwithstanding division (A)(3) of section 11865
4501.044 and division (A)(1) of section 4501.045 of the Revised 11866

Code, commencing July 1, 2013, and extending through June 30, 11867
2014, the Director of Public Safety shall deposit the money 11868
otherwise deposited and distributed in accordance with those 11869
divisions into the State Highway Safety Fund (Fund 7036) created 11870
by section 4501.06 of the Revised Code until such time as the 11871
deposits equal a cumulative total of \$34,000,000. At that point, 11872
the Director shall cease depositing any such money into Fund 7036 11873
and shall deposit and distribute that money as prescribed in 11874
division (A)(3) of section 4501.044 and division (A)(1) of section 11875
4501.045 of the Revised Code. 11876

Notwithstanding division (A)(3) of section 4501.044 and 11877
division (A)(1) of section 4501.045 of the Revised Code, 11878
commencing July 1, 2014, and extending through June 30, 2015, the 11879
Director of Public Safety shall deposit the money otherwise 11880
deposited and distributed in accordance with those divisions into 11881
the State Highway Safety Fund (Fund 7036) created by section 11882
4501.06 of the Revised Code until such time as the deposits equal 11883
a cumulative total of \$34,000,000. At that point, the Director 11884
shall cease depositing any such money into Fund 7036 and shall 11885
deposit and distribute that money as prescribed in division (A)(3) 11886
of section 4501.044 and division (A)(1) of section 4501.045 of the 11887
Revised Code. 11888

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 11889
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 11890

The Director of Budget and Management shall initiate and 11891
process payments from lease rental payment appropriation items 11892
during the period from July 1, 2013, to June 30, 2015, pursuant to 11893
the lease agreements for bonds or notes issued under Section 2i of 11894
Article VIII of the Ohio Constitution and Chapters 152. and 154. 11895
of the Revised Code. Payments shall be made upon certification by 11896
the Treasurer of State of the dates and amounts due on those 11897

dates.	11898
Section 509.20. LEASE AND DEBT SERVICE PAYMENTS	11899
Certain appropriations are in this act for the purpose of	11900
lease rental and other payments under leases and agreements	11901
relating to bonds or notes issued under the Ohio Constitution and	11902
acts of the General Assembly. If it is determined that additional	11903
appropriations are necessary for this purpose, such amounts are	11904
hereby appropriated.	11905
Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY	11906
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND	11907
Upon the request of the Director of Transportation, the	11908
Director of Budget and Management may transfer cash from the	11909
Highway Operating Fund (Fund 7002) to the Highway Capital	11910
Improvement Fund (Fund 7042) created in section 5528.53 of the	11911
Revised Code. The Director of Budget and Management may transfer	11912
cash from Fund 7042 to Fund 7002 up to the amount of cash	11913
previously transferred to Fund 7042 under this section.	11914
Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND	11915
The Director of Budget and Management shall transfer cash in	11916
equal monthly increments totaling \$171,724,944 in fiscal year 2014	11917
and in equal monthly increments totaling \$173,884,776 in fiscal	11918
year 2015 from the Highway Operating Fund (Fund 7002), created in	11919
section 5735.291 of the Revised Code, to the Gasoline Excise Tax	11920
Fund (Fund 7060) created in division (A) of section 5735.27 of the	11921
Revised Code. The monthly amounts transferred under this section	11922
shall be distributed as follows: 42.86 per cent shall be	11923
distributed among the municipal corporations within the state	11924
under division (A)(2) of section 5735.27 of the Revised Code;	11925
37.14 per cent shall be distributed among the counties within the	11926

state under division (A)(3) of section 5735.27 of the Revised Code; and 20 per cent shall be distributed among the townships within the state under division (A)(5)(b) of section 5735.27 of the Revised Code.

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2013, and on January 1, 2014, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2014, and on January 1, 2015, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers.

Section 601.10. That Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly be amended to read as follows:

Sec. 10. The To the extent that sufficient cash is available, within three months after the receipt of moneys into the Casino Operator Settlement Fund created in section 3772.34 of the Revised Code, the Director of Budget and Management shall pay one million dollars ~~by December 31, 2012,~~ to the municipal corporation or township in which each commercial racetrack is located, including

a municipal corporation or township to which a racetrack is to 11956
relocate as specified in the memorandum of understanding of 11957
February 17, 2012, between the Office of the Governor, State of 11958
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 11959
transfers, but excluding the previous municipal corporation or 11960
township of each moved track and excluding a municipal corporation 11961
or township in a county with a population between 1,100,000 and 11962
1,200,000 in the most recent federal decennial census. ~~The~~ 11963
~~Director shall transfer these payments, totaling six million~~ 11964
~~dollars, from the Casino Operator Settlement Fund created in~~ 11965
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 11966
within six months after the first payments made under this 11967
section, the Director of Budget and Management shall pay an 11968
additional one million dollars ~~by June 30, 2013,~~ to each of these 11969
municipal corporations and townships, ~~and shall transfer these~~ 11970
~~payments, totaling six million dollars, from the Casino Operator~~ 11971
~~Settlement Fund. These expenditures are hereby appropriated.~~ Each 11972
municipal corporation or township receiving such a payment shall 11973
use at least fifty per cent of the funds received for 11974
infrastructure or capital improvements. If after either of the 11975
payments referenced in this section, a municipal corporation or 11976
township loses a racetrack as a result of the racetrack permit 11977
holder's decision to relocate to another municipal corporation or 11978
township, the municipal corporation or township losing the 11979
racetrack becomes eligible for a payment from the Racetrack 11980
Facility Community Economic Redevelopment Fund provided for in 11981
Sections 7 and 8 of H.B. 386 of the 129th General Assembly. Such a 11982
municipal corporation or township shall not receive more than the 11983
sum of \$3 million minus any payments made by the Director of 11984
Budget and Management in accordance with this section. The 11985
Director of Budget and Management is also authorized to establish 11986
any necessary appropriation items in the appropriate funds and 11987

agencies in order to make any payments required under this 11988
section. Any funds in such items are hereby appropriated. 11989

Section 601.11. That existing Section 10 of Am. Sub. H.B. 386 11990
of the 129th General Assembly is hereby repealed. 11991

Section 601.20. That Sections 203.80 and 203.83 of Sub. H.B. 11992
482 of the 129th General Assembly be amended to read as follows: 11993

Sec. 203.80. The items set forth in this section are hereby 11994
appropriated out of any moneys in the state treasury to the credit 11995
of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 11996
not otherwise appropriated. 11997

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				11998
C72549	ODNR Facilities Development	\$ 500,000		11999
C725B7	Underground Fuel Storage Tank Removal/Replacement - Department	\$ 250,000		12000
C725E1	NatureWorks Local Park Grants	\$ 4,790,000		12001
C725E5	Project Planning	\$ 400,000		12002
C725M0	Dam Rehabilitation - Department	\$ 10,000,000		12003
			<u>40,000,000</u>	
C725N5	Wastewater/Water Systems Upgrade - Department	\$ 8,000,000		12004
Total Department of Natural Resources			\$ 23,940,000	12005
			<u>53,940,000</u>	
TOTAL Ohio Parks and Natural Resources Fund			\$ 23,940,000	12006
			<u>53,940,000</u>	

Sec. 203.83. The Ohio Public Facilities Commission is hereby 12008
authorized to issue and sell, in accordance with Section 21 of 12009
Article VIII, Ohio Constitution, and Chapter 151. and particularly 12010
sections 151.01 and 151.05 of the Revised Code, original 12011

obligations in an aggregate principal amount not to exceed 12012
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 12013
obligations heretofore authorized by prior acts of the General 12014
Assembly. These authorized obligations shall be issued, subject to 12015
applicable constitutional and statutory limitations, as needed to 12016
provide sufficient moneys to the credit of the Ohio Parks and 12017
Natural Resources Fund (Fund 7031) to pay costs of capital 12018
facilities as defined in sections 151.01 and 151.05 of the Revised 12019
Code. 12020

Section 601.21. That existing Sections 203.80 and 203.83 of 12021
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 12022

Section 701.20. To the extent permitted by federal law, 12023
federal money received by the state for fiscal stabilization and 12024
recovery purposes shall be used in accordance with the preferences 12025
for products and services made or performed in the United States 12026
and Ohio established in section 125.09 of the Revised Code. 12027

Section 737.10. Notwithstanding any provision of Chapter 12028
3769. of the Revised Code and through December 31, 2013, the State 12029
Racing Commission may issue a temporary permit to conduct live 12030
horse-racing meetings at a location where other permits to conduct 12031
live horse-racing meetings have been issued. Such permits shall be 12032
issued to a permit holder for a period not to aggregate more than 12033
one year from the first date of issuance. The Commission may adopt 12034
rules under Chapter 119. of the Revised Code to effectuate this 12035
section and to establish the procedures and conditions to apply 12036
for a temporary permit under this section. 12037

Section 747.10. On the effective date of the amendments made 12038
to section 4765.02 of the Revised Code by this act, the member of 12039
the renamed State Board of Emergency Medical, Fire, and 12040

Transportation Services who is an administrator of an adult or 12041
pediatric trauma center shall cease to be a member of the Board. 12042
On the effective date of the amendments made to section 4765.02 of 12043
the Revised Code by this act, the member of the renamed State 12044
Board of Emergency Medical, Fire, and Transportation Services who 12045
is a member of the Ohio Ambulance Association shall cease to be a 12046
member of the Board. On the effective date of the amendments made 12047
to section 4765.02 of the Revised Code by this act, the member of 12048
the renamed State Board of Emergency Medical, Fire, and 12049
Transportation Services who is a physician certified by the 12050
American board of surgery, American board of osteopathic surgery, 12051
American osteopathic board of emergency medicine, or American 12052
board of emergency medicine, is chief medical officer of an air 12053
medical agency, and is currently active in providing emergency 12054
medical services shall cease to be a member of the Board. On the 12055
effective date of the amendments made to section 4765.02 of the 12056
Revised Code by this act, of the members of the renamed State 12057
Board of Emergency Medical, Fire, and Transportation Services who 12058
were EMTs, AEMTs, or paramedics and were appointed to the Board in 12059
that capacity, only the members who are designated by the Governor 12060
to continue to be members of the Board shall continue to be so; 12061
the other persons shall cease to be members of the Board. On the 12062
effective date of the amendments made to section 4765.02 of the 12063
Revised Code by this act, the member of the renamed State Board of 12064
Emergency Medical, Fire, and Transportation Services who is a 12065
registered nurse and is in the active practice of emergency 12066
nursing shall cease to be a member of the Board. Not later than 12067
sixty days after the effective date of those amendments, the 12068
Governor shall appoint to the renamed State Board of Emergency 12069
Medical, Fire, and Transportation Services an adult or pediatric 12070
trauma program manager or trauma program director who is involved 12071
in the daily management of a verified trauma center. The Governor 12072

shall appoint this member from among three persons nominated by 12073
the Ohio Nurses Association, three persons nominated by the Ohio 12074
Society of Trauma Nurse Leaders, and three persons nominated by 12075
the Ohio State Council of the Emergency Nurses Association. 12076

On the effective date of the amendments made to section 12077
4765.02 of the Revised Code by this act, all members of the former 12078
State Board of Emergency Medical Services who do not cease to be 12079
members of the renamed State Board of Emergency Medical, Fire, and 12080
Transportation Services by the terms of this act shall continue to 12081
be members of the renamed State Board of Emergency Medical, Fire, 12082
and Transportation Services, and the dates on which the terms of 12083
the continuing members expire shall be the dates on which their 12084
terms as members of the former State Board of Emergency Medical 12085
Services expired. On the effective date of the amendments made to 12086
section 4765.02 of the Revised Code by this act, the following 12087
members of the former Ohio Medical Transportation Board shall 12088
become members of the State Board of Emergency Medical, Fire, and 12089
Transportation Services, and the dates on which those members' 12090
terms on the State Board of Emergency Medical, Fire, and 12091
Transportation Services expire shall be as follows: 12092

The person who owns or operates a private emergency medical 12093
service organization operating in this state, as designated by the 12094
Governor, term ends November 12, 2014; 12095

The person who owns or operates a nonemergency medical 12096
service organization that provides only ambulette services, term 12097
ends November 12, 2014; 12098

The person who is a member of the Ohio Association of 12099
Critical Care Transport and represents air-based services, term 12100
ends November 12, 2015; 12101

The person who is a member of the Ohio Association of 12102
Critical Care Transport and represents a ground-based mobile 12103

intensive care unit organization, term ends November 12, 2015. 12104

All subsequent terms of office for these four positions on 12105
the State Board of Emergency Medical, Fire, and Transportation 12106
Services shall be for three years as provided in section 4765.02 12107
of the Revised Code. 12108

On July 1, 2013, the Medical Transportation Board and all of 12109
its functions are transferred to the Department of Public Safety. 12110
As of such date, the Medical Transportation Board shall operate 12111
under the Department of Public Safety, which shall assume all of 12112
the Board's functions. All assets, liabilities, any capital 12113
spending authority related thereto, and equipment and records, 12114
regardless of form or medium, related to the Medical 12115
Transportation Board's functions are transferred to the Department 12116
of Public Safety on July 1, 2013. 12117

No validation, cure, right, privilege, remedy, obligation, or 12118
liability is lost or impaired by reason of the transfer. All of 12119
the Medical Transportation Board's rules, orders, and 12120
determinations continue in effect as rules, orders, and 12121
determinations of the Department of Public Safety until modified 12122
or rescinded by the Department of Public Safety. 12123

No action or proceeding pending on July 1, 2013, is affected 12124
by the transfer and any action or proceeding pending on July 1, 12125
2013, shall be prosecuted or defended in the name of the 12126
Department of Public Safety or its director. In all such actions 12127
and proceedings, the Department of Public Safety or its director, 12128
upon application to the court, shall be substituted as a party. 12129

On or after July 1, 2013, notwithstanding any provision of 12130
law to the contrary, the Director of Budget and Management shall 12131
take any action with respect to budget changes made necessary by 12132
the transfer. The Director may transfer cash balances between 12133
funds. The Director may cancel encumbrances in 915604, Operating 12134

Expenses, and reestablish encumbrances or parts of encumbrances in 12135
765624, Operating - EMS, as needed in the fiscal year in the 12136
appropriate fund and appropriation item for the same purpose and 12137
to the same vendor. As determined by the Director, encumbrances 12138
reestablished in the fiscal year in a different fund or 12139
appropriation item used by an agency or between agencies are 12140
appropriated. The Director shall reduce each year's appropriation 12141
balances by the amount of the encumbrance canceled in their 12142
respective funds and appropriation item. Any unencumbered or 12143
unallocated appropriation balances from the previous fiscal year 12144
may be transferred to the appropriate appropriation item to be 12145
used for the same purposes, as determined by the Director. Any 12146
such transfers are hereby appropriated. 12147

This section is exempt from the referendum under Ohio 12148
Constitution, Article II, Section 1d and section 1.471 of the 12149
Revised Code and therefore takes effect immediately when this act 12150
becomes law. 12151

Section 755.10. The Director of Transportation may enter into 12152
agreements as provided in this section with the United States or 12153
any department or agency of the United States, including, but not 12154
limited to, the United States Army Corps of Engineers, the United 12155
States Forest Service, the United States Environmental Protection 12156
Agency, and the United States Fish and Wildlife Service. An 12157
agreement entered into pursuant to this section shall be solely 12158
for the purpose of dedicating staff to the expeditious and timely 12159
review of environmentally related documents submitted by the 12160
Director of Transportation, as necessary for the approval of 12161
federal permits. The agreements may include provisions for advance 12162
payment by the Director of Transportation for labor and all other 12163
identifiable costs of the United States or any department or 12164
agency of the United States providing the services, as may be 12165
estimated by the United States, or the department or agency of the 12166

United States. The Director shall submit a request to the 12167
Controlling Board indicating the amount of the agreement, the 12168
services to be performed by the United States or the department or 12169
agency of the United States, and the circumstances giving rise to 12170
the agreement. 12171

Section 755.20. There is hereby created the Joint Legislative 12172
Task Force on Department of Transportation Funding. The Task Force 12173
shall consist of three members of the House Finance and 12174
Appropriations Committee, two of whom shall be appointed by the 12175
Speaker of the House of Representatives and one of whom shall be 12176
appointed by the Minority Leader of the House of Representatives, 12177
and three members of the Senate Transportation Committee, two of 12178
whom shall be appointed by the President of the Senate and one of 12179
whom shall be appointed by the Minority Leader of the Senate. 12180

The Task Force shall examine the funding needs of the Ohio 12181
Department of Transportation. Not later than December 15, 2014, 12182
the Task Force shall issue a report containing its findings and 12183
recommendations to the President of the Senate, the Minority 12184
Leader of the Senate, the Speaker of the House of Representatives, 12185
and the Minority Leader of the House of Representatives. At that 12186
time, the Task Force shall cease to exist. 12187

Section 755.30. On July 1, 2013, and on the first day of the 12188
month for each month thereafter, the Treasurer of State, before 12189
making any of the distributions specified in sections 5735.23, 12190
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 12191
the first two per cent of the amount of motor fuel tax received 12192
for the preceding calendar month to the credit of the Highway 12193
Operating Fund (Fund 7002). 12194

Section 757.10. Notwithstanding Chapter 5735. of the Revised 12195

Code, the following shall apply for the period of July 1, 2013, 12196
through June 30, 2015: 12197

(A) For the discount under section 5735.06 of the Revised 12198
Code, if the monthly report is timely filed and the tax is timely 12199
paid, one per cent of the total number of gallons of motor fuel 12200
received by the motor fuel dealer within the state during the 12201
preceding calendar month, less the total number of gallons 12202
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 12203
the Revised Code, less one-half of one per cent of the total 12204
number of gallons of motor fuel that were sold to a retail dealer 12205
during the preceding calendar month. 12206

(B) For the semiannual periods ending December 31, 2013, June 12207
30, 2014, December 31, 2014, and June 30, 2015, the refund 12208
provided to retail dealers under section 5735.141 of the Revised 12209
Code shall be one-half of one per cent of the Ohio motor fuel 12210
taxes paid on fuel purchased during those semiannual periods. 12211

Section 757.20. (A) The Department of Taxation shall notify 12212
taxpayers of the requirement to separately identify taxable gross 12213
receipts attributable to motor fuel used for propelling vehicles 12214
on public highways as distinguished from other taxable gross 12215
receipts. The Department shall collect data from taxpayers 12216
affected by the amendments to sections 5751.02, 5751.051, and 12217
5751.20 of the Revised Code to determine which of such taxpayers' 12218
receipts received between December 7, 2012, and June 30, 2013, 12219
were attributable to motor fuel used for propelling vehicles on 12220
public highways. 12221

(B)(1) On or before June 25, 2013, the Tax Commissioner shall 12222
certify to the Director of Budget and Management an estimated 12223
amount of commercial activity tax revenue received between 12224
December 7, 2012, and June 30, 2013, derived from taxable gross 12225

receipts attributable to motor fuel used for propelling vehicles 12226
on public highways. On or before June 30, 2013, the Director shall 12227
transfer the amount so certified from the General Revenue Fund to 12228
the Commercial Activity Tax Motor Fuel Receipts Fund. 12229

(2) Before the Director of Budget and Management completes 12230
the transfer required under division (B)(2) of section 5751.20 of 12231
the Revised Code on or before November 20, 2013, the Commissioner 12232
shall certify a reconciliation of the amount described in division 12233
(B)(1) of this section to the Director based on information the 12234
Commissioner receives from taxpayers affected by the amendment by 12235
this act of sections 5751.02, 5751.051, and 5751.20 of the Revised 12236
Code. The director shall use that certified, reconciled amount to 12237
offset or augment the transfer required to be made by the Director 12238
on or before November 20, 2013. 12239

(C) The Tax Commissioner shall make the first calculation and 12240
payment required under division (B)(2) of section 5751.20 of the 12241
Revised Code, as amended by this act, on or before November 20, 12242
2013, using, for the purpose of that calculation, taxable gross 12243
receipts attributed to motor fuel used for propelling vehicles on 12244
public highways as indicated by returns due by November 10, 2013. 12245

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 12246
APPROPRIATIONS 12247

Law contained in the main operating appropriations act of the 12248
130th General Assembly that is generally applicable to the 12249
appropriations made in the main operating appropriations act also 12250
is generally applicable to the appropriations made in this act. 12251

Section 801.20. As used in the uncodified law of this act, 12252
"American Recovery and Reinvestment Act of 2009" means the 12253
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 12254
111-5, 123 Stat. 115. 12255

Section 803.10. The repeal of section 3791.11 of the Revised Code does not cancel or otherwise terminate a bond that is in effect on the effective date of the repeal. Such a bond continues in effect and expires according to its terms. Upon expiration of the bond, the depositor is not required to renew the bond and any amount posted shall be returned to the depositor.

Section 806.10. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item or application.

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

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

An appropriation of money made in this act is not subject to the referendum insofar as a contemplated expenditure authorized thereby is wholly to meet a current expense within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code. To that extent, the appropriation takes effect immediately when this act becomes law. Conversely, the appropriation is subject to the referendum insofar as a contemplated expenditure authorized thereby is wholly or partly

not to meet a current expense within the meaning of Ohio 12285
Constitution, Article II, Section 1d and section 1.471 of the 12286
Revised Code. To that extent, the appropriation takes effect on 12287
the ninety-first day after this act is filed with the Secretary of 12288
State. 12289

Section 812.20.10. The amendment or enactment by this act of 12290
division (A)(3) of section 5751.051 of the Revised Code, division 12291
(J) of section 5751.20 of the Revised Code, and Section 757.20 of 12292
this act is exempt from the referendum under Ohio Constitution, 12293
Article II, Section 1d and section 1.471 of the Revised Code, and 12294
therefore takes effect immediately when this act becomes law. 12295

Section 812.20.20. The amendment by this act of sections 12296
5751.02, 5751.051, except for division (A)(3) of that section, and 12297
5751.20 of the Revised Code, except for division (J) of that 12298
section, take effect on July 1, 2013. 12299

Section 812.30. The amendment by this act of Section 10 of 12300
Am. Sub. H.B. 386 of the 129th General Assembly goes into 12301
immediate effect. 12302

Section 815.10. The General Assembly, applying the principle 12303
stated in division (B) of section 1.52 of the Revised Code that 12304
amendments are to be harmonized if reasonably capable of 12305
simultaneous operation, finds that the following sections, 12306
presented in this act as composites of the sections as amended by 12307
the acts indicated, are the resulting versions of the sections in 12308
effect prior to the effective date of the sections as presented in 12309
this act: 12310

Section 5751.20 of the Revised Code as amended by both Am. 12311
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly. 12312