

As Pending in the Senate Transportation Committee

130th General Assembly
Regular Session
2013-2014

Sub. H. B. No. 51

—

A BILL

To amend sections 9.33, 123.21, 126.06, 126.503, 1
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 2
307.055, 505.37, 505.375, 505.44, 505.72, 718.01, 3
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5735.05, 5735.23, 5739.02, 5747.01, 5751.01,	34
5751.02, 5751.051, and 5751.20; to enact sections	35
4501.031, 4503.192, 4503.83, 4765.59, 5517.021,	36
5537.18, 5553.051, and 5577.044; and to repeal	37
sections 126.60, 126.601, 126.602, 126.603,	38
126.604, 126.605, 3791.11, 4766.02, 4766.20,	39
4981.36, and 4981.361 of the Revised Code; to	40
amend Section 10 of Am. Sub. H.B. 386 of the 129th	41
General Assembly; and to amend Sections 203.80 and	42
203.83 of Sub. H.B. 482 of the 129th General	43
Assembly; to amend the versions of sections	44
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of	45
the Revised Code that are scheduled to take effect	46
January 1, 2017, to continue the amendments by	47
this act on and after that effective date; to make	48
appropriations for programs related to	49
transportation and public safety for the biennium	50
beginning July 1, 2013, and ending June 30, 2015,	51
and to provide authorization and conditions for	52
the operation of those programs.	53

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

Section 101.01. That sections 9.33, 123.21, 126.06, 126.503,	54
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37,	55

505.375, 505.44, 505.72, 718.01, 2937.221, 3354.13, 3355.10, 56
3357.12, 3705.242, 3791.12, 3791.13, 3791.99, 4501.01, 4501.03, 57
4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.03, 4503.04, 58
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4561.06, 4561.07, 4561.08, 4561.09, 4561.12, 4561.21, 4743.05, 63
4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 64
4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 65
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 66
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4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 69
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4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 71
5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5503.31, 72
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5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 5537.06, 74
5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 5537.14, 75
5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 5537.22, 76
5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 5728.01, 77
5735.05, 5735.23, 5739.02, 5747.01, 5751.01, 5751.02, 5751.051, 78
and 5751.20 be amended, and sections 4501.031, 4503.192, 4503.83, 79
4765.59, 5517.021, 5537.18, 5553.051, and 5577.044 of the Revised 80
Code be enacted to read as follows: 81

Sec. 9.33. As used in sections 9.33 to 9.335 of the Revised 82
Code: 83

(A) "Construction manager" means a person with substantial 84
discretion and authority to plan, coordinate, manage, and direct 85
all phases of a project for the construction, demolition, 86

alteration, repair, or reconstruction of any public building, 87
structure, or other improvement, but does not mean the person who 88
provides the professional design services or who actually performs 89
the construction, demolition, alteration, repair, or 90
reconstruction work on the project. 91

(B)(1) "Construction manager at risk" means a person with 92
substantial discretion and authority to plan, coordinate, manage, 93
direct, and construct all phases of a project for the 94
construction, demolition, alteration, repair, or reconstruction of 95
any public building, structure, or other improvement and who 96
provides the public authority a guaranteed maximum price as 97
determined in section 9.334 of the Revised Code. 98

(2) As used in division (B)(1) of this section: 99

(a) "Construct" includes performing, or subcontracting for 100
performing, construction, demolition, alteration, repair, or 101
reconstruction. 102

(b) "Manage" includes approving bidders and awarding 103
subcontracts for furnishing materials regarding, or for 104
performing, construction, demolition, alteration, repair, or 105
reconstruction. 106

(C) "Construction management contract" means a contract 107
between a public authority and another person obligating the 108
person to provide construction management services. 109

(D) "Construction management services" or "management 110
services" means the range of services that either a construction 111
manager or a construction manager at risk may provide. 112

(E) "Qualified" means having the following qualifications: 113

(1) Competence to perform the required management services as 114
indicated by the technical training, education, and experience of 115
the construction manager's or construction manager at risk's 116

personnel, especially the technical training, education, and 117
experience of the construction manager's or construction manager 118
at risk's employees who would be assigned to perform the services; 119

(2) Ability in terms of workload and the availability of 120
qualified personnel, equipment, and facilities to perform the 121
required management services competently and expeditiously; 122

(3) Past performance as reflected by the evaluations of 123
previous clients with respect to factors such as control of costs, 124
quality of work, and meeting of deadlines; 125

(4) Financial responsibility as evidenced by the capability 126
to provide a letter of credit pursuant to Chapter 1305. of the 127
Revised Code, a surety bond, certified check, or cashier's check 128
in an amount equal to the value of the construction management 129
contract, or by other means acceptable to the public authority; 130

(5) Other similar factors. 131

(F)(1) "Public authority" means the state, any state 132
institution of higher education as defined in section 3345.011 of 133
the Revised Code, any county, township, municipal corporation, 134
school district, or other political subdivision, or any public 135
agency, authority, board, commission, instrumentality, or special 136
purpose district of the state or of a political subdivision. 137

(2) "Public authority" does not include ~~the Ohio turnpike~~ 138
~~commission~~ the department of transportation. 139

(G) "Open book pricing method" means a method in which a 140
construction manager at risk provides the public authority, at the 141
public authority's request, all books, records, documents, and 142
other data in its possession pertaining to the bidding, pricing, 143
or performance of a construction management contract awarded to 144
the construction manager at risk. 145

Sec. 123.21. (A) The Ohio facilities construction commission 146

may perform any act and ensure the performance of any function 147
necessary or appropriate to carry out the purposes of, and 148
exercise the powers granted under this chapter or any other 149
provision of the Revised Code, including any of the following: 150

(1) Prepare, or contract to be prepared, by licensed 151
engineers or architects, surveys, general and detailed plans, 152
specifications, bills of materials, and estimates of cost for any 153
projects, improvements, or public buildings to be constructed by 154
state agencies that may be authorized by legislative 155
appropriations or any other funds made available therefor, 156
provided that the construction of the projects, improvements, or 157
public buildings is a statutory duty of the commission. This 158
section does not require the independent employment of an 159
architect or engineer as provided by section 153.01 of the Revised 160
Code in the cases to which section 153.01 of the Revised Code 161
applies. This section does not affect or alter the existing powers 162
of the director of transportation. 163

(2) Have general supervision over the construction of any 164
projects, improvements, or public buildings constructed for a 165
state agency and over the inspection of materials prior to their 166
incorporation into those projects, improvements, or buildings. 167

(3) Make contracts for and supervise the design and 168
construction of any projects and improvements or the construction 169
and repair of buildings under the control of a state agency. All 170
such contracts may be based in whole or in part on the unit price 171
or maximum estimated cost, with payment computed and made upon 172
actual quantities or units. 173

(4) Adopt, amend, and rescind rules pertaining to the 174
administration of the construction of the public works of the 175
state as required by law, in accordance with Chapter 119. of the 176
Revised Code. 177

(5) Contract with, retain the services of, or designate, and 178
fix the compensation of, such agents, accountants, consultants, 179
advisers, and other independent contractors as may be necessary or 180
desirable to carry out the programs authorized under this chapter, 181
or authorize the executive director to perform such powers and 182
duties. 183

(6) Receive and accept any gifts, grants, donations, and 184
pledges, and receipts therefrom, to be used for the programs 185
authorized under this chapter. 186

(7) Make and enter into all contracts, commitments, and 187
agreements, and execute all instruments, necessary or incidental 188
to the performance of its duties and the execution of its rights 189
and powers under this chapter, or authorize the executive director 190
to perform such powers and duties. 191

(8) Debar a contractor as provided in section 153.02 of the 192
Revised Code. 193

(B) The commission shall appoint, with the advice and consent 194
of the senate, and fix the compensation of an executive director 195
who shall serve at the pleasure of the commission. The executive 196
director shall exercise all powers that the commission possesses, 197
supervise the operations of the commission, and perform such other 198
duties as delegated by the commission. The executive director also 199
shall employ and fix the compensation of such employees as will 200
facilitate the activities and purposes of the commission, who 201
shall serve at the pleasure of the executive director. The 202
employees of the commission are exempt from Chapter 4117. of the 203
Revised Code and are not considered public employees as defined in 204
section 4117.01 of the Revised Code. Any agreement entered into 205
prior to July 1, 2012, between the office of collective bargaining 206
and the exclusive representative for employees of the commission 207
is binding and shall continue to have effect. 208

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

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

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

Sec. 126.503. All state agencies shall control nonessential	241
travel expenses by doing all of the following:	242
(A) Complying with any travel directives issued by the	243
director of budget and management;	244
(B) Using, when possible, the online travel authorization and	245
expense reimbursement process;	246
(C) Conducting meetings, whenever possible and in compliance	247
with section 121.22 of the Revised Code, using conference calls,	248
teleconferences, webinars, or other technology tools;	249
(D) Using fleet vehicles for official state travel whenever	250
possible; and	251
(E) Following restrictions set by the department of	252
administrative services regarding mileage reimbursement pursuant	253
to section 125.832 of the Revised Code.	254
<u>In addition to the methods of travel expense control listed</u>	255
<u>above, a state agency may use a state-contracted rental vehicle</u>	256
<u>provider for employee vehicle travel exceeding one hundred miles.</u>	257
The director of budget and management shall not reimburse any	258
state agency employee for unauthorized travel expenses.	259
Sec. 127.14. The controlling board may, at the request of any	260
state agency or the director of budget and management, authorize,	261
with respect to the provisions of any appropriation act:	262
	263
(A) Transfers of all or part of an appropriation within but	264
not between state agencies, except such transfers as the director	265
of budget and management is authorized by law to make, provided	266
that no transfer shall be made by the director for the purpose of	267
effecting new or changed levels of program service not authorized	268
by the general assembly;	269

(B) Transfers of all or part of an appropriation from one fiscal year to another;	270 271
(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;	272 273 274 275
(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been credited in the absence of the fund from which the transfers are authorized to be made, except that the controlling board may not authorize such transfers from the accrued leave liability fund, auto registration distribution fund, <u>local motor vehicle license tax fund</u> , budget stabilization fund, development bond retirement fund, facilities establishment fund, gasoline excise tax fund, general revenue fund, higher education improvement fund, highway improvement bond retirement fund, highway obligations bond retirement fund, highway capital improvement fund, highway operating fund, horse racing tax fund, improvements bond retirement fund, public library fund, liquor control fund, local government fund, local transportation improvement program fund, mental health facilities improvement fund, Ohio fairs fund, parks and recreation improvement fund, public improvements bond retirement fund, school district income tax fund, state agency facilities improvement fund, state and local government highway distribution fund, state highway safety fund, state lottery fund, undivided liquor permit fund, Vietnam conflict compensation bond retirement fund, volunteer fire fighters' dependents fund, waterways safety fund, wildlife fund, workers' compensation fund, or any fund not specified in this division that the director of budget and management determines to be a bond fund or bond retirement fund;	276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301

(E) Transfers of all or part of those appropriations included 302
in the emergency purposes account of the controlling board; 303

(F) Temporary transfers of all or part of an appropriation or 304
other moneys into and between existing funds, or new funds, as may 305
be established by law when needed for capital outlays for which 306
notes or bonds will be issued; 307

(G) Transfer or release of all or part of an appropriation to 308
a state agency requiring controlling board approval of such 309
transfer or release as provided by law; 310

(H) Temporary transfer of funds included in the emergency 311
purposes appropriation of the controlling board. Such temporary 312
transfers may be made subject to conditions specified by the 313
controlling board at the time temporary transfers are authorized. 314
No transfers shall be made under this division for the purpose of 315
effecting new or changed levels of program service not authorized 316
by the general assembly. 317

As used in this section, "request" means an application by a 318
state agency or the director of budget and management seeking some 319
action by the controlling board. 320

When authorizing the transfer of all or part of an 321
appropriation under this section, the controlling board may 322
authorize the transfer to an existing appropriation item and the 323
creation of and transfer to a new appropriation item. 324

Whenever there is a transfer of all or part of funds included 325
in the emergency purposes appropriation by the controlling board, 326
pursuant to division (E) of this section, the state agency or the 327
director of budget and management receiving such transfer shall 328
keep a detailed record of the use of the transferred funds. At the 329
earliest scheduled meeting of the controlling board following the 330
accomplishment of the purposes specified in the request originally 331
seeking the transfer, or following the total expenditure of the 332

transferred funds for the specified purposes, the state agency or 333
the director of budget and management shall submit a report on the 334
expenditure of such funds to the board. The portion of any 335
appropriation so transferred which is not required to accomplish 336
the purposes designated in the original request to the controlling 337
board shall be returned to the proper appropriation of the 338
controlling board at this time. 339

Notwithstanding any provisions of law providing for the 340
deposit of revenues received by a state agency to the credit of a 341
particular fund in the state treasury, whenever there is a 342
temporary transfer of funds included in the emergency purposes 343
appropriation of the controlling board pursuant to division (H) of 344
this section, revenues received by any state agency receiving such 345
a temporary transfer of funds shall, as directed by the 346
controlling board, be transferred back to the emergency purposes 347
appropriation. 348

The board may delegate to the director of budget and 349
management authority to approve transfers among items of 350
appropriation under division (A) of this section. 351

Sec. 153.01. (A) Whenever any building or structure for the 352
use of the state or any institution supported in whole or in part 353
by the state or in or upon the public works of the state that is 354
administered by the Ohio facilities construction commission or by 355
any other state officer or state agency authorized by law to 356
administer a project, including an educational institution listed 357
in section 3345.50 of the Revised Code, is to be erected or 358
constructed, whenever additions, alterations, or structural or 359
other improvements are to be made, or whenever heating, cooling, 360
or ventilating plants or other equipment is to be installed or 361
material supplied therefor, the estimated cost of which amounts to 362
two hundred thousand dollars or more, or the amount determined 363

pursuant to section 153.53 of the Revised Code or more, each 364
officer, board, or other authority upon which devolves the duty of 365
constructing, erecting, altering, or installing the same, referred 366
to in sections 153.01 to 153.60 of the Revised Code as the public 367
authority, shall cause to be made, by an architect or engineer 368
whose contract of employment shall be prepared and approved by the 369
attorney general, the following: 370

(1) Full and accurate plans, suitable for the use of 371
mechanics and other builders in the construction, improvement, 372
addition, alteration, or installation; 373

(2) Details to scale and full-sized, so drawn and represented 374
as to be easily understood; 375

(3) Definite and complete specifications of the work to be 376
performed, together with directions that will enable a competent 377
mechanic or other builder to carry them out and afford bidders all 378
needful information; 379

(4) A full and accurate estimate of each item of expense and 380
the aggregate cost of those items of expense; 381

(5) A life-cycle cost analysis; 382

(6) Further data as may be required by the Ohio facilities 383
construction commission. 384

(B)(1) Division (A) of this section shall not be required 385
with respect to a construction management contract entered into 386
with a construction manager at risk as described in section 9.334 387
of the Revised Code or a design-build contract entered into with a 388
design-build firm as described in section 153.693 of the Revised 389
Code. 390

(2) Nothing in this chapter shall interfere with the power of 391
the director of transportation to prepare plans for, acquire 392
rights-of-way for, construct, or maintain transportation 393

facilities, or to let contracts for those purposes. 394

Sec. 153.65. As used in sections 153.65 to 153.73 of the 395
Revised Code: 396

(A)(1) "Public authority" means the state, a state 397
institution of higher education as defined in section 3345.011 of 398
the Revised Code, a county, township, municipal corporation, 399
school district, or other political subdivision, or any public 400
agency, authority, board, commission, instrumentality, or special 401
purpose district of the state or of a political subdivision. 402

(2) "Public authority" does not include ~~the Ohio turnpike~~ 403
~~commission~~ the department of transportation. 404

(B) "Professional design firm" means any person legally 405
engaged in rendering professional design services. 406

(C) "Professional design services" means services within the 407
scope of practice of an architect or landscape architect 408
registered under Chapter 4703. of the Revised Code or a 409
professional engineer or surveyor registered under Chapter 4733. 410
of the Revised Code. 411

(D) "Qualifications" means all of the following: 412

(1)(a) For a professional design firm, competence to perform 413
the required professional design services as indicated by the 414
technical training, education, and experience of the firm's 415
personnel, especially the technical training, education, and 416
experience of the employees within the firm who would be assigned 417
to perform the services; 418

(b) For a design-build firm, competence to perform the 419
required design-build services as indicated by the technical 420
training, education, and experience of the design-build firm's 421
personnel and key consultants, especially the technical training, 422
education, and experience of the employees and consultants of the 423

design-build firm who would be assigned to perform the services, 424
including the proposed architect or engineer of record. 425

(2) Ability of the firm in terms of its workload and the 426
availability of qualified personnel, equipment, and facilities to 427
perform the required professional design services or design-build 428
services competently and expeditiously; 429

(3) Past performance of the firm as reflected by the 430
evaluations of previous clients with respect to such factors as 431
control of costs, quality of work, and meeting of deadlines; 432

(4) Any other relevant factors as determined by the public 433
authority; 434

(5) With respect to a design-build firm, compliance with 435
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 436
including the use of a licensed design professional for all design 437
services. 438

(E) "Design-build contract" means a contract between a public 439
authority and another person that obligates the person to provide 440
design-build services. 441

(F) "Design-build firm" means a person capable of providing 442
design-build services. 443

(G) "Design-build services" means services that form an 444
integrated delivery system for which a person is responsible to a 445
public authority for both the design and construction, demolition, 446
alteration, repair, or reconstruction of a public improvement. 447

(H) "Architect or engineer of record" means the architect or 448
engineer that serves as the final signatory on the plans and 449
specifications for the design-build project. 450

(I) "Criteria architect or engineer" means the architect or 451
engineer retained by a public authority to prepare conceptual 452
plans and specifications, to assist the public authority in 453

connection with the establishment of the design criteria for a 454
design-build project, and, if requested by the public authority, 455
to serve as the representative of the public authority and 456
provide, during the design-build project, other design and 457
construction administration services on behalf of the public 458
authority, including but not limited to, confirming that the 459
design prepared by the design-build firm reflects the original 460
design intent established in the design criteria package. 461

(J) "Open book pricing method" means a method in which a 462
design-build firm provides the public authority, at the public 463
authority's request, all books, records, documents, contracts, 464
subcontracts, purchase orders, and other data in its possession 465
pertaining to the bidding, pricing, or performance of a contract 466
for design-build services awarded to the design-build firm. 467

Sec. 164.05. (A) The director of the Ohio public works 468
commission shall do all of the following: 469

(1) Approve requests for financial assistance from district 470
public works integrating committees and enter into agreements with 471
one or more local subdivisions to provide loans, grants, and local 472
debt support and credit enhancements for a capital improvement 473
project if the director determines that: 474

(a) The project is an eligible project pursuant to this 475
chapter; 476

(b) The financial assistance for the project has been 477
properly approved and requested by the district committee of the 478
district which includes the recipient of the loan or grant; 479

(c) The amount of the financial assistance, when added to all 480
other financial assistance provided during the fiscal year for 481
projects within the district, does not exceed that district's 482
allocation of money from the state capital improvements fund for 483

that fiscal year; 484

(d) The district committee has provided such documentation 485
and other evidence as the director may require that the district 486
committee has satisfied the requirements of section 164.06 or 487
164.14 of the Revised Code; 488

(e) The portion of a district's annual allocation which the 489
director approves in the form of loans and local debt support and 490
credit enhancements for eligible projects is consistent with 491
divisions (E) and (F) of this section. 492

(2) Authorize payments to local subdivisions or their 493
contractors for costs incurred for capital improvement projects 494
which have been approved pursuant to this chapter. All requests 495
for payments shall be submitted to the director on forms and in 496
accordance with procedures specified in rules adopted by the 497
director pursuant to division (A)(4) of this section. 498

(3) Retain the services of or employ financial consultants, 499
engineers, accountants, attorneys, and such other employees as the 500
director determines are necessary to carry out the director's 501
duties under this chapter and fix the compensation for their 502
services+. From among these employees, the director shall appoint 503
a deputy with the necessary qualifications to act as the director 504
when the director is absent or temporarily unable to carry out the 505
duties of office. 506

(4) Adopt rules establishing the procedures for making 507
applications, reviewing, approving, and rejecting projects for 508
which assistance is authorized under this chapter, and any other 509
rules needed to implement the provisions of this chapter. Such 510
rules shall be adopted under Chapter 119. of the Revised Code. 511

(5) Provide information and other assistance to local 512
subdivisions and district public works integrating committees in 513
developing their requests for financial assistance for capital 514

improvements under this chapter and encourage cooperation and 515
coordination of requests and the development of multisubdivision 516
and multidistrict projects in order to maximize the benefits that 517
may be derived by districts from each year's allocation; 518

(6) Require local subdivisions, to the extent practicable, to 519
use Ohio products, materials, services, and labor in connection 520
with any capital improvement project financed in whole or in part 521
under this chapter; 522

(7) Notify the director of budget and management of all 523
approved projects, and supply all information necessary to track 524
approved projects through the state accounting system; 525

(8) Appoint the administrator of the Ohio small government 526
capital improvements commission; 527

(9) Do all other acts, enter into contracts, and execute all 528
instruments necessary or appropriate to carry out this chapter; 529

(10) Develop a standardized methodology for evaluating 530
capital improvement needs which will be used by local subdivisions 531
in preparing the plans required by division (C) of section 164.06 532
of the Revised Code. The director shall develop this methodology 533
not later than July 1, 1991. 534

(11) Establish a program to provide local subdivisions with 535
technical assistance in preparing project applications. The 536
program shall be designed to assist local subdivisions that lack 537
the financial or technical resources to prepare project 538
applications on their own. 539

(B) When the director of the Ohio public works commission 540
decides to conditionally approve or disapprove projects, the 541
director's decisions and the reasons for which they are made shall 542
be made in writing. These written decisions shall be conclusive 543
for the purposes of the validity and enforceability of such 544
determinations. 545

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

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

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

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use

in performing the capital improvement project; 578

(3) Loans made to the local subdivision under this chapter; 579

(4) Engineering costs incurred by the local subdivision in 580
performing engineering activities related to the project. 581

A local subdivision share of the cost of a capital 582
improvement shall not include any amounts awarded to it from the 583
local transportation improvement program fund created in section 584
164.14 of the Revised Code. 585

(E) The following portion of a district public works 586
integrating committee's annual allocation share pursuant to 587
section 164.08 of the Revised Code may be awarded to subdivisions 588
only in the form of interest-free, low-interest, market rate of 589
interest, or blended-rate loans: 590

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	593
Year 2	0%	594
Year 3	10%	595
Year 4	12%	596
Year 5	15%	597
Year 6	20%	598
Year 7, 8, 9, and 10	22%	599

(F) The following portion of a district public works 600
integrating committee's annual allocation pursuant to section 601
164.08 of the Revised Code shall be awarded to subdivisions in the 602
form of local debt supported and credit enhancements: 603

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	607
Year 2	0%	608

Year 3	3%	609
Year 4	5%	610
Year 5	5%	611
Year 6	7%	612
Year 7	7%	613
Year 8	8%	614
Year 9	8%	615
Year 10	8%	616

(G) For the period commencing on March 29, 1988, and ending on June 30, 1993, for the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement projects located wholly or partially within a county shall be equal to at least thirty per cent of the amount of what the county would have been allocated from the obligations authorized to be sold under this chapter during each period, if such amounts had been allocable to each county on a per capita basis.

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION WHICH MAY BE USED FOR NEW OR EXPANSION INFRASTRUCTURE	
Year 1	5%	634
Year 2	5%	635
Year 3	10%	636
Year 4	10%	637
Year 5	10%	638
Year 6	15%	639
Year 7	15%	640

Year 8	20%	641
Year 9	20%	642
Year 10 and each year		643
thereafter	20%	644

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 11 and each year		654
thereafter	20%	655

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

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

A board of county commissioners may operate an ambulance
service organization or emergency medical service organization,
or, in counties with a population of forty thousand or less, may
operate a nonemergency patient transport service organization, or
may enter into a contract with one or more counties, townships,
municipal corporations, nonprofit corporations, joint emergency
medical services districts, fire and ambulance districts, or
private ambulance owners, regardless of whether such counties,

townships, municipal corporations, nonprofit corporations, joint 672
emergency medical services districts, fire and ambulance 673
districts, or private ambulance owners are located within or 674
without the state, in order to furnish or obtain the services of 675
ambulance service organizations, to furnish or obtain additional 676
services from ambulance service organizations in times of 677
emergency, to furnish or obtain the services of emergency medical 678
service organizations, or, in counties with a population of forty 679
thousand or less, to furnish or obtain services of nonemergency 680
patient transport service organizations, or may enter into a 681
contract with any such entity to furnish or obtain the interchange 682
of services from ambulance or emergency medical service 683
organizations, or, within counties with a population of forty 684
thousand or less, to furnish or obtain the interchange of services 685
from nonemergency patient transport service organizations, within 686
the territories of the contracting subdivisions. Except in the 687
case of a contract with a joint emergency medical services 688
district to obtain the services of emergency medical service 689
organizations, such contracts shall not be entered into with a 690
public agency or nonprofit corporation that receives more than 691
half of its operating funds from governmental entities with the 692
intention of directly competing with the operation of other 693
ambulance service organizations, nonemergency patient transport 694
service organizations, or emergency medical service organizations 695
in the county unless the public agency or nonprofit corporation is 696
awarded the contract after submitting the lowest and best bid to 697
the board of county commissioners. Any county wishing to commence 698
operation of a nonemergency patient transport service organization 699
or wishing to enter into a contract for the first time to furnish 700
or obtain services from a nonemergency patient transport service 701
organization on or after March 1, 1993, including a county in 702
which a private provider has been providing the service, shall 703
demonstrate the need for public funding for the service to, and 704

obtain approval from, the state board of emergency medical, fire, 705
and transportation services or its immediate successor board prior 706
to operating or funding the organization. 707

When such an organization is operated by the board, the 708
organization may be administered by the board, by the county 709
sheriff, or by another county officer or employee designated by 710
the board. All rules, including the determining of reasonable 711
rates, necessary for the establishment, operation, and maintenance 712
of such an organization shall be adopted by the board. 713

A contract for services of an ambulance service, nonemergency 714
patient transport service, or emergency medical service 715
organization shall include the terms, conditions, and stipulations 716
as agreed to by the parties to the contract. It may provide for a 717
fixed annual charge to be paid at the times agreed upon and 718
stipulated in the contract, or for compensation based upon a 719
stipulated price for each run, call, or emergency or the number of 720
persons or pieces of apparatus employed, or the elapsed time of 721
service required in such run, call, or emergency, or any 722
combination thereof. 723

Sec. 307.051. As used in this section, "emergency medical 724
service organization" has the same meaning as in section 4766.01 725
of the Revised Code. 726

A board of county commissioners, by adoption of an 727
appropriate resolution, may choose to have the ~~Ohio~~ state board of 728
emergency medical, fire, and transportation ~~board~~ services license 729
any emergency medical service organization it operates. If a board 730
adopts such a resolution, Chapter 4766. of the Revised Code, 731
except for sections 4766.06 and 4766.99 of the Revised Code, 732
applies to the county emergency medical service organization. All 733
rules adopted under the applicable sections of that chapter also 734
apply to the organization. A board, by adoption of an appropriate 735

resolution, may remove its emergency medical service organization 736
from the jurisdiction of the ~~Ohio~~ state board of emergency 737
medical, fire, and transportation board services. 738

Sec. 307.055. (A) Subject to the terms and conditions of the 739
joint resolution creating it, each joint emergency medical 740
services district may furnish ambulance services and emergency 741
medical services by one of the following methods: 742

(1) By operating an emergency medical service organization as 743
defined in section 4765.01 of the Revised Code; 744

(2) By contracting for the operation of one or more 745
facilities pursuant to division (C) or (D) of this section; 746

(3) By providing necessary services and equipment to the 747
district either directly or under a contract entered into pursuant 748
to division (B) of this section; 749

(4) By providing service through any combination of methods 750
described in divisions (A)(1) to (3) of this section. 751

(B) In order to obtain ambulance service, to obtain 752
additional ambulance service in times of emergency, or to obtain 753
emergency medical services, a joint emergency medical services 754
district may enter into a contract, for a period not to exceed 755
three years, with one or more counties, townships, municipal 756
corporations, joint fire districts, other governmental units that 757
provide ambulance service or emergency medical services, nonprofit 758
corporations, or private ambulance owners, regardless of whether 759
the entities contracted with are located within or outside this 760
state, upon such terms as are agreed to, to furnish or receive 761
ambulance services or the interchange of ambulance services or 762
emergency medical services within the several territories of the 763
contracting subdivisions, if the contract is first authorized by 764
all boards of trustees and legislative authorities in the 765

territories to be served. 766

Such a contract may provide for a fixed annual charge to be 767
paid at the times agreed upon and stipulated in the contract; or 768
for compensation based on a stipulated price for each run, call, 769
or emergency or based on the elapsed time of service required for 770
each run, call, or emergency, or based on any combination of 771
these. 772

Expenditures of a district for ambulance service or emergency 773
medical service, whether pursuant to contract or otherwise, are 774
lawful expenditures, regardless of whether the district or the 775
party with which it contracts charges an additional fee to users 776
of the service. 777

(C) The board of trustees may enter into a contract with any 778
person, municipal corporation, township, or other political 779
subdivision, and any political subdivision may contract with the 780
board, for the operation and maintenance of emergency medical 781
services facilities regardless of whether the facilities used are 782
owned or leased by the district, by another political subdivision, 783
or by the contractor. 784

(D) The district may purchase, lease, and maintain all 785
materials, buildings, land, and equipment, including vehicles, the 786
board considers necessary for the district. 787

When the board finds, by resolution, that the district has 788
personal property that is not needed for public use, or is 789
obsolete or unfit for the use for which it was acquired, the board 790
may dispose of the property in the same manner as provided in 791
section 307.12 of the Revised Code. 792

(E) Except in the case of a contract with a board of county 793
commissioners for the provision of services of an emergency 794
medical service organization, any contract entered into by a joint 795
emergency medical services district shall conform to the same 796

bidding requirements that apply to county contracts under sections 797
307.86 to 307.92 of the Revised Code. 798

(F) A county participating in a joint district may contribute 799
any of its rights or interests in real or personal property, 800
including money, and may contribute services to the district. Any 801
such contributions shall be made by a written agreement between 802
the contributing county and the district, specifying the 803
contribution as well as the rights of the participating counties 804
in the contributed property. Written agreements shall also be 805
prepared specifying the rights of participating counties in 806
property acquired by the district other than by contribution of a 807
participating county. Written agreements required by this division 808
may be amended only by written agreement of all parties to the 809
original agreement. 810

(G) A district's board of trustees, by adoption of an 811
appropriate resolution, may choose to have the ~~Ohio~~ state board of 812
emergency medical, fire, and transportation board services license 813
any emergency medical service organization the district operates. 814
If a board adopts such a resolution, Chapter 4766. of the Revised 815
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 816
applies to the district emergency medical service organization. 817
All rules adopted under the applicable sections of that chapter 818
also apply to the organization. A board, by adoption of an 819
appropriate resolution, may remove the district emergency medical 820
service organization from the jurisdiction of the ~~Ohio~~ state board 821
of emergency medical, fire, and transportation board services. 822

Sec. 505.37. (A) The board of township trustees may establish 823
all necessary rules to guard against the occurrence of fires and 824
to protect the property and lives of the citizens against damage 825
and accidents, and may, with the approval of the specifications by 826
the prosecuting attorney or, if the township has adopted limited 827

home rule government under Chapter 504. of the Revised Code, with 828
the approval of the specifications by the township's law director, 829
purchase, lease, lease with an option to purchase, or otherwise 830
provide any fire apparatus, mechanical resuscitators, or other 831
equipment, appliances, materials, fire hydrants, and water supply 832
for fire-fighting purposes that seems advisable to the board. The 833
board shall provide for the care and maintenance of fire 834
equipment, and, for these purposes, may purchase, lease, lease 835
with an option to purchase, or construct and maintain necessary 836
buildings, and it may establish and maintain lines of fire-alarm 837
communications within the limits of the township. The board may 838
employ one or more persons to maintain and operate fire-fighting 839
equipment, or it may enter into an agreement with a volunteer fire 840
company for the use and operation of fire-fighting equipment. The 841
board may compensate the members of a volunteer fire company on 842
any basis and in any amount that it considers equitable. 843

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When the estimated cost to purchase fire apparatus, 845
mechanical resuscitators, other equipment, appliances, materials, 846
fire hydrants, buildings, or fire-alarm communications equipment 847
or services exceeds fifty thousand dollars, the contract shall be 848
let by competitive bidding. When competitive bidding is required, 849
the board shall advertise once a week for not less than two 850
consecutive weeks in a newspaper of general circulation within the 851
township. The board may also cause notice to be inserted in trade 852
papers or other publications designated by it or to be distributed 853
by electronic means, including posting the notice on the board's 854
internet web site. If the board posts the notice on its web site, 855
it may eliminate the second notice otherwise required to be 856
published in a newspaper of general circulation within the 857
township, provided that the first notice published in such 858
newspaper meets all of the following requirements: 859

(1) It is published at least two weeks before the opening of bids. 860
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(2) It includes a statement that the notice is posted on the board's internet web site. 862
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(3) It includes the internet address of the board's internet web site. 864
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(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 866
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The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement. 868
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(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire-fighting equipment, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon. 880
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(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard 889
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against the occurrence of fires or to protect the property and 891
lives of the citizens against damages resulting from their 892
occurrence, create a fire district of any portions of the township 893
that it considers necessary. The board may purchase, lease, lease 894
with an option to purchase, or otherwise provide any fire 895
apparatus, appliances, materials, fire hydrants, and water supply 896
for fire-fighting purposes, or may contract for the fire 897
protection for the fire district as provided in section 9.60 of 898
the Revised Code. The fire district so created shall be given a 899
separate name by which it shall be known. 900

Additional unincorporated territory of the township may be 901
added to a fire district upon the board's adoption of a resolution 902
authorizing the addition. A municipal corporation that is within 903
or adjoining the township may be added to a fire district upon the 904
board's adoption of a resolution authorizing the addition and the 905
municipal legislative authority's adoption of a resolution or 906
ordinance requesting the addition of the municipal corporation to 907
the fire district. 908

If the township fire district imposes a tax, additional 909
unincorporated territory of the township or a municipal 910
corporation that is within or adjoining the township shall become 911
part of the fire district only after all of the following have 912
occurred: 913

(1) Adoption by the board of township trustees of a 914
resolution approving the expansion of the territorial limits of 915
the district and, if the resolution proposes to add a municipal 916
corporation, adoption by the municipal legislative authority of a 917
resolution or ordinance requesting the addition of the municipal 918
corporation to the district; 919

(2) Adoption by the board of township trustees of a 920
resolution recommending the extension of the tax to the additional 921
territory; 922

(3) Approval of the tax by the electors of the territory 923
proposed for addition to the district. 924

Each resolution of the board adopted under division (C)(2) of 925
this section shall state the name of the fire district, a 926
description of the territory to be added, and the rate and 927
termination date of the tax, which shall be the rate and 928
termination date of the tax currently in effect in the fire 929
district. 930

The board of trustees shall certify each resolution adopted 931
under division (C)(2) of this section to the board of elections in 932
accordance with section 5705.19 of the Revised Code. The election 933
required under division (C)(3) of this section shall be held, 934
canvassed, and certified in the manner provided for the submission 935
of tax levies under section 5705.25 of the Revised Code, except 936
that the question appearing on the ballot shall read: 937

"Shall the territory within 938
(description of the proposed territory to be added) be added to 939
..... (name) fire district, and a property tax 940
at a rate of taxation not exceeding (here insert tax rate) 941
be in effect for (here insert the number of years the 942
tax is to be in effect or "a continuing period of time," as 943
applicable)?" 944

If the question is approved by at least a majority of the 945
electors voting on it, the joinder shall be effective as of the 946
first day of July of the year following approval, and on that 947
date, the township fire district tax shall be extended to the 948
taxable property within the territory that has been added. If the 949
territory that has been added is a municipal corporation and if it 950
had adopted a tax levy for fire purposes, the levy is terminated 951
on the effective date of the joinder. 952

Any municipal corporation may withdraw from a township fire 953

district created under division (C) of this section by the 954
adoption by the municipal legislative authority of a resolution or 955
ordinance ordering withdrawal. On the first day of July of the 956
year following the adoption of the resolution or ordinance of 957
withdrawal, the municipal corporation withdrawing ceases to be a 958
part of the district, and the power of the fire district to levy a 959
tax upon taxable property in the withdrawing municipal corporation 960
terminates, except that the fire district shall continue to levy 961
and collect taxes for the payment of indebtedness within the 962
territory of the fire district as it was composed at the time the 963
indebtedness was incurred. 964

Upon the withdrawal of any municipal corporation from a 965
township fire district created under division (C) of this section, 966
the county auditor shall ascertain, apportion, and order a 967
division of the funds on hand, moneys and taxes in the process of 968
collection except for taxes levied for the payment of 969
indebtedness, credits, and real and personal property, either in 970
money or in kind, on the basis of the valuation of the respective 971
tax duplicates of the withdrawing municipal corporation and the 972
remaining territory of the fire district. 973

A board of township trustees may remove unincorporated 974
territory of the township from the fire district upon the adoption 975
of a resolution authorizing the removal. On the first day of July 976
of the year following the adoption of the resolution, the 977
unincorporated township territory described in the resolution 978
ceases to be a part of the district, and the power of the fire 979
district to levy a tax upon taxable property in that territory 980
terminates, except that the fire district shall continue to levy 981
and collect taxes for the payment of indebtedness within the 982
territory of the fire district as it was composed at the time the 983
indebtedness was incurred. 984

(D) The board of township trustees of any township, the board 985

of fire district trustees of a fire district created under section 986
505.371 of the Revised Code, or the legislative authority of any 987
municipal corporation may purchase, lease, or lease with an option 988
to purchase the necessary fire-fighting equipment, buildings, and 989
sites for the township, fire district, or municipal corporation 990
and issue securities for that purpose with maximum maturities as 991
provided in section 133.20 of the Revised Code. The board of 992
township trustees, board of fire district trustees, or legislative 993
authority may also construct any buildings necessary to house 994
fire-fighting equipment and issue securities for that purpose with 995
maximum maturities as provided in section 133.20 of the Revised 996
Code. 997

The board of township trustees, board of fire district 998
trustees, or legislative authority may issue the securities of the 999
township, fire district, or municipal corporation, signed by the 1000
board or designated officer of the municipal corporation and 1001
attested by the signature of the township fiscal officer, fire 1002
district clerk, or municipal clerk, covering any deferred payments 1003
and payable at the times provided, which securities shall bear 1004
interest not to exceed the rate determined as provided in section 1005
9.95 of the Revised Code, and shall not be subject to Chapter 133. 1006
of the Revised Code. The legislation authorizing the issuance of 1007
the securities shall provide for levying and collecting annually 1008
by taxation, amounts sufficient to pay the interest on and 1009
principal of the securities. The securities shall be offered for 1010
sale on the open market or given to the vendor or contractor if no 1011
sale is made. 1012

Section 505.40 of the Revised Code does not apply to any 1013
securities issued, or any lease with an option to purchase entered 1014
into, in accordance with this division. 1015

(E) A board of township trustees of any township or a board 1016
of fire district trustees of a fire district created under section 1017

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 reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

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

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

organization from the jurisdiction of the ~~Ohio~~ state board of 1050
emergency medical, fire, and transportation board services. 1051

Sec. 505.375. (A)(1)(a) The boards of township trustees of 1052
one or more townships and the legislative authorities of one or 1053
more municipal corporations, or the legislative authorities of two 1054
or more municipal corporations, or the boards of township trustees 1055
of two or more townships, may negotiate an agreement to form a 1056
fire and ambulance district for the delivery of both fire and 1057
ambulance services. The agreement shall be ratified by the 1058
adoption of a joint resolution by a majority of the members of 1059
each board of township trustees involved and a majority of the 1060
members of the legislative authority of each municipal corporation 1061
involved. The joint resolution shall specify a date on which the 1062
fire and ambulance district shall come into being. 1063

(b) If a joint fire district created under section 505.371 of 1064
the Revised Code or a joint ambulance district created under 1065
section 505.71 of the Revised Code is dissolved to facilitate the 1066
creation of a fire and ambulance district under division (A)(1)(a) 1067
of this section, the townships and municipal corporations forming 1068
the fire and ambulance district may transfer to the fire and 1069
ambulance district any of the funds on hand, moneys and taxes in 1070
the process of collection, credits, and real and personal property 1071
apportioned to them under division (D) of section 505.371 of the 1072
Revised Code or section 505.71 of the Revised Code, as applicable, 1073
for use by the fire and ambulance district in accordance with this 1074
section. 1075

(2)(a) The board of trustees of a joint ambulance district 1076
created under section 505.71 of the Revised Code and the board of 1077
fire district trustees of a joint fire district created under 1078
section 505.371 of the Revised Code may negotiate to combine their 1079
two joint districts into a single fire and ambulance district for 1080

the delivery of both fire and ambulance services, if the 1081
geographic area covered by the combining joint districts is 1082
exactly the same. Both boards shall adopt a joint resolution 1083
ratifying the agreement and setting a date on which the fire and 1084
ambulance district shall come into being. 1085

(b) On that date, the joint fire district and the joint 1086
ambulance district shall cease to exist, and the power of each to 1087
levy a tax upon taxable property shall terminate, except that any 1088
levy of a tax for the payment of indebtedness within the territory 1089
of the joint fire or joint ambulance district as it was composed 1090
at the time the indebtedness was incurred shall continue to be 1091
collected by the successor fire and ambulance district if the 1092
indebtedness remains unpaid. All funds and other property of the 1093
joint districts shall become the property of the fire and 1094
ambulance district, unless otherwise provided in the negotiated 1095
agreement. The agreement shall provide for the settlement of all 1096
debts and obligations of the joint districts. 1097

(B)(1) The governing body of a fire and ambulance district 1098
created under division (A)(1) or (2) of this section shall be a 1099
board of trustees of at least three but no more than nine members, 1100
appointed as provided in the agreement creating the district. 1101
Members of the board may be compensated at a rate not to exceed 1102
thirty dollars per meeting for not more than fifteen meetings per 1103
year, and may be reimbursed for all necessary expenses incurred, 1104
as provided in the agreement creating the district. 1105

(2) The board shall employ a clerk and other employees as it 1106
considers best, including a fire chief or fire prevention 1107
officers, and shall fix their compensation. Neither this section 1108
nor any other section of the Revised Code requires, or shall be 1109
construed to require, that the fire chief of a fire and ambulance 1110
district be a resident of the district. 1111

Before entering upon the duties of office, the clerk shall 1112

execute a bond, in the amount and with surety to be approved by 1113
the board, payable to the state, conditioned for the faithful 1114
performance of all of the clerk's official duties. The clerk shall 1115
deposit the bond with the presiding officer of the board, who 1116
shall file a copy of it, certified by the presiding officer, with 1117
the county auditor of the county containing the most territory in 1118
the district. 1119

The board also shall provide for the appointment of a fiscal 1120
officer for the district and may enter into agreements with 1121
volunteer fire companies for the use and operation of 1122
fire-fighting equipment. Volunteer firefighters acting under such 1123
an agreement are subject to the requirements for volunteer 1124
firefighters set forth in division (A) of section 505.38 of the 1125
Revised Code. 1126

(3) Employees of the district shall not be removed from 1127
office except as provided by sections 733.35 to 733.39 of the 1128
Revised Code, except that, to initiate removal proceedings, the 1129
board shall designate a private citizen or, if the employee is 1130
employed as a firefighter, the board may designate the fire chief, 1131
to investigate, conduct the proceedings, and prepare the necessary 1132
charges in conformity with those sections, and except that the 1133
board shall perform the functions and duties specified for the 1134
municipal legislative authority under those sections. The board 1135
may pay reasonable compensation to any private citizen hired for 1136
services rendered in the matter. 1137

(4) No person shall be appointed as a permanent full-time 1138
paid member of the district whose duties include fire fighting, or 1139
be appointed as a volunteer firefighter, unless that person has 1140
received a certificate issued under former section 3303.07 or 1141
section 4765.55 of the Revised Code evidencing satisfactory 1142
completion of a firefighter training program. The board may send 1143
its officers and firefighters to schools of instruction designed 1144

to promote the efficiency of firefighters and, if authorized in 1145
advance, may pay their necessary expenses from the funds used for 1146
the maintenance and operation of the district. 1147

The board may choose, by adoption of an appropriate 1148
resolution, to have the ~~Ohio~~ state board of emergency medical, 1149
fire, and transportation board services license any emergency 1150
medical service organization it operates. If the board adopts such 1151
a resolution, Chapter 4766. of the Revised Code, except for 1152
sections 4766.06 and 4766.99 of the Revised Code, applies to the 1153
organization. All rules adopted under the applicable sections of 1154
that chapter also apply to the organization. The board may remove, 1155
by resolution, its emergency medical service organization from the 1156
jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, 1157
and transportation board services. 1158

(C) The board of trustees of a fire and ambulance district 1159
created under division (A)(1) or (2) of this section may exercise 1160
the following powers: 1161

(1) Purchase or otherwise provide any fire apparatus, 1162
mechanical resuscitators, or other fire or ambulance equipment, 1163
appliances, or materials; fire hydrants; and water supply for 1164
firefighting purposes that seems advisable to the board; 1165

(2) Provide for the care and maintenance of equipment and, 1166
for that purpose, purchase, lease, lease with an option to 1167
purchase, or construct and maintain necessary buildings; 1168

(3) Establish and maintain lines of fire-alarm communications 1169
within the limits of the district; 1170

(4) Appropriate land for a fire station or medical emergency 1171
unit needed in order to respond in reasonable time to a fire or 1172
medical emergency, in accordance with Chapter 163. of the Revised 1173
Code; 1174

(5) Purchase, appropriate, or accept a deed or gift of land 1175

to enlarge or improve a fire station or medical emergency unit;	1176
(6) Purchase, lease, lease with an option to purchase,	1177
maintain, and use all materials, equipment, vehicles, buildings,	1178
and land necessary to perform its duties;	1179
(7) Contract for a period not to exceed three years with one	1180
or more townships, municipal corporations, counties, joint fire	1181
districts, joint ambulance districts, governmental agencies,	1182
nonprofit corporations, or private ambulance owners located either	1183
within or outside the state, to furnish or receive ambulance	1184
services or emergency medical services within the several	1185
territories of the contracting parties, if the contract is first	1186
authorized by all boards of trustees and legislative authorities	1187
concerned;	1188
(8) Establish reasonable charges for the use of ambulance or	1189
emergency medical services under the same conditions under which a	1190
board of fire district trustees may establish those charges under	1191
section 505.371 of the Revised Code;	1192
(9) Establish all necessary rules to guard against the	1193
occurrence of fires and to protect property and lives against	1194
damage and accidents;	1195
(10) Adopt a standard code pertaining to fire, fire hazards,	1196
and fire prevention prepared and promulgated by the state or by a	1197
public or private organization that publishes a model or standard	1198
code;	1199
(11) Provide for charges for false alarms at commercial	1200
establishments in the same manner as joint fire districts are	1201
authorized to do under section 505.391 of the Revised Code;	1202
(12) Issue bonds and other evidences of indebtedness, subject	1203
to Chapter 133. of the Revised Code, but only after approval by a	1204
vote of the electors of the district as provided by section 133.18	1205
of the Revised Code;	1206

(13) To provide the services and equipment it considers 1207
necessary, levy a sufficient tax, subject to Chapter 5705. of the 1208
Revised Code, on all the taxable property in the district. 1209

(D) Any municipal corporation or township may join an 1210
existing fire and ambulance district, whether created under 1211
division (A)(1) or (2) of this section, by its legislative 1212
authority's adoption of a resolution requesting the membership and 1213
upon approval of the board of trustees of the district. Any 1214
municipal corporation or township may withdraw from a district, 1215
whether created under division (A)(1) or (2) of this section, by 1216
its legislative authority's adoption of a resolution ordering 1217
withdrawal. Upon its withdrawal, the municipal corporation or 1218
township ceases to be a part of the district, and the district's 1219
power to levy a tax on taxable property in the withdrawing 1220
township or municipal corporation terminates, except that the 1221
district shall continue to levy and collect taxes for the payment 1222
of indebtedness within the territory of the district as it was 1223
composed at the time the indebtedness was incurred. 1224

Upon the withdrawal of any township or municipal corporation 1225
from a district, the county auditor of the county containing the 1226
most territory in the district shall ascertain, apportion, and 1227
order a division of the funds on hand, including funds in the 1228
ambulance and emergency medical services fund, moneys and taxes in 1229
the process of collection, except for taxes levied for the payment 1230
of indebtedness, credits, and real and personal property on the 1231
basis of the valuation of the respective tax duplicates of the 1232
withdrawing municipal corporation or township and the remaining 1233
territory of the district. 1234

(E) As used in this section: 1235

(1) "Governmental agency" includes all departments, boards, 1236
offices, commissions, agencies, colleges, universities, 1237
institutions, and other instrumentalities of this or another 1238

state.	1239
(2) "Emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.	1240 1241
Sec. 505.44. As used in this section:	1242
(A) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	1243 1244
(B) "State agency" means all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.	1245 1246 1247
In order to obtain the services of ambulance service organizations, to obtain additional services from ambulance service organizations in times of emergency, to obtain the services of emergency medical service organizations, or, if the township is located in a county with a population of forty thousand or less, to obtain the services of nonemergency patient transport service organizations, a township may enter into a contract with one or more state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners, regardless of whether such state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners are located within or outside the state, upon such terms as are agreed to by them, to furnish or receive services from ambulance or emergency medical service organizations or, if the township is located in a county with a population of forty thousand or less, to furnish or receive services from nonemergency patient transport service organizations, or may enter into a contract for the interchange of services from ambulance or emergency medical service organizations or, if the township is located in a county with a population of	1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269

forty thousand or less, the interchange of services from 1270
nonemergency patient transport service organizations, within the 1271
several territories of the contracting parties, if the contract is 1272
first authorized by the respective boards of township trustees, 1273
the other legislative bodies, or the officer or body authorized to 1274
contract on behalf of the state agency. Such contracts shall not 1275
be entered into with a state agency or nonprofit corporation that 1276
receives more than half of its operating funds from governmental 1277
entities with the intention of directly competing with the 1278
operation of other ambulance, emergency medical, or nonemergency 1279
patient transport service organizations in the township unless the 1280
state agency or nonprofit corporation is awarded the contract 1281
after submitting the lowest and best bid to the board of township 1282
trustees. 1283

The contract may provide for compensation upon such terms as 1284
the parties may agree. 1285

Any township wishing to commence providing or wishing to 1286
enter into a contract for the first time to furnish or obtain 1287
services from nonemergency patient transport service organizations 1288
on or after March 1, 1993, including a township in which a private 1289
provider has been providing the service, shall demonstrate the 1290
need for public funding for the service to, and obtain approval 1291
from, the state board of emergency medical, fire, and 1292
transportation services or its immediate successor board prior to 1293
the establishment of a township-operated or township-funded 1294
service. 1295

Sec. 505.72. (A) The board of trustees of a joint ambulance 1296
district shall provide for the employment of such employees as it 1297
considers best, and shall fix their compensation. Such employees 1298
shall continue in office until removed as provided by sections 1299
733.35 to 733.39 of the Revised Code. To initiate removal 1300

proceedings, and for such purpose, the board shall designate a 1301
private citizen to investigate the conduct and prepare the 1302
necessary charges in conformity with sections 733.35 to 733.39 of 1303
the Revised Code. The board may pay reasonable compensation to 1304
such person for the person's services. 1305

In case of the removal of an employee of the district, an 1306
appeal may be had from the decision of the board to the court of 1307
common pleas of the county in which such district, or part of it, 1308
is situated, to determine the sufficiency of the cause of removal. 1309
Such appeal from the findings of the board shall be taken within 1310
ten days. 1311

(B) As used in this division, "emergency medical service 1312
organization" has the same meaning as in section 4765.01 of the 1313
Revised Code. 1314

(1) In order to obtain the services of ambulance service 1315
organizations, to obtain additional services from ambulance 1316
service organizations in times of emergency, or to obtain the 1317
services of emergency medical service organizations, a district 1318
may enter into a contract, for a period not to exceed three years, 1319
with one or more townships, municipal corporations, joint fire 1320
districts, nonprofit corporations, any other governmental unit 1321
that provides ambulance services or emergency medical services, or 1322
with private ambulance owners, regardless of whether such 1323
townships, municipal corporations, joint fire districts, nonprofit 1324
corporations, governmental unit, or private ambulance owners are 1325
located within or without this state, upon such terms as are 1326
agreed to, to furnish or receive services from ambulance or 1327
emergency medical service organizations or the interchange of 1328
services from ambulance or emergency medical service organizations 1329
within the several territories of the contracting subdivisions, if 1330
such contract is first authorized by all boards of trustees and 1331

legislative authorities concerned. 1332

The contract may provide for a fixed annual charge to be paid 1333
at the times agreed upon and stipulated in the contract, or for 1334
compensation based upon a stipulated price for each run, call, or 1335
emergency, or the elapsed time of service required in such run, 1336
call, or emergency, or any combination thereof. 1337

(2) Expenditures of a district for the services of ambulance 1338
service organizations or emergency medical service organizations, 1339
whether pursuant to contract or otherwise, are lawful 1340
expenditures, regardless of whether the district or the party with 1341
which it contracts charges additional fees to users of the 1342
services. 1343

(3) A district's board of trustees, by adoption of an 1344
appropriate resolution, may choose to have the Ohio state board of 1345
emergency medical, fire, and transportation board services license 1346
any emergency medical service organization the district operates. 1347
If a board adopts such a resolution, Chapter 4766. of the Revised 1348
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1349
applies to the district emergency medical service organization. 1350
All rules adopted under the applicable sections of that chapter 1351
also apply to the organization. A board, by adoption of an 1352
appropriate resolution, may remove the district emergency medical 1353
service organization from the jurisdiction of the Ohio state board 1354
of emergency medical, fire, and transportation board services. 1355

(C) Ambulance services or emergency medical services rendered 1356
for a joint ambulance district under this section and section 1357
505.71 of the Revised Code shall be deemed services of the 1358
district. These sections do not authorize suits against a district 1359
or any township or municipal corporation providing or receiving, 1360
or contracting to provide or receive, such services under these 1361
sections for damages for injury or loss to persons or property or 1362
for wrongful death caused by persons providing such services. 1363

Sec. 718.01. (A) As used in this chapter:	1364
(1) "Adjusted federal taxable income" means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:	1365 1366 1367 1368
(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.	1369 1370 1371 1372
(b) Add an amount equal to five per cent of intangible income deducted under division (A)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;	1373 1374 1375 1376 1377
(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;	1378 1379 1380 1381
(d)(i) Except as provided in division (A)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;	1382 1383 1384 1385 1386
(ii) Division (A)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.	1387 1388 1389
(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;	1390 1391
(f) In the case of a real estate investment trust and regulated investment company, add all amounts with respect to	1392 1393

dividends to, distributions to, or amounts set aside for or 1394
credited to the benefit of investors and allowed as a deduction in 1395
the computation of federal taxable income; 1396

(g) Deduct, to the extent not otherwise deducted or excluded 1397
in computing federal taxable income, any income ~~derived from~~ 1398
~~providing public services under a contract through a project owned~~ 1399
~~by the state, as described in section 126.604 of the Revised Code~~ 1400
or derived from a transfer agreement or from the enterprise 1401
transferred under that agreement under section 4313.02 of the 1402
Revised Code. 1403

If the taxpayer is not a C corporation and is not an 1404
individual, the taxpayer shall compute adjusted federal taxable 1405
income as if the taxpayer were a C corporation, except guaranteed 1406
payments and other similar amounts paid or accrued to a partner, 1407
former partner, member, or former member shall not be allowed as a 1408
deductible expense; amounts paid or accrued to a qualified 1409
self-employed retirement plan with respect to an owner or 1410
owner-employee of the taxpayer, amounts paid or accrued to or for 1411
health insurance for an owner or owner-employee, and amounts paid 1412
or accrued to or for life insurance for an owner or owner-employee 1413
shall not be allowed as a deduction. 1414

Nothing in division (A)(1) of this section shall be construed 1415
as allowing the taxpayer to add or deduct any amount more than 1416
once or shall be construed as allowing any taxpayer to deduct any 1417
amount paid to or accrued for purposes of federal self-employment 1418
tax. 1419

Nothing in this chapter shall be construed as limiting or 1420
removing the ability of any municipal corporation to administer, 1421
audit, and enforce the provisions of its municipal income tax. 1422

(2) "Internal Revenue Code" means the Internal Revenue Code 1423
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 1424

(3) "Schedule C" means internal revenue service schedule C	1425
filed by a taxpayer pursuant to the Internal Revenue Code.	1426
(4) "Form 2106" means internal revenue service form 2106	1427
filed by a taxpayer pursuant to the Internal Revenue Code.	1428
(5) "Intangible income" means income of any of the following	1429
types: income yield, interest, capital gains, dividends, or other	1430
income arising from the ownership, sale, exchange, or other	1431
disposition of intangible property including, but not limited to,	1432
investments, deposits, money, or credits as those terms are	1433
defined in Chapter 5701. of the Revised Code, and patents,	1434
copyrights, trademarks, tradenames, investments in real estate	1435
investment trusts, investments in regulated investment companies,	1436
and appreciation on deferred compensation. "Intangible income"	1437
does not include prizes, awards, or other income associated with	1438
any lottery winnings or other similar games of chance.	1439
(6) "S corporation" means a corporation that has made an	1440
election under subchapter S of Chapter 1 of Subtitle A of the	1441
Internal Revenue Code for its taxable year.	1442
(7) For taxable years beginning on or after January 1, 2004,	1443
"net profit" for a taxpayer other than an individual means	1444
adjusted federal taxable income and "net profit" for a taxpayer	1445
who is an individual means the individual's profit required to be	1446
reported on schedule C, schedule E, or schedule F, other than any	1447
amount allowed as a deduction under division (E)(2) or (3) of this	1448
section or amounts described in division (H) of this section.	1449
(8) "Taxpayer" means a person subject to a tax on income	1450
levied by a municipal corporation. Except as provided in division	1451
(L) of this section, "taxpayer" does not include any person that	1452
is a disregarded entity or a qualifying subchapter S subsidiary	1453
for federal income tax purposes, but "taxpayer" includes any other	1454
person who owns the disregarded entity or qualifying subchapter S	1455

subsidiary.	1456
(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	1457 1458 1459
(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:	1460 1461 1462
(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;	1463 1464 1465 1466
(b) A municipal corporation acting as the agent of another municipal corporation; and	1467 1468
(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.	1469 1470 1471 1472
(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.	1473 1474 1475 1476
(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.	1477 1478
(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.	1479 1480
(B) No municipal corporation shall tax income at other than a uniform rate.	1481 1482
(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the	1483 1484 1485

municipality voting on the question at a general, primary, or 1486
special election. The legislative authority of the municipal 1487
corporation shall file with the board of elections at least ninety 1488
days before the day of the election a copy of the ordinance 1489
together with a resolution specifying the date the election is to 1490
be held and directing the board of elections to conduct the 1491
election. The ballot shall be in the following form: "Shall the 1492
Ordinance providing for a ... per cent levy on income for (Brief 1493
description of the purpose of the proposed levy) be passed? 1494

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

In the event of an affirmative vote, the proceeds of the levy 1495
may be used only for the specified purpose. 1496

(D)(1) Except as otherwise provided in this section, no 1497
municipal corporation shall exempt from a tax on income 1498
compensation for personal services of individuals over eighteen 1499
years of age or the net profit from a business or profession. 1500

(2)(a) For taxable years beginning on or after January 1, 1501
2004, no municipal corporation shall tax the net profit from a 1502
business or profession using any base other than the taxpayer's 1503
adjusted federal taxable income. 1504

(b) Division (D)(2)(a) of this section does not apply to any 1505
taxpayer required to file a return under section 5745.03 of the 1506
Revised Code or to the net profit from a sole proprietorship. 1507

(E)(1) The legislative authority of a municipal corporation 1508
may, by ordinance or resolution, exempt from withholding and from 1509
a tax on income the following: 1510

(a) Compensation arising from the sale, exchange, or other 1511

disposition of a stock option, the exercise of a stock option, or 1516
the sale, exchange, or other disposition of stock purchased under 1517
a stock option; or 1518

(b) Compensation attributable to a nonqualified deferred 1519
compensation plan or program described in section 3121(v)(2)(C) of 1520
the Internal Revenue Code. 1521

(2) The legislative authority of a municipal corporation may 1522
adopt an ordinance or resolution that allows a taxpayer who is an 1523
individual to deduct, in computing the taxpayer's municipal income 1524
tax liability, an amount equal to the aggregate amount the 1525
taxpayer paid in cash during the taxable year to a health savings 1526
account of the taxpayer, to the extent the taxpayer is entitled to 1527
deduct that amount on internal revenue service form 1040. 1528

(3) The legislative authority of a municipal corporation may 1529
adopt an ordinance or resolution that allows a taxpayer who has a 1530
net profit from a business or profession that is operated as a 1531
sole proprietorship to deduct from that net profit the amount that 1532
the taxpayer paid during the taxable year for medical care 1533
insurance premiums for the taxpayer, the taxpayer's spouse, and 1534
dependents as defined in section 5747.01 of the Revised Code. The 1535
deduction shall be allowed to the same extent the taxpayer is 1536
entitled to deduct the premiums on internal revenue service form 1537
1040. The deduction allowed under this division shall be net of 1538
any related premium refunds, related premium reimbursements, or 1539
related insurance premium dividends received by the taxpayer 1540
during the taxable year. 1541

(F) If an individual's taxable income includes income against 1542
which the taxpayer has taken a deduction for federal income tax 1543
purposes as reportable on the taxpayer's form 2106, and against 1544
which a like deduction has not been allowed by the municipal 1545
corporation, the municipal corporation shall deduct from the 1546
taxpayer's taxable income an amount equal to the deduction shown 1547

on such form allowable against such income, to the extent not 1548
otherwise so allowed as a deduction by the municipal corporation. 1549

(G)(1) In the case of a taxpayer who has a net profit from a 1550
business or profession that is operated as a sole proprietorship, 1551
no municipal corporation may tax or use as the base for 1552
determining the amount of the net profit that shall be considered 1553
as having a taxable situs in the municipal corporation, an amount 1554
other than the net profit required to be reported by the taxpayer 1555
on schedule C or F from such sole proprietorship for the taxable 1556
year. 1557

(2) In the case of a taxpayer who has a net profit from 1558
rental activity required to be reported on schedule E, no 1559
municipal corporation may tax or use as the base for determining 1560
the amount of the net profit that shall be considered as having a 1561
taxable situs in the municipal corporation, an amount other than 1562
the net profit from rental activities required to be reported by 1563
the taxpayer on schedule E for the taxable year. 1564

(H) A municipal corporation shall not tax any of the 1565
following: 1566

(1) The military pay or allowances of members of the armed 1567
forces of the United States and of members of their reserve 1568
components, including the Ohio national guard; 1569

(2) The income of religious, fraternal, charitable, 1570
scientific, literary, or educational institutions to the extent 1571
that such income is derived from tax-exempt real estate, 1572
tax-exempt tangible or intangible property, or tax-exempt 1573
activities; 1574

(3) Except as otherwise provided in division (I) of this 1575
section, intangible income; 1576

(4) Compensation paid under section 3501.28 or 3501.36 of the 1577
Revised Code to a person serving as a precinct election official, 1578

to the extent that such compensation does not exceed one thousand 1579
dollars annually. Such compensation in excess of one thousand 1580
dollars may be subjected to taxation by a municipal corporation. A 1581
municipal corporation shall not require the payer of such 1582
compensation to withhold any tax from that compensation. 1583

(5) Compensation paid to an employee of a transit authority, 1584
regional transit authority, or regional transit commission created 1585
under Chapter 306. of the Revised Code for operating a transit bus 1586
or other motor vehicle for the authority or commission in or 1587
through the municipal corporation, unless the bus or vehicle is 1588
operated on a regularly scheduled route, the operator is subject 1589
to such a tax by reason of residence or domicile in the municipal 1590
corporation, or the headquarters of the authority or commission is 1591
located within the municipal corporation; 1592

(6) The income of a public utility, when that public utility 1593
is subject to the tax levied under section 5727.24 or 5727.30 of 1594
the Revised Code, except a municipal corporation may tax the 1595
following, subject to Chapter 5745. of the Revised Code: 1596

(a) Beginning January 1, 2002, the income of an electric 1597
company or combined company; 1598

(b) Beginning January 1, 2004, the income of a telephone 1599
company. 1600

As used in division (H)(6) of this section, "combined 1601
company," "electric company," and "telephone company" have the 1602
same meanings as in section 5727.01 of the Revised Code. 1603

(7) On and after January 1, 2003, items excluded from federal 1604
gross income pursuant to section 107 of the Internal Revenue Code; 1605

(8) On and after January 1, 2001, compensation paid to a 1606
nonresident individual to the extent prohibited under section 1607
718.011 of the Revised Code; 1608

(9)(a) Except as provided in ~~division~~ divisions (H)(9)(b) and 1609
(c) of this section, an S corporation shareholder's distributive 1610
share of net profits of the S corporation, other than any part of 1611
the distributive share of net profits that represents wages as 1612
defined in section 3121(a) of the Internal Revenue Code or net 1613
earnings from self-employment as defined in section 1402(a) of the 1614
Internal Revenue Code. 1615

(b) If, pursuant to division (H) of former section 718.01 of 1616
the Revised Code as it existed before March 11, 2004, a majority 1617
of the electors of a municipal corporation voted in favor of the 1618
question at an election held on November 4, 2003, the municipal 1619
corporation may continue after 2002 to tax an S corporation 1620
shareholder's distributive share of net profits of an S 1621
corporation. 1622

(c) If, on December 6, 2002, a municipal corporation was 1623
imposing, assessing, and collecting a tax on an S corporation 1624
shareholder's distributive share of net profits of the S 1625
corporation to the extent the distributive share would be 1626
allocated or apportioned to this state under divisions (B)(1) and 1627
(2) of section 5733.05 of the Revised Code if the S corporation 1628
were a corporation subject to taxes imposed under Chapter 5733. of 1629
the Revised Code, the municipal corporation may continue to impose 1630
the tax on such distributive shares to the extent such shares 1631
would be so allocated or apportioned to this state only until 1632
December 31, 2004, unless a majority of the electors of the 1633
municipal corporation voting on the question of continuing to tax 1634
such shares after that date vote in favor of that question at an 1635
election held November 2, 2004. If a majority of those electors 1636
vote in favor of the question, the municipal corporation may 1637
continue after December 31, 2004, to impose the tax on such 1638
distributive shares only to the extent such shares would be so 1639
allocated or apportioned to this state. 1640

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

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

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

(12) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after ~~the effective date of the amendment of this section~~ March 27, 2013, unless the person is subject to such taxation because of residence or domicile. If the compensation is subject to taxation because of residence or

domicile, municipal income tax shall be payable only to the 1673
municipal corporation of residence or domicile. 1674

(I) Any municipal corporation that taxes any type of 1675
intangible income on March 29, 1988, pursuant to Section 3 of 1676
Amended Substitute Senate Bill No. 238 of the 116th general 1677
assembly, may continue to tax that type of income after 1988 if a 1678
majority of the electors of the municipal corporation voting on 1679
the question of whether to permit the taxation of that type of 1680
intangible income after 1988 vote in favor thereof at an election 1681
held on November 8, 1988. 1682

(J) Nothing in this section or section 718.02 of the Revised 1683
Code shall authorize the levy of any tax on income that a 1684
municipal corporation is not authorized to levy under existing 1685
laws or shall require a municipal corporation to allow a deduction 1686
from taxable income for losses incurred from a sole proprietorship 1687
or partnership. 1688

(K)(1) Nothing in this chapter prohibits a municipal 1689
corporation from allowing, by resolution or ordinance, a net 1690
operating loss carryforward. 1691

(2) Nothing in this chapter requires a municipal corporation 1692
to allow a net operating loss carryforward. 1693

(L)(1) A single member limited liability company that is a 1694
disregarded entity for federal tax purposes may elect to be a 1695
separate taxpayer from its single member in all Ohio municipal 1696
corporations in which it either filed as a separate taxpayer or 1697
did not file for its taxable year ending in 2003, if all of the 1698
following conditions are met: 1699

(a) The limited liability company's single member is also a 1700
limited liability company; 1701

(b) The limited liability company and its single member were 1702
formed and doing business in one or more Ohio municipal 1703

corporations for at least five years before January 1, 2004; 1704

(c) Not later than December 31, 2004, the limited liability 1705
company and its single member each make an election to be treated 1706
as a separate taxpayer under division (L) of this section; 1707

(d) The limited liability company was not formed for the 1708
purpose of evading or reducing Ohio municipal corporation income 1709
tax liability of the limited liability company or its single 1710
member; 1711

(e) The Ohio municipal corporation that is the primary place 1712
of business of the sole member of the limited liability company 1713
consents to the election. 1714

(2) For purposes of division (L)(1)(e) of this section, a 1715
municipal corporation is the primary place of business of a 1716
limited liability company if, for the limited liability company's 1717
taxable year ending in 2003, its income tax liability is greater 1718
in that municipal corporation than in any other municipal 1719
corporation in Ohio, and that tax liability to that municipal 1720
corporation for its taxable year ending in 2003 is at least four 1721
hundred thousand dollars. 1722

Sec. 2937.221. (A) A person arrested without warrant for any 1723
violation listed in division (B) of this section, and having a 1724
current valid Ohio driver's or commercial driver's license, if the 1725
person has been notified of the possible consequences of the 1726
person's actions as required by division (C) of this section, may 1727
post bond by depositing the license with the arresting officer if 1728
the officer and person so choose, or with the local court having 1729
jurisdiction if the court and person so choose. The license may be 1730
used as bond only during the period for which it is valid. 1731

When an arresting officer accepts the driver's or commercial 1732
driver's license as bond, the officer shall note the date, time, 1733

and place of the court appearance on "the violator's notice to appear," and the notice shall serve as a valid Ohio driver's or commercial driver's license until the date and time appearing thereon. The arresting officer immediately shall forward the license to the appropriate court.

When a local court accepts the license as bond or continues the case to another date and time, it shall provide the person with a card in a form approved by the registrar of motor vehicles setting forth the license number, name, address, the date and time of the court appearance, and a statement that the license is being held as bond. The card shall serve as a valid license until the date and time contained in the card.

The court may accept other bond at any time and return the license to the person. The court shall return the license to the person when judgment is satisfied, including, but not limited to, compliance with any court orders, unless a suspension or cancellation is part of the penalty imposed.

Neither "the violator's notice to appear" nor a court-granted card shall continue driving privileges beyond the expiration date of the license.

If the person arrested fails to appear in court at the date and time set by the court or fails to satisfy the judgment of the court, including, but not limited to, compliance with all court orders within the time allowed by the court, the court may declare the forfeiture of the person's license. Thirty days after the declaration of the forfeiture, the court shall forward the person's license to the registrar. The court also shall enter information relative to the forfeiture on a form approved and furnished by the registrar and send the form to the registrar. The registrar shall suspend the person's license and send written notification of the suspension to the person at the person's last known address. No valid driver's or commercial driver's license

shall be granted to the person until the court having jurisdiction 1766
orders that the forfeiture be terminated. The court shall inform 1767
the registrar of the termination of the forfeiture by entering 1768
information relative to the termination on a form approved and 1769
furnished by the registrar and sending the form to the registrar. 1770
Upon the termination, the person shall pay to the bureau of motor 1771
vehicles a reinstatement fee of fifteen dollars to cover the costs 1772
of the bureau in administering this section. The registrar shall 1773
deposit the fees so paid into the state bureau of motor vehicles 1774
fund created by section 4501.25 of the Revised Code. 1775

In addition, upon receipt from the court of the copy of the 1776
declaration of forfeiture, neither the registrar nor any deputy 1777
registrar shall accept any application for the registration or 1778
transfer of registration of any motor vehicle owned by or leased 1779
in the name of the person named in the declaration of forfeiture 1780
until the court having jurisdiction over the offense that led to 1781
the suspension issues an order terminating the forfeiture. 1782
However, for a motor vehicle leased in the name of a person named 1783
in a declaration of forfeiture, the registrar shall not implement 1784
the preceding sentence until the registrar adopts procedures for 1785
that implementation under section 4503.39 of the Revised Code. 1786
Upon receipt by the registrar of such an order, the registrar also 1787
shall take the measures necessary to permit the person to register 1788
a motor vehicle the person owns or leases or to transfer the 1789
registration of a motor vehicle the person owns or leases if the 1790
person later makes a proper application and otherwise is eligible 1791
to be issued or to transfer a motor vehicle registration. 1792

(B) Division (A) of this section applies to persons arrested 1793
for violation of: 1794

(1) Any of the provisions of Chapter 4511. or 4513. of the 1795
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 1796
4513.36 of the Revised Code; 1797

(2) Any municipal ordinance substantially similar to a 1798
section included in division (B)(1) of this section; 1799

(3) Any bylaw, rule, or regulation of the Ohio turnpike and 1800
infrastructure commission substantially similar to a section 1801
included in division (B)(1) of this section. 1802

Division (A) of this section does not apply to those persons 1803
issued a citation for the commission of a minor misdemeanor under 1804
section 2935.26 of the Revised Code. 1805

(C) No license shall be accepted as bond by an arresting 1806
officer or by a court under this section until the officer or 1807
court has notified the person that, if the person deposits the 1808
license with the officer or court and either does not appear on 1809
the date and at the time set by the officer or the court, if the 1810
court sets a time, or does not satisfy any judgment rendered, 1811
including, but not limited to, compliance with all court orders, 1812
the license will be suspended, and the person will not be eligible 1813
for reissuance of the license or issuance of a new license, or the 1814
issuance of a certificate of registration for a motor vehicle 1815
owned or leased by the person until the person appears and 1816
complies with any order issued by the court. The person also is 1817
subject to any criminal penalties that may apply to the person. 1818

(D) The registrar shall not restore the person's driving or 1819
vehicle registration privileges until the person pays the 1820
reinstatement fee as provided in this section. 1821

Sec. 3354.13. The ownership of a community college created 1822
and established pursuant to provisions of sections 3354.02 and 1823
3354.04 of the Revised Code, including all right, title, and 1824
interest in and to all property, both real and personal, 1825
pertaining thereto, shall be vested in the board of trustees of 1826
the community college district in which such college is situated, 1827
except as may be provided in a contract entered into under the 1828

authority of division (A) of section 3354.09 of the Revised Code. 1829
The board may acquire by appropriation any land, rights, rights of 1830
way, franchises, easements, or other property necessary or proper 1831
for the construction or the efficient operation of any facility of 1832
the community college district, pursuant to the procedure provided 1833
in section 5537.06 of the Revised Code, with respect to the Ohio 1834
turnpike and infrastructure commission, and insofar as such 1835
procedure is applicable. 1836

Any instrument by which real property is acquired pursuant to 1837
this section shall identify the agency of the state that has the 1838
use and benefit of the real property as specified in section 1839
5301.012 of the Revised Code. 1840

Sec. 3355.10. The ownership of the university branch campus, 1841
created and established pursuant to sections 3355.01 to 3355.14 of 1842
the Revised Code, including all right, title, and interest in and 1843
to all property, both real and personal, pertaining thereto, shall 1844
be vested in the managing authority of the university branch 1845
district. The board may acquire by appropriation any land, rights, 1846
rights of way, franchises, easements, or other property necessary 1847
or proper for the construction or the efficient operation of any 1848
facility of the university branch district, pursuant to section 1849
5537.06 of the Revised Code, with respect to the Ohio turnpike and 1850
infrastructure commission, and insofar as such procedure is 1851
applicable. 1852

University branch district bonds, issued pursuant to section 1853
3355.08 of the Revised Code, are lawful investments of banks, 1854
savings banks, trust companies, trustees, boards of trustees of 1855
sinking funds of municipal corporations, school districts, 1856
counties, the administrator of workers' compensation, the state 1857
teachers retirement system, the public employees retirement 1858
system, and the school employees retirement system, and also are 1859

acceptable as security for the deposit of public moneys. 1860

Any instrument by which real property is acquired pursuant to 1861
this section shall identify the agency of the state that has the 1862
use and benefit of the real property as specified in section 1863
5301.012 of the Revised Code. 1864

Sec. 3357.12. The ownership of a technical college, created 1865
and established pursuant to section 3357.07 of the Revised Code, 1866
including all right, title, and interest in and to all property, 1867
both real and personal, pertaining thereto, shall be vested in the 1868
board of trustees of the technical college district in which such 1869
college is situated. The board may acquire by appropriation any 1870
land, rights, rights-of-way, franchises, easements, or other 1871
property necessary or proper for the construction or the efficient 1872
operation of any facility of the technical college district, 1873
pursuant to the procedure provided in section 5537.06 of the 1874
Revised Code, with respect to the Ohio turnpike and infrastructure 1875
commission, and insofar as such procedure is applicable. 1876

Any instrument by which real property is acquired pursuant to 1877
this section shall identify the agency of the state that has the 1878
use and benefit of the real property as specified in section 1879
5301.012 of the Revised Code. 1880

Sec. 3705.242. (A)(1) The director of health, a person 1881
authorized by the director, a local commissioner of health, or a 1882
local registrar of vital statistics shall charge and collect a fee 1883
of one dollar and fifty cents for each certified copy of a birth 1884
record, each certification of birth, and each copy of a death 1885
record. The fee is in addition to the fee imposed by section 1886
3705.24 or any other section of the Revised Code. A local 1887
commissioner of health or local registrar of vital statistics may 1888
retain an amount of each additional fee collected, not to exceed 1889

three per cent of the amount of the additional fee, to be used for 1890
costs directly related to the collection of the fee and the 1891
forwarding of the fee to the department of health. 1892

The additional fees collected by the director of health or a 1893
person authorized by the director and the additional fees 1894
collected but not retained by a local commissioner of health or a 1895
local registrar of vital statistics shall be forwarded to the 1896
department of health not later than thirty days following the end 1897
of each quarter. Not later than two days after the fees are 1898
forwarded to the department each quarter, the department shall pay 1899
the collected fees to the treasurer of state in accordance with 1900
rules adopted by the treasurer of state under section 113.08 of 1901
the Revised Code. 1902

(2) On the filing of a divorce decree under section 3105.10 1903
or a decree of dissolution under section 3105.65 of the Revised 1904
Code, a court of common pleas shall charge and collect a fee of 1905
five dollars and fifty cents. The fee is in addition to any other 1906
court costs or fees. The county clerk of courts may retain an 1907
amount of each additional fee collected, not to exceed three per 1908
cent of the amount of the additional fee, to be used for costs 1909
directly related to the collection of the fee and the forwarding 1910
of the fee to the treasurer of state. The additional fees 1911
collected, but not retained, under division (A)(2) of this section 1912
shall be forwarded to the treasurer of state not later than twenty 1913
days following the end of each month. 1914

(B) The treasurer of state shall deposit the fees paid or 1915
forwarded under this section in the state treasury to the credit 1916
of the family violence prevention fund, which is hereby created. A 1917
person or government entity that fails to pay or forward the fees 1918
in a timely the manner, ~~as determined by the treasurer of state~~ 1919
described in this section, shall send to the ~~treasurer of state,~~ 1920
~~in addition to the fees,~~ department of public safety a penalty 1921

equal to ten per cent of the fees. The department of public safety 1922
shall forward all collected late fees to the treasurer of state 1923
for deposit into the family violence prevention fund in accordance 1924
with rules adopted by the treasurer of state under section 113.08 1925
of the Revised Code. 1926

The treasurer of state shall invest the moneys in the fund. 1927
All earnings resulting from investment of the fund shall be 1928
credited to the fund, except that actual administration costs 1929
incurred by the treasurer of state in administering the fund may 1930
be deducted from the earnings resulting from investments. The 1931
amount that may be deducted shall not exceed three per cent of the 1932
total amount of fees credited to the fund in each fiscal year. The 1933
balance of the investment earnings shall be credited to the fund. 1934

(C) The director of public safety shall use money credited to 1935
the fund to provide grants to family violence shelters in Ohio and 1936
to operate the division of criminal justice services. 1937

Sec. 3791.12. (A) As used in this section and section 3791.13 1938
of the Revised Code: 1939

(1) "Service station" means any facility designed and 1940
constructed primarily for use in the retail sale of gasoline, 1941
other petroleum products, and related accessories; except that 1942
"service station" does not include any such facility that has been 1943
converted for use for another bona fide business purpose, on and 1944
after the date of commencement of such other use. 1945

(2) "Abandoned service station" means any service station 1946
that has not been used for the retail sale of gasoline, other 1947
petroleum products, and related accessories for a continuous 1948
period of six months, whenever failure to reasonably secure 1949
station buildings from ready access by unauthorized persons and to 1950
reasonably maintain the station's premises has resulted in 1951
conditions that endanger the public health, welfare, safety, or 1952

morals; provided, that such conditions include, but are not 1953
limited to, the presence of defective or deteriorated electrical 1954
wiring, heating apparatus, and gas connections, or of unprotected 1955
gasoline storage tanks, piping, and valves, or any combination of 1956
the foregoing; and provided further that the casual and 1957
intermittent use of a service station for the retail sale of any 1958
item described in division (A)(1) of this section during such 1959
six-month period shall not be held to prevent the station from 1960
being determined an abandoned service station if it meets the 1961
other qualifications of this division. 1962

(B) The executive authority of each municipal corporation and 1963
the board of county commissioners of each county shall designate a 1964
suitable person to make inspections, within their respective 1965
territorial jurisdictions, of any service stations that are, or 1966
appear to be, no longer in use for the purposes described in 1967
division (A)(1) of this section ~~3791.11 of the Revised Code~~, or 1968
for any other bona fide business purpose. Inspections of service 1969
stations under this section shall be made at the order of the 1970
executive authority or board, or upon the complaint of any person 1971
claiming to be adversely affected by the condition of a service 1972
station. Any inspector designated under this section shall have 1973
the right to enter upon and inspect any service station that is, 1974
or appears to be, no longer in use as described in this section. 1975
No inspector, while in the lawful pursuit of official duties for 1976
such purpose, shall be subject to arrest for trespass while so 1977
engaged or for such cause thereafter. 1978

~~(B)~~(C) Whenever an inspector, upon inspecting a service 1979
station as provided in this section, has reasonable cause to 1980
believe that it qualifies as an abandoned service station, the 1981
inspector shall prepare a written report of the condition of the 1982
station's buildings and premises. The report shall be filed 1983
immediately with the executive authority or board. Upon receipt of 1984

the report, the executive authority or board shall fix a place and 1985
time, not less than thirty days nor more than sixty days after 1986
receipt of the report, for a hearing to determine whether the 1987
service station is an abandoned service station. The executive 1988
authority or board shall send written notice of the place and date 1989
of the hearing, together with a copy of the inspector's report and 1990
information that the service station may be ordered repaired or 1991
removed if determined to be abandoned, to all persons listed in 1992
the ~~bond filed under division (C) of section 3791.11 of the~~ 1993
Revised Code records of the county recorder as an owner of the 1994
affected property, and to all persons listed in the records of the 1995
county recorder or county clerk of courts as holding a lien on the 1996
affected property. Such notice shall be sent by certified mail to 1997
the address shown on such records. 1998

~~(C)~~(D) In hearing the matter and deciding the issue, the 1999
executive authority or board shall consider the testimony of any 2000
persons appearing pursuant to the notice or their authorized 2001
representatives, the testimony of any witnesses appearing on 2002
behalf of such persons, the inspector's report or testimony, or 2003
both, and any other evidence pertinent to the matter. If the 2004
executive authority or board thereupon determines that the service 2005
station is an abandoned service station in such condition as to 2006
constitute a danger to the public health, welfare, safety, or 2007
morals, it shall order the satisfactory repair, or removal, of the 2008
service station and its appurtenances, and restoration of the 2009
property, within such period of time, not less than thirty days, 2010
as the executive authority or board thereupon determines 2011
reasonable. Notice of the findings and order shall be sent to all 2012
persons required to be notified by division ~~(B)~~(C) of this section 2013
in the same manner as provided in that division. 2014

~~(D)~~(E) If an abandoned service station is not satisfactorily 2015
repaired or removed within the period of time provided in an order 2016

made under division ~~(C)~~(D) of this section, the municipal 2017
corporation or county may enter the land and complete the repair, 2018
if repair was ordered, or remove the service station and its 2019
appurtenances, if removal was ordered, and restore the property. 2020

~~(E)~~(F) Any person aggrieved by an order of an executive 2021
authority or board made under division ~~(C)~~(D) of this section, may 2022
appeal as provided in Chapter 2506. of the Revised Code within 2023
thirty days of the mailing of notice of the order. 2024

~~(F)~~(G) In the event that no persons notified as provided in 2025
division ~~(B)~~(C) of this section, or their authorized 2026
representatives, appear at the hearing, respond to an order of the 2027
executive authority or board, or appeal within thirty days of the 2028
mailing of notice of the order as provided in division ~~(E)~~(F) of 2029
this section, the municipal corporation or county may proceed as 2030
provided in division ~~(D)~~(E) of this section. 2031

Sec. 3791.13. (A) When a municipal corporation or county 2032
enters and repairs or removes an abandoned service station and its 2033
appurtenances and restores the property as provided in division 2034
~~(D)~~(E) or ~~(F)~~(G) of section 3791.12 of the Revised Code, it may 2035
bring an action ~~on the bond filed pursuant to division (C) of~~ 2036
~~section 3791.11 of the Revised Code~~ to recover the costs of repair 2037
or removal and restoration, plus the costs of the suit. ~~If the~~ 2038
~~costs of repair or removal and restoration exceed the amount~~ 2039
~~collected on the bond, the~~ The owner of the property and any 2040
lessee, other than a person leasing and operating the service 2041
station pursuant to a contract with a supplier of gasoline and 2042
other petroleum products, shall be jointly and severally liable 2043
for the ~~deficiency~~ costs. 2044

(B) Sections ~~3791.11,~~ 3791.12, 3791.13 and 3791.99 of the 2045
Revised Code shall be an alternative remedy for the removal of 2046
abandoned service stations and shall not invalidate municipal 2047

ordinances regulating the use, requiring maintenance or repair, or 2048
providing for the removal of service stations. 2049

Sec. 3791.99. (A) Whoever violates ~~division (B) of section~~ 2050
~~3791.11 or~~ division (D) of section 3791.21 of the Revised Code is 2051
guilty of a minor misdemeanor, and each day the violation 2052
continues constitutes a separate offense. 2053

(B) Whoever violates this chapter or any rule adopted or 2054
order issued pursuant to it that relates to the construction, 2055
alteration, or repair of any building, and the violation is not 2056
detrimental to the health, safety, or welfare of any person, shall 2057
be fined not more than one hundred dollars. 2058

(C) Whoever violates this chapter or any rule adopted or 2059
order issued pursuant to it that relates to the construction, 2060
alteration, or repair of any building, and the violation is 2061
detrimental to the health, safety, or welfare of any person, is 2062
guilty of a minor misdemeanor. 2063

Sec. 4501.01. As used in this chapter and Chapters 4503., 2064
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 2065
Revised Code, and in the penal laws, except as otherwise provided: 2066

(A) "Vehicles" means everything on wheels or runners, 2067
including motorized bicycles, but does not mean electric personal 2068
assistive mobility devices, vehicles that are operated exclusively 2069
on rails or tracks or from overhead electric trolley wires, and 2070
vehicles that belong to any police department, municipal fire 2071
department, or volunteer fire department, or that are used by such 2072
a department in the discharge of its functions. 2073

(B) "Motor vehicle" means any vehicle, including mobile homes 2074
and recreational vehicles, that is propelled or drawn by power 2075
other than muscular power or power collected from overhead 2076
electric trolley wires. "Motor vehicle" does not include utility 2077

vehicles as defined in division (VV) of this section, motorized 2078
bicycles, road rollers, traction engines, power shovels, power 2079
cranes, and other equipment used in construction work and not 2080
designed for or employed in general highway transportation, 2081
well-drilling machinery, ditch-digging machinery, farm machinery, 2082
and trailers that are designed and used exclusively to transport a 2083
boat between a place of storage and a marina, or in and around a 2084
marina, when drawn or towed on a public road or highway for a 2085
distance of no more than ten miles and at a speed of twenty-five 2086
miles per hour or less. 2087

(C) "Agricultural tractor" and "traction engine" mean any 2088
self-propelling vehicle that is designed or used for drawing other 2089
vehicles or wheeled machinery, but has no provisions for carrying 2090
loads independently of such other vehicles, and that is used 2091
principally for agricultural purposes. 2092

(D) "Commercial tractor," except as defined in division (C) 2093
of this section, means any motor vehicle that has motive power and 2094
either is designed or used for drawing other motor vehicles, or is 2095
designed or used for drawing another motor vehicle while carrying 2096
a portion of the other motor vehicle or its load, or both. 2097

(E) "Passenger car" means any motor vehicle that is designed 2098
and used for carrying not more than nine persons and includes any 2099
motor vehicle that is designed and used for carrying not more than 2100
fifteen persons in a ridesharing arrangement. 2101

(F) "Collector's vehicle" means any motor vehicle or 2102
agricultural tractor or traction engine that is of special 2103
interest, that has a fair market value of one hundred dollars or 2104
more, whether operable or not, and that is owned, operated, 2105
collected, preserved, restored, maintained, or used essentially as 2106
a collector's item, leisure pursuit, or investment, but not as the 2107
owner's principal means of transportation. "Licensed collector's 2108
vehicle" means a collector's vehicle, other than an agricultural 2109

tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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

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

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

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

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

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the

rear, that is capable of being pedaled, and that is equipped with 2141
a helper motor of not more than fifty cubic centimeters piston 2142
displacement that produces no more than one brake horsepower and 2143
is capable of propelling the vehicle at a speed of no greater than 2144
twenty miles per hour on a level surface. 2145

(M) "Trailer" means any vehicle without motive power that is 2146
designed or used for carrying property or persons wholly on its 2147
own structure and for being drawn by a motor vehicle, and includes 2148
any such vehicle that is formed by or operated as a combination of 2149
a semitrailer and a vehicle of the dolly type such as that 2150
commonly known as a trailer dolly, a vehicle used to transport 2151
agricultural produce or agricultural production materials between 2152
a local place of storage or supply and the farm when drawn or 2153
towed on a public road or highway at a speed greater than 2154
twenty-five miles per hour, and a vehicle that is designed and 2155
used exclusively to transport a boat between a place of storage 2156
and a marina, or in and around a marina, when drawn or towed on a 2157
public road or highway for a distance of more than ten miles or at 2158
a speed of more than twenty-five miles per hour. "Trailer" does 2159
not include a manufactured home or travel trailer. 2160

(N) "Noncommercial trailer" means any trailer, except a 2161
travel trailer or trailer that is used to transport a boat as 2162
described in division (B) of this section, but, where applicable, 2163
includes a vehicle that is used to transport a boat as described 2164
in division (M) of this section, that has a gross weight of no 2165
more than ten thousand pounds, and that is used exclusively for 2166
purposes other than engaging in business for a profit, such as the 2167
transportation of personal items for personal or recreational 2168
purposes. 2169

(O) "Mobile home" means a building unit or assembly of closed 2170
construction that is fabricated in an off-site facility, is more 2171
than thirty-five body feet in length or, when erected on site, is 2172

three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

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

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

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

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

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

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

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

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

(a) "Travel trailer" means a nonself-propelled recreational

vehicle that does not exceed an overall length of thirty-five 2203
feet, exclusive of bumper and tongue or coupling, and contains 2204
less than three hundred twenty square feet of space when erected 2205
on site. "Travel trailer" includes a tent-type fold-out camping 2206
trailer as defined in section 4517.01 of the Revised Code. 2207

(b) "Motor home" means a self-propelled recreational vehicle 2208
that has no fifth wheel and is constructed with permanently 2209
installed facilities for cold storage, cooking and consuming of 2210
food, and for sleeping. 2211

(c) "Truck camper" means a nonself-propelled recreational 2212
vehicle that does not have wheels for road use and is designed to 2213
be placed upon and attached to a motor vehicle. "Truck camper" 2214
does not include truck covers that consist of walls and a roof, 2215
but do not have floors and facilities enabling them to be used as 2216
a dwelling. 2217

(d) "Fifth wheel trailer" means a vehicle that is of such 2218
size and weight as to be movable without a special highway permit, 2219
that has a gross trailer area of four hundred square feet or less, 2220
that is constructed with a raised forward section that allows a 2221
bi-level floor plan, and that is designed to be towed by a vehicle 2222
equipped with a fifth-wheel hitch ordinarily installed in the bed 2223
of a truck. 2224

(e) "Park trailer" means a vehicle that is commonly known as 2225
a park model recreational vehicle, meets the American national 2226
standard institute standard A119.5 (1988) for park trailers, is 2227
built on a single chassis, has a gross trailer area of four 2228
hundred square feet or less when set up, is designed for seasonal 2229
or temporary living quarters, and may be connected to utilities 2230
necessary for the operation of installed features and appliances. 2231

(R) "Pneumatic tires" means tires of rubber and fabric or 2232
tires of similar material, that are inflated with air. 2233

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

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

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

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

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of

business is used to dismantle, salvage, or rebuild motor vehicles 2266
by means of used parts, if such departments are operated for the 2267
purpose of furthering and assisting in the business of 2268
manufacturing, selling, displaying, offering for sale, or dealing 2269
in motor vehicles. Places of business or departments in a place of 2270
business used to dismantle, salvage, or rebuild motor vehicles by 2271
means of using used parts are not considered as being maintained 2272
for the purpose of assisting or furthering the manufacturing, 2273
selling, displaying, and offering for sale or dealing in motor 2274
vehicles. 2275

(X) "Operator" includes any person who drives or operates a 2276
motor vehicle upon the public highways. 2277

(Y) "Chauffeur" means any operator who operates a motor 2278
vehicle, other than a taxicab, as an employee for hire; or any 2279
operator whether or not the owner of a motor vehicle, other than a 2280
taxicab, who operates such vehicle for transporting, for gain, 2281
compensation, or profit, either persons or property owned by 2282
another. Any operator of a motor vehicle who is voluntarily 2283
involved in a ridesharing arrangement is not considered an 2284
employee for hire or operating such vehicle for gain, 2285
compensation, or profit. 2286

(Z) "State" includes the territories and federal districts of 2287
the United States, and the provinces of Canada. 2288

(AA) "Public roads and highways" for vehicles includes all 2289
public thoroughfares, bridges, and culverts. 2290

(BB) "Manufacturer's number" means the manufacturer's 2291
original serial number that is affixed to or imprinted upon the 2292
chassis or other part of the motor vehicle. 2293

(CC) "Motor number" means the manufacturer's original number 2294
that is affixed to or imprinted upon the engine or motor of the 2295
vehicle. 2296

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

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

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

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

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

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

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

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 2328
the carrier's tariff, lawfully on file with the United States 2329
department of transportation, for the purpose of group travel to a 2330
specified destination or for a particular itinerary, either agreed 2331
upon in advance or modified by the chartered group after having 2332
left the place of origin. 2333

(HH) "International registration plan" means a reciprocal 2334
agreement of member jurisdictions that is endorsed by the American 2335
association of motor vehicle administrators, and that promotes and 2336
encourages the fullest possible use of the highway system by 2337
authorizing apportioned registration of fleets of vehicles and 2338
recognizing registration of vehicles apportioned in member 2339
jurisdictions. 2340

(II) "Restricted plate" means a license plate that has a 2341
restriction of time, geographic area, mileage, or commodity, and 2342
includes license plates issued to farm trucks under division (J) 2343
of section 4503.04 of the Revised Code. 2344

(JJ) "Gross vehicle weight," with regard to any commercial 2345
car, trailer, semitrailer, or bus that is taxed at the rates 2346
established under section 4503.042 or 4503.65 of the Revised Code, 2347
means the unladen weight of the vehicle fully equipped plus the 2348
maximum weight of the load to be carried on the vehicle. 2349

(KK) "Combined gross vehicle weight" with regard to any 2350
combination of a commercial car, trailer, and semitrailer, that is 2351
taxed at the rates established under section 4503.042 or 4503.65 2352
of the Revised Code, means the total unladen weight of the 2353
combination of vehicles fully equipped plus the maximum weight of 2354
the load to be carried on that combination of vehicles. 2355

(LL) "Chauffeured limousine" means a motor vehicle that is 2356
designed to carry nine or fewer passengers and is operated for 2357
hire on an hourly basis pursuant to a prearranged contract for the 2358

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

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

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

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

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

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

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

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

designated in section 4503.035 of the Revised Code for electronic 2390
motor vehicle dealers and designates as an electronic motor 2391
vehicle dealer under that section. 2392

(TT) "Electric personal assistive mobility device" means a 2393
self-balancing two non-tandem wheeled device that is designed to 2394
transport only one person, has an electric propulsion system of an 2395
average of seven hundred fifty watts, and when ridden on a paved 2396
level surface by an operator who weighs one hundred seventy pounds 2397
has a maximum speed of less than twenty miles per hour. 2398

(UU) "Limited driving privileges" means the privilege to 2399
operate a motor vehicle that a court grants under section 4510.021 2400
of the Revised Code to a person whose driver's or commercial 2401
driver's license or permit or nonresident operating privilege has 2402
been suspended. 2403

(VV) "Utility vehicle" means a self-propelled vehicle 2404
designed with a bed, principally for the purpose of transporting 2405
material or cargo in connection with construction, agricultural, 2406
forestry, grounds maintenance, lawn and garden, materials 2407
handling, or similar activities. "Utility vehicle" includes a 2408
vehicle with a maximum attainable speed of twenty miles per hour 2409
or less that is used exclusively within the boundaries of state 2410
parks by state park employees or volunteers for the operation or 2411
maintenance of state park facilities. 2412

Sec. 4501.03. The registrar of motor vehicles shall open an 2413
account with each county and district of registration in the 2414
state, and may assign each county and district of registration in 2415
the state a unique code for identification purposes. Except as 2416
provided in section 4501.044 or division (A)(1) of section 2417
4501.045 of the Revised Code, the registrar shall pay all moneys 2418
the registrar receives under sections 4503.02~~7~~ and 4503.12~~7~~ and 2419
~~4504.09~~ of the Revised Code into the state treasury to the credit 2420

of the auto registration distribution fund, which is hereby 2421
created, for distribution in the manner provided for in this 2422
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 2423
~~4501.043~~ of the Revised Code. All other moneys received by the 2424
registrar shall be deposited in the state bureau of motor vehicles 2425
fund established in section 4501.25 of the Revised Code for the 2426
purposes enumerated in that section, unless otherwise provided by 2427
law. 2428

All moneys credited to the auto registration distribution 2429
fund shall be distributed to the counties and districts of 2430
registration, ~~except for funds received by the registrar under~~ 2431
~~section 4504.09 of the Revised Code,~~ after receipt of 2432
certifications from the commissioners of the sinking fund 2433
certifying, as required by sections 5528.15 and 5528.35 of the 2434
Revised Code, that there are sufficient moneys to the credit of 2435
the highway improvement bond retirement fund created by section 2436
5528.12 of the Revised Code to meet in full all payments of 2437
interest, principal, and charges for the retirement of bonds and 2438
other obligations issued pursuant to Section 2g of Article VIII, 2439
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 2440
Code due and payable during the current calendar year, and that 2441
there are sufficient moneys to the credit of the highway 2442
obligations bond retirement fund created by section 5528.32 of the 2443
Revised Code to meet in full all payments of interest, principal, 2444
and charges for the retirement of highway obligations issued 2445
pursuant to Section 2i of Article VIII, Ohio Constitution, and 2446
sections 5528.30 and 5528.31 of the Revised Code due and payable 2447
during the current calendar year, in the manner provided in 2448
section 4501.04 of the Revised Code. 2449

The treasurer of state may invest any portion of the moneys 2450
credited to the auto registration distribution fund, in the same 2451
manner and subject to all the laws with respect to the investment 2452

of state funds by the treasurer of state, and all investment 2453
earnings of the fund shall be credited to the fund. 2454

Once each month the registrar shall prepare vouchers in favor 2455
of the county auditor of each county for the amount of the tax 2456
collection pursuant to sections 4503.02 and 4503.12 of the Revised 2457
Code apportioned to the county and to the districts of 2458
registration located wholly or in part in the county auditor's 2459
county. The county auditor shall distribute the proceeds of the 2460
tax collections due the county and the districts of registration 2461
in the manner provided in section 4501.04 of the Revised Code. 2462

~~Once each month the registrar also shall prepare vouchers in 2463
favor of the county auditor of each county levying a county motor 2464
vehicle license tax pursuant to section 4504.02, 4504.15, or 2465
4504.16 of the Revised Code and of each county in which is located 2466
one or more townships levying a township motor vehicle license tax 2467
pursuant to section 4504.18 of the Revised Code for the amount of 2468
the tax due the county or townships in the county. 2469~~

All moneys received by the registrar under sections 4503.02, 2470
~~and 4503.12, and 4504.09~~ of the Revised Code shall be distributed 2471
to counties, townships, and municipal corporations within thirty 2472
days of the expiration of the registration year, except that a sum 2473
equal to five per cent of the total amount received under sections 2474
4503.02 and 4503.12 of the Revised Code may be reserved to make 2475
final adjustments in accordance with the formula for distribution 2476
set forth in section 4501.04 of the Revised Code. If amounts set 2477
aside to make the adjustments are inadequate, necessary 2478
adjustments shall be made immediately out of funds available for 2479
distribution for the following two registration years. 2480

Sec. 4501.031. All moneys received under section 4504.09 of 2481
the Revised Code shall be paid into the state treasury to the 2482
credit of the local motor vehicle license tax fund, which is 2483

hereby created, for distribution in the manner provided for in 2484
this chapter. The treasurer of state may invest any portion of the 2485
moneys credited to the fund in the same manner and subject to all 2486
the laws governing the investment of state funds by the treasurer 2487
of state. All investment earnings of the fund shall be credited to 2488
the fund. 2489

The registrar of motor vehicles shall open an account with 2490
each county and district of registration in the state, and may 2491
assign each county and district a code for identification 2492
purposes. The code for a county or district may be the same as the 2493
code assigned to the county or district by the registrar under 2494
section 4501.03 of the Revised Code. 2495

Once each month the registrar shall prepare vouchers in favor 2496
of the county auditor of each county levying a county motor 2497
vehicle license tax pursuant to section 4504.02, 4504.15, or 2498
4504.16 of the Revised Code and of each county in which is located 2499
one or more townships levying a township motor vehicle license tax 2500
pursuant to section 4504.18 of the Revised Code for the amount of 2501
the tax due the county or townships in the county. 2502

All moneys received by the registrar under section 4504.09 of 2503
the Revised Code shall be distributed to counties, townships, and 2504
municipal corporations within thirty days of the expiration of the 2505
registration year. Necessary adjustments shall be made immediately 2506
out of funds available for distribution for the following two 2507
registration years. 2508

Sec. 4501.04. All moneys paid into the auto registration 2509
distribution fund under section 4501.03 of the Revised Code, 2510
except ~~moneys received under section 4504.09 of the Revised Code~~ 2511
~~and~~ moneys received under section 4503.02 of the Revised Code in 2512
accordance with section 4501.13 of the Revised Code, and except 2513

moneys paid for costs of audits under section 4501.03 of the Revised Code, after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be distributed as follows:

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

municipal corporation may issue bonds; and to supplement revenue 2547
already available for such purposes. 2548

The county portion of such funds shall be retained in the 2549
county treasury and shall be used for the planning, maintenance, 2550
repair, construction, and repaving of public streets, and 2551
maintaining and repairing bridges and viaducts; the payment of 2552
principal, interest, and charges on bonds and other obligations 2553
issued pursuant to Chapter 133. of the Revised Code or incurred 2554
pursuant to section 5531.09 of the Revised Code for the purpose of 2555
acquiring or constructing roads, highways, bridges, or viaducts or 2556
acquiring or making other highway improvements for which the board 2557
of county commissioners may issue bonds under such chapter; and 2558
for no other purpose. 2559

(B) Five per cent of all such moneys, together with interest 2560
earned by the treasurer of state as provided in section 4501.03 of 2561
the Revised Code, shall constitute a fund for the use of the 2562
several counties for the purposes specified in division (C) of 2563
this section. The moneys shall be divided equally among all the 2564
counties in the state and shall be paid out by the registrar of 2565
motor vehicles in equal proportions to the county auditor of each 2566
county within the state. 2567

(C) Forty-seven per cent of all such moneys shall be for the 2568
use of the county in which the owner resides or in which the place 2569
is located at which the established business or branch business in 2570
connection with which the motor vehicle registered is used, for 2571
the planning, construction, reconstruction, improvement, 2572
maintenance, and repair of roads and highways; maintaining and 2573
repairing bridges and viaducts; and the payment of principal, 2574
interest, and charges on bonds and other obligations issued 2575
pursuant to Chapter 133. of the Revised Code or incurred pursuant 2576
to section 5531.09 of the Revised Code for the purpose of 2577
acquiring or constructing roads, highways, bridges, or viaducts or 2578

acquiring or making other highway improvements for which the board 2579
of county commissioners may issue bonds under such chapter. 2580

(D) Nine per cent of all such moneys shall be for the use of 2581
the several counties for the purposes specified in division (C) of 2582
this section and shall be distributed to the several counties in 2583
the ratio which the total number of miles of county roads under 2584
the jurisdiction of each board of county commissioners in each 2585
county bears to the total number of miles of county roads in the 2586
state, as determined by the director of transportation. Before 2587
such distribution is made each board of county commissioners shall 2588
certify in writing to the director the actual number of miles 2589
under its statutory jurisdiction which are used by and maintained 2590
for the public. 2591

(E) Five per cent of all such moneys shall be for the use of 2592
the several townships and shall be distributed to the several 2593
townships in the ratio which the total number of miles of township 2594
roads under the jurisdiction of each board of township trustees in 2595
each township bears to the total number of miles of township roads 2596
in the state, as determined by the director of transportation. 2597
Before such distribution is made each board of township trustees 2598
shall certify in writing to the director the actual number of 2599
miles under its statutory jurisdiction which are used by and 2600
maintained for the public. 2601

Sec. 4501.041. Except as provided in section 4501.042 of the 2602
Revised Code, all moneys received under section 4504.09 of the 2603
Revised Code with respect to counties levying county motor vehicle 2604
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 2605
the Revised Code and paid into the state treasury under section 2606
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 2607
respective counties levying such taxes for allocation and 2608
distribution as provided in section 4504.05 of the Revised Code. 2609

Sec. 4501.042. All moneys received under section 4504.09 of 2610
the Revised Code from municipal motor vehicle license taxes levied 2611
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 2612
Revised Code, and any part of the moneys received from county 2613
motor vehicle license taxes levied pursuant to section 4504.15 of 2614
the Revised Code which is to be distributed to municipal 2615
corporations, shall be paid ~~directly~~ into the state treasury to 2616
the credit of the local motor vehicle license tax fund created 2617
under section 4501.031 of the Revised Code and shall be 2618
distributed to the treasuries of the municipal corporations 2619
levying or entitled to such tax moneys. 2620

Sec. 4501.043. All moneys received under section 4504.09 of 2621
the Revised Code with respect to townships levying township 2622
license taxes pursuant to section 4504.18 of the Revised Code and 2623
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 2624
Revised Code shall be distributed to the respective townships 2625
levying such taxes for allocation and distribution as provided in 2626
section 4504.19 of the Revised Code. 2627

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 2628
referred to in division (O) of section 4503.04, division (E) of 2629
section 4503.042, division (B) of section 4503.07, division (C)(1) 2630
of section 4503.10, division (D) of section 4503.182, division (A) 2631
of section 4503.19, division (D)(2) of section 4507.24, division 2632
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 2633
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 2634
of the Revised Code, and the taxes charged in section 4503.65 that 2635
are distributed in accordance with division (A)(2) of section 2636
4501.044 of the Revised Code unless otherwise designated by law, 2637
shall be deposited in the state treasury to the credit of the 2638
state highway safety fund, which is hereby created, ~~and~~ Money 2639

credited to the fund shall, after receipt of certifications from 2640
the commissioners of the sinking fund certifying that there are 2641
sufficient moneys to the credit of the highway obligations bond 2642
retirement fund created by section 5528.32 of the Revised Code to 2643
meet in full all payments of interest, principal, and charges for 2644
the retirement of highway obligations issued pursuant to Section 2645
2i of Article VIII, Ohio Constitution, and sections 5528.30 and 2646
5528.31 of the Revised Code due and payable during the current 2647
calendar year, be used for the purpose of enforcing and paying the 2648
expenses of administering the law relative to the registration and 2649
operation of motor vehicles on the public roads or highways. 2650
Amounts credited to the fund may also be used to pay the expenses 2651
of administering and enforcing the laws under which such fees were 2652
collected. All investment earnings of the state highway safety 2653
fund shall be credited to the fund. 2654

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 2655
designate the county auditor in each county a deputy registrar. If 2656
the population of a county is forty thousand or less according to 2657
the last federal census and if the county auditor is designated by 2658
the registrar as a deputy registrar, no other person need be 2659
designated in the county to act as a deputy registrar. 2660

(b) The registrar may designate a clerk of a court of common 2661
pleas as a deputy registrar if the population of the county is 2662
forty thousand or less according to the last federal census. In a 2663
county with a population greater than forty thousand but not more 2664
than fifty thousand according to the last federal census, the 2665
clerk of a court of common pleas is eligible to act as a deputy 2666
registrar and may participate in the competitive selection process 2667
for the award of a deputy registrar contract by applying in the 2668
same manner as any other person. All fees collected and retained 2669
by a clerk for conducting deputy registrar services shall be paid 2670
into the county treasury to the credit of the certificate of title 2671

administration fund created under section 325.33 of the Revised Code. 2672
2673

(c) In all other instances, the registrar shall contract with 2674
one or more other persons in each county to act as deputy 2675
registrars. Notwithstanding the county population restrictions in 2676
division (A)(1)(b) of this section, if no person applies to act 2677
under contract as a deputy registrar in a county and the county 2678
auditor is not designated as a deputy registrar, the registrar may 2679
ask the clerk of a court of common pleas to serve as the deputy 2680
registrar for that county. 2681

(2) Deputy registrars shall accept applications for the 2682
annual license tax for any vehicle not taxed under section 4503.63 2683
of the Revised Code and shall assign distinctive numbers in the 2684
same manner as the registrar. Such deputies shall be located in 2685
such locations in the county as the registrar sees fit. There 2686
shall be at least one deputy registrar in each county. 2687

Deputy registrar contracts are subject to the provisions of 2688
division (B) of section 125.081 of the Revised Code. 2689

(B) The registrar shall not contract with any person to act 2690
as a deputy registrar if the person or, where applicable, the 2691
person's spouse or a member of the person's immediate family has 2692
made, within the current calendar year or any one of the previous 2693
three calendar years, one or more contributions totaling in excess 2694
of one hundred dollars to any person or entity included in 2695
division (A)(2) of section 4503.033 of the Revised Code. As used 2696
in this division, "immediate family" has the same meaning as in 2697
division (D) of section 102.01 of the Revised Code, and "entity" 2698
includes any political party and any "continuing association" as 2699
defined in division (B)(4) of section 3517.01 of the Revised Code 2700
or "political action committee" as defined in division (B)(8) of 2701
that section that is primarily associated with that political 2702
party. For purposes of this division, contributions to any 2703

continuing association or any political action committee that is 2704
primarily associated with a political party shall be aggregated 2705
with contributions to that political party. 2706

The contribution limitations contained in this division do 2707
not apply to any county auditor or clerk of a court of common 2708
pleas. A county auditor or clerk of a court of common pleas is not 2709
required to file the disclosure statement or pay the filing fee 2710
required under section 4503.033 of the Revised Code. The 2711
limitations of this division also do not apply to a deputy 2712
registrar who, subsequent to being awarded a deputy registrar 2713
contract, is elected to an office of a political subdivision. 2714

The registrar shall not contract with either of the following 2715
to act as a deputy registrar: 2716

(1) Any elected public official other than a county auditor 2717
or, as authorized by division (A)(1)(b) of this section, a clerk 2718
of a court of common pleas, acting in an official capacity, except 2719
that, the registrar shall continue and may renew a contract with 2720
any deputy registrar who, subsequent to being awarded a deputy 2721
registrar contract, is elected to an office of a political 2722
subdivision; 2723

(2) Any person holding a current, valid contract to conduct 2724
motor vehicle inspections under section 3704.14 of the Revised 2725
Code. 2726

As used in division (B) of this section, "political 2727
subdivision" has the same meaning as in section 3501.01 of the 2728
Revised Code. 2729

(C)(1) Except as provided in division (C)(2) of this section, 2730
deputy registrars are independent contractors and neither they nor 2731
their employees are employees of this state, except that nothing 2732
in this section shall affect the status of county auditors or 2733
clerks of courts of common pleas as public officials, nor the 2734

status of their employees as employees of any of the counties of 2735
this state, which are political subdivisions of this state. Each 2736
deputy registrar shall be responsible for the payment of all 2737
unemployment compensation premiums, all workers' compensation 2738
premiums, social security contributions, and any and all taxes for 2739
which the deputy registrar is legally responsible. Each deputy 2740
registrar shall comply with all applicable federal, state, and 2741
local laws requiring the withholding of income taxes or other 2742
taxes from the compensation of the deputy registrar's employees. 2743
Each deputy registrar shall maintain during the entire term of the 2744
deputy registrar's contract a policy of business liability 2745
insurance satisfactory to the registrar and shall hold the 2746
department of public safety, the director of public safety, the 2747
bureau of motor vehicles, and the registrar harmless upon any and 2748
all claims for damages arising out of the operation of the deputy 2749
registrar agency. 2750

(2) For purposes of Chapter 4141. of the Revised Code, 2751
determinations concerning the employment of deputy registrars and 2752
their employees shall be made under Chapter 4141. of the Revised 2753
Code. 2754

(D)(1) With the approval of the director, the registrar shall 2755
adopt rules governing the terms of the contract between the 2756
registrar and each deputy registrar and specifications for the 2757
services to be performed. The rules shall include specifications 2758
relating to the amount of bond to be given as provided in this 2759
section; the size and location of the deputy's office; and the 2760
leasing of equipment necessary to conduct the vision screenings 2761
required under section 4507.12 of the Revised Code and training in 2762
the use of the equipment. The specifications shall permit and 2763
encourage every deputy registrar to inform the public of the 2764
location of the deputy registrar's office and hours of operation 2765
by means of public service announcements and allow any deputy 2766

registrar to advertise in regard to the operation of the deputy 2767
registrar's office. The rules also shall include specifications 2768
for the hours the deputy's office is to be open to the public and 2769
shall require as a minimum that one deputy's office in each county 2770
be open to the public for at least four hours each weekend, 2771
provided that if only one deputy's office is located within the 2772
boundary of the county seat, that office is the office that shall 2773
be open for the four-hour period each weekend, ~~and that every~~ 2774
~~deputy's office in each county shall be open to the public until~~ 2775
~~six thirty p.m. on at least one weeknight each week.~~ The rules 2776
also shall include specifications providing that every deputy in 2777
each county, upon request, provide any person with information 2778
about the location and office hours of all deputy registrars in 2779
the county and that every deputy prominently display within the 2780
deputy's office, the toll-free telephone number of the bureau. The 2781
rules shall not prohibit the award of a deputy registrar contract 2782
to a nonprofit corporation formed under the laws of this state. 2783
The rules shall prohibit any deputy registrar from operating more 2784
than one such office at any time, except that the rules may permit 2785
a nonprofit corporation formed for the purposes of providing 2786
automobile-related services to its members or the public and that 2787
provides such services from more than one location in this state 2788
to operate a deputy registrar office at any such location, 2789
provided that the nonprofit corporation operates no more than one 2790
deputy registrar office in any one county. The rules may include 2791
such other specifications as the registrar and director consider 2792
necessary to provide a high level of service. 2793

The rules shall establish procedures for a deputy registrar 2794
who requests such authority to collect reinstatement fees under 2795
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 2796
4510.72, and 4511.191 of the Revised Code and to transmit the 2797
reinstatement fees and two dollars of the service fee collected 2798
under those sections. The registrar shall ensure that, not later 2799

than January 1, 2012, at least one deputy registrar in each county 2800
has the necessary equipment and is able to accept reinstatement 2801
fees. The registrar shall deposit the service fees received from a 2802
deputy registrar under those sections into the state bureau of 2803
motor vehicles fund created in section 4501.25 of the Revised Code 2804
and shall use the money for deputy registrar equipment necessary 2805
in connection with accepting reinstatement fees. 2806

(2) As a daily adjustment, the bureau of motor vehicles shall 2807
credit to a deputy registrar three dollars and fifty cents for 2808
each damaged license plate or validation sticker the deputy 2809
registrar replaces as a service to a member of the public. 2810

(3)(a) With the prior approval of the registrar, each deputy 2811
registrar may conduct at the location of the deputy registrar's 2812
office any business that is consistent with the functions of a 2813
deputy registrar and that is not specifically mandated or 2814
authorized by this or another chapter of the Revised Code or by 2815
implementing rules of the registrar. 2816

(b) In accordance with guidelines the director of public 2817
safety shall establish, a deputy registrar may operate or contract 2818
for the operation of a vending machine at a deputy registrar 2819
location if products of the vending machine are consistent with 2820
the functions of a deputy registrar. 2821

(c) A deputy registrar may sell or lease equipment and 2822
facilitate such accounts and other transactions necessary for a 2823
person to participate in the multi-jurisdiction electronic toll 2824
collection system utilized by the Ohio turnpike and infrastructure 2825
commission. A deputy registrar may charge a reasonable fee for 2826
these products and services. The approval of the registrar is not 2827
necessary if a deputy registrar engages in this activity. As used 2828
in this division, "Ohio turnpike system" has the same meaning as 2829
in section 5537.01 of the Revised Code. 2830

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

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

If the registrar, with the approval of the director, determines that there is good cause to believe that a deputy registrar or a person proposing for a deputy registrar contract has engaged in any conduct that would require the denial or termination of the deputy registrar contract, the registrar may require the production of books, records, and papers as the registrar determines are necessary, and may take the depositions of witnesses residing within or outside the state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the registrar may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or

papers, directed to the sheriff of the county where the witness 2863
resides or is found. Such a subpoena shall be served and returned 2864
in the same manner as a subpoena in a criminal case is served and 2865
returned. The fees of the sheriff shall be the same as that 2866
allowed in the court of common pleas in criminal cases. Witnesses 2867
shall be paid the fees and mileage provided for under section 2868
119.094 of the Revised Code. The fees and mileage shall be paid 2869
from the fund in the state treasury for the use of the agency in 2870
the same manner as other expenses of the agency are paid. 2871

In any case of disobedience or neglect of any subpoena served 2872
on any person or the refusal of any witness to testify to any 2873
matter regarding which the witness lawfully may be interrogated, 2874
the court of common pleas of any county where the disobedience, 2875
neglect, or refusal occurs or any judge of that court, on 2876
application by the registrar, shall compel obedience by attachment 2877
proceedings for contempt, as in the case of disobedience of the 2878
requirements of a subpoena issued from that court, or a refusal to 2879
testify in that court. 2880

Nothing in this division shall be construed to require a 2881
hearing of any nature prior to the termination of any deputy 2882
registrar contract by the registrar, with the approval of the 2883
director, for cause. 2884

(F) Except as provided in section 2743.03 of the Revised 2885
Code, no court, other than the court of common pleas of Franklin 2886
county, has jurisdiction of any action against the department of 2887
public safety, the director, the bureau, or the registrar to 2888
restrain the exercise of any power or authority, or to entertain 2889
any action for declaratory judgment, in the selection and 2890
appointment of, or contracting with, deputy registrars. Neither 2891
the department, the director, the bureau, nor the registrar is 2892
liable in any action at law for damages sustained by any person 2893
because of any acts of the department, the director, the bureau, 2894

or the registrar, or of any employee of the department or bureau, 2895
in the performance of official duties in the selection and 2896
appointment of, and contracting with, deputy registrars. 2897

(G) The registrar shall assign to each deputy registrar a 2898
series of numbers sufficient to supply the demand at all times in 2899
the area the deputy registrar serves, and the registrar shall keep 2900
a record in the registrar's office of the numbers within the 2901
series assigned. Each deputy shall be required to give bond in the 2902
amount of at least twenty-five thousand dollars, or in such higher 2903
amount as the registrar determines necessary, based on a uniform 2904
schedule of bond amounts established by the registrar and 2905
determined by the volume of registrations handled by the deputy. 2906
The form of the bond shall be prescribed by the registrar. The 2907
bonds required of deputy registrars, in the discretion of the 2908
registrar, may be individual or schedule bonds or may be included 2909
in any blanket bond coverage carried by the department. 2910

(H) Each deputy registrar shall keep a file of each 2911
application received by the deputy and shall register that motor 2912
vehicle with the name and address of its owner. 2913

(I) Upon request, a deputy registrar shall make the physical 2914
inspection of a motor vehicle and issue the physical inspection 2915
certificate required in section 4505.061 of the Revised Code. 2916

(J) Each deputy registrar shall file a report ~~semi-annually~~ 2917
semiannually with the registrar of motor vehicles listing the 2918
number of applicants for licenses the deputy has served, the 2919
number of voter registration applications the deputy has completed 2920
and transmitted to the board of elections, and the number of voter 2921
registration applications declined. 2922

Sec. 4503.04. Except as provided in sections 4503.042 and 2923
4503.65 of the Revised Code for the registration of commercial 2924
cars, trailers, semitrailers, and certain buses, the rates of the 2925

taxes imposed by section 4503.02 of the Revised Code shall be as follows:	2926
	2927
(A) For motor vehicles having three wheels or less, the license tax is:	2928
	2929
(1) For each motorized bicycle, ten dollars;	2930
(2) For each motorcycle, fourteen dollars.	2931
(B) For each passenger car, twenty dollars;	2932
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	2933
	2934
(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;	2935
	2936
	2937
	2938
	2939
	2940
(E) For each noncommercial trailer, the license tax is:	2941
(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;	2942
	2943
	2944
(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.	2945
	2946
	2947
(F) Notwithstanding its weight, twelve dollars for any:	2948
(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;	2949
	2950
	2951
(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	2952
	2953
	2954

and out of the van; 2955

(3) Bus used principally for the transportation of 2956
handicapped persons or persons sixty-five years of age or older. 2957

(G) Notwithstanding its weight, twenty dollars for any bus 2958
used principally for the transportation of persons in a 2959
ridesharing arrangement. 2960

(H) For each transit bus having motor power the license tax 2961
is twelve dollars. 2962

"Transit bus" means either a motor vehicle having a seating 2963
capacity of more than seven persons which is operated and used by 2964
any person in the rendition of a public mass transportation 2965
service primarily in a municipal corporation or municipal 2966
corporations and provided at least seventy-five per cent of the 2967
annual mileage of such service and use is within such municipal 2968
corporation or municipal corporations or a motor vehicle having a 2969
seating capacity of more than seven persons which is operated 2970
solely for the transportation of persons associated with a 2971
charitable or nonprofit corporation, but does not mean any motor 2972
vehicle having a seating capacity of more than seven persons when 2973
such vehicle is used in a ridesharing capacity or any bus 2974
described by division (F)(3) of this section. 2975

The application for registration of such transit bus shall be 2976
accompanied by an affidavit prescribed by the registrar of motor 2977
vehicles and signed by the person or an agent of the firm or 2978
corporation operating such bus stating that the bus has a seating 2979
capacity of more than seven persons, and that it is either to be 2980
operated and used in the rendition of a public mass transportation 2981
service and that at least seventy-five per cent of the annual 2982
mileage of such operation and use shall be within one or more 2983
municipal corporations or that it is to be operated solely for the 2984
transportation of persons associated with a charitable or 2985

nonprofit corporation. 2986

The form of the license plate, and the manner of its 2987
attachment to the vehicle, shall be prescribed by the registrar of 2988
motor vehicles. 2989

(I) The minimum tax for any vehicle having motor power other 2990
than a farm truck, a motorized bicycle, or motorcycle is ten 2991
dollars and eighty cents, and for each noncommercial trailer, five 2992
dollars. 2993

(J)(1) Except as otherwise provided in division (J) of this 2994
section, for each farm truck, except a noncommercial motor 2995
vehicle, that is owned, controlled, or operated by one or more 2996
farmers exclusively in farm use as defined in this section, and 2997
not for commercial purposes, and provided that at least 2998
seventy-five per cent of such farm use is by or for the one or 2999
more owners, controllers, or operators of the farm in the 3000
operation of which a farm truck is used, the license tax is five 3001
dollars plus: 3002

(a) Fifty cents per one hundred pounds or part thereof for 3003
the first three thousand pounds; 3004

(b) Seventy cents per one hundred pounds or part thereof in 3005
excess of three thousand pounds up to and including four thousand 3006
pounds; 3007

(c) Ninety cents per one hundred pounds or part thereof in 3008
excess of four thousand pounds up to and including six thousand 3009
pounds; 3010

(d) Two dollars for each one hundred pounds or part thereof 3011
in excess of six thousand pounds up to and including ten thousand 3012
pounds; 3013

(e) Two dollars and twenty-five cents for each one hundred 3014
pounds or part thereof in excess of ten thousand pounds; 3015

(f) The minimum license tax for any farm truck shall be 3016
twelve dollars. 3017

(2) The owner of a farm truck may register the truck for a 3018
period of one-half year by paying one-half the registration tax 3019
imposed on the truck under this chapter and one-half the amount of 3020
any tax imposed on the truck under Chapter 4504. of the Revised 3021
Code. 3022

(3) A farm bus may be registered for a period of ~~ninety two~~ 3023
hundred ten days from the date of issue of the license plates for 3024
the bus, for a fee of ten dollars, provided such license plates 3025
shall not be issued for more than ~~any two ninety day periods~~ one 3026
such period in any calendar year. Such use does not include the 3027
operation of trucks by commercial processors of agricultural 3028
products. 3029

(4) License plates for farm trucks and for farm buses shall 3030
have some distinguishing marks, letters, colors, or other 3031
characteristics to be determined by the director of public safety. 3032

(5) Every person registering a farm truck or bus under this 3033
section shall furnish an affidavit certifying that the truck or 3034
bus licensed to that person is to be so used as to meet the 3035
requirements necessary for the farm truck or farm bus 3036
classification. 3037

Any farmer may use a truck owned by the farmer for commercial 3038
purposes by paying the difference between the commercial truck 3039
registration fee and the farm truck registration fee for the 3040
remaining part of the registration period for which the truck is 3041
registered. Such remainder shall be calculated from the beginning 3042
of the semiannual period in which application for such commercial 3043
license is made. 3044

Taxes at the rates provided in this section are in lieu of 3045
all taxes on or with respect to the ownership of such motor 3046

vehicles, except as provided in section 4503.042 and section 3047
4503.06 of the Revised Code. 3048

(K) Other than trucks registered under the international 3049
registration plan in another jurisdiction and for which this state 3050
has received an apportioned registration fee, the license tax for 3051
each truck which is owned, controlled, or operated by a 3052
nonresident, and licensed in another state, and which is used 3053
exclusively for the transportation of nonprocessed agricultural 3054
products intrastate, from the place of production to the place of 3055
processing, is twenty-four dollars. 3056

"Truck," as used in this division, means any pickup truck, 3057
straight truck, semitrailer, or trailer other than a travel 3058
trailer. Nonprocessed agricultural products, as used in this 3059
division, does not include livestock or grain. 3060

A license issued under this division shall be issued for a 3061
period of one hundred thirty days in the same manner in which all 3062
other licenses are issued under this section, provided that no 3063
truck shall be so licensed for more than one 3064
one-hundred-thirty-day period during any calendar year. 3065

The license issued pursuant to this division shall consist of 3066
a windshield decal to be designed by the director of public 3067
safety. 3068

Every person registering a truck under this division shall 3069
furnish an affidavit certifying that the truck licensed to the 3070
person is to be used exclusively for the purposes specified in 3071
this division. 3072

(L) Every person registering a motor vehicle as a 3073
noncommercial motor vehicle as defined in section 4501.01 of the 3074
Revised Code, or registering a trailer as a noncommercial trailer 3075
as defined in that section, shall furnish an affidavit certifying 3076
that the motor vehicle or trailer so licensed to the person is to 3077

be so used as to meet the requirements necessary for the 3078
noncommercial vehicle classification. 3079

(M) Every person registering a van or bus as provided in 3080
divisions (F)(2) and (3) of this section shall furnish a notarized 3081
statement certifying that the van or bus licensed to the person is 3082
to be used for the purposes specified in those divisions. The form 3083
of the license plate issued for such motor vehicles shall be 3084
prescribed by the registrar. 3085

(N) Every person registering as a passenger car a motor 3086
vehicle designed and used for carrying more than nine but not more 3087
than fifteen passengers, and every person registering a bus as 3088
provided in division (G) of this section, shall furnish an 3089
affidavit certifying that the vehicle so licensed to the person is 3090
to be used in a ridesharing arrangement and that the person will 3091
have in effect whenever the vehicle is used in a ridesharing 3092
arrangement a policy of liability insurance with respect to the 3093
motor vehicle in amounts and coverages no less than those required 3094
by section 4509.79 of the Revised Code. The form of the license 3095
plate issued for such a motor vehicle shall be prescribed by the 3096
registrar. 3097

(O)(1) Commencing on October 1, 2009, if an application for 3098
registration renewal is not applied for prior to the expiration 3099
date of the registration or within ~~seven~~ thirty days after that 3100
date, the registrar or deputy registrar shall collect a fee of 3101
~~twenty~~ ten dollars for the issuance of the vehicle registration. 3102
For any motor vehicle that is used on a seasonal basis, whether 3103
used for general transportation or not, and that has not been used 3104
on the public roads or highways since the expiration of the 3105
registration, the registrar or deputy registrar shall waive the 3106
fee established under this division if the application is 3107
accompanied by supporting evidence of seasonal use as the 3108
registrar may require. The registrar or deputy registrar may waive 3109

the fee for other good cause shown if the application is 3110
accompanied by supporting evidence as the registrar may require. 3111
The fee shall be in addition to all other fees established by this 3112
section. A deputy registrar shall retain fifty cents of the fee 3113
and shall transmit the remaining amount to the registrar at the 3114
time and in the manner provided by section 4503.10 of the Revised 3115
Code. The registrar shall deposit all moneys received under this 3116
division into the state highway safety fund established in section 3117
4501.06 of the Revised Code. 3118

(2) Division (O)(1) of this section does not apply to a farm 3119
truck or farm bus registered under division (J) of this section. 3120

(P) As used in this section: 3121

(1) "Van" means any motor vehicle having a single rear axle 3122
and an enclosed body without a second seat. 3123

(2) "Handicapped person" means any person who has lost the 3124
use of one or both legs, or one or both arms, or is blind, deaf, 3125
or so severely disabled as to be unable to move about without the 3126
aid of crutches or a wheelchair. 3127

(3) "Farm truck" means a truck used in the transportation 3128
from the farm of products of the farm, including livestock and its 3129
products, poultry and its products, floricultural and 3130
horticultural products, and in the transportation to the farm of 3131
supplies for the farm, including tile, fence, and every other 3132
thing or commodity used in agricultural, floricultural, 3133
horticultural, livestock, and poultry production and livestock, 3134
poultry, and other animals and things used for breeding, feeding, 3135
or other purposes connected with the operation of the farm. 3136

(4) "Farm bus" means a bus used only for the transportation 3137
of agricultural employees and used only in the transportation of 3138
such employees as are necessary in the operation of the farm. 3139

(5) "Farm supplies" includes fuel used exclusively in the 3140

operation of a farm, including one or more homes located on and 3141
used in the operation of one or more farms, and furniture and 3142
other things used in and around such homes. 3143

Sec. 4503.042. The registrar of motor vehicles shall adopt 3144
rules establishing the date, subsequent to this state's entry into 3145
membership in the international registration plan, when the rates 3146
established by this section become operative. 3147

(A) The rates of the taxes imposed by section 4503.02 of the 3148
Revised Code are as follows for commercial cars having a gross 3149
vehicle weight or combined gross vehicle weight of: 3150

(1) Not more than two thousand pounds, forty-five dollars; 3151

(2) More than two thousand but not more than six thousand 3152
pounds, seventy dollars; 3153

(3) More than six thousand but not more than ten thousand 3154
pounds, eighty-five dollars; 3155

(4) More than ten thousand but not more than fourteen 3156
thousand pounds, one hundred five dollars; 3157

(5) More than fourteen thousand but not more than eighteen 3158
thousand pounds, one hundred twenty-five dollars; 3159

(6) More than eighteen thousand but not more than twenty-two 3160
thousand pounds, one hundred fifty dollars; 3161

(7) More than twenty-two thousand but not more than 3162
twenty-six thousand pounds, one hundred seventy-five dollars; 3163

(8) More than twenty-six thousand but not more than thirty 3164
thousand pounds, three hundred fifty-five dollars; 3165

(9) More than thirty thousand but not more than thirty-four 3166
thousand pounds, four hundred twenty dollars; 3167

(10) More than thirty-four thousand but not more than 3168
thirty-eight thousand pounds, four hundred eighty dollars; 3169

(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	3170 3171
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	3172 3173
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	3174 3175
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	3176 3177
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	3178 3179
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	3180 3181
(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	3182 3183
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	3184 3185
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	3186 3187
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	3188 3189
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	3190 3191
(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:	3192 3193 3194
(1) Not more than two thousand pounds, ten dollars;	3195
(2) More than two thousand but not more than six thousand pounds, forty dollars;	3196 3197
(3) More than six thousand but not more than ten thousand	3198

pounds, one hundred dollars;	3199
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	3200 3201
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	3202 3203
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	3204 3205
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	3206 3207
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	3208 3209
(9) More than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	3210 3211
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars;	3212 3213
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars;	3214 3215
(12) More than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars;	3216 3217
(13) More than forty-six thousand but not more than fifty thousand pounds, nine hundred forty dollars;	3218 3219
(14) More than fifty thousand but not more than fifty-four thousand pounds, one thousand dollars;	3220 3221
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, one thousand ninety dollars;	3222 3223
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, one thousand one hundred eighty dollars;	3224 3225 3226
(17) More than sixty-two thousand but not more than sixty-six	3227

thousand pounds, one thousand two hundred seventy dollars; 3228

(18) More than sixty-six thousand but not more than seventy 3229
thousand pounds, one thousand three hundred sixty dollars; 3230

(19) More than seventy thousand but not more than 3231
seventy-four thousand pounds, one thousand four hundred fifty 3232
dollars; 3233

(20) More than seventy-four thousand but not more than 3234
seventy-eight thousand pounds, one thousand five hundred forty 3235
dollars; 3236

(21) More than seventy-eight thousand pounds, one thousand 3237
six hundred thirty dollars. 3238

(C) In addition to the license taxes imposed at the rates 3239
specified in divisions (A) and (B) of this section, an 3240
administrative fee of three dollars and fifty cents, plus an 3241
appropriate amount to cover the cost of postage, shall be 3242
collected by the registrar for each international registration 3243
plan license processed by the registrar. 3244

(D) The rate of the tax for each trailer and semitrailer is 3245
twenty-five dollars. 3246

(E) Commencing on October 1, 2009, if an application for 3247
registration renewal is not applied for prior to the expiration 3248
date of the registration or within ~~seven~~ thirty days after that 3249
date, the registrar or deputy registrar shall collect a fee of 3250
~~twenty~~ ten dollars for the issuance of the vehicle registration, 3251
but may waive the fee for good cause shown if the application is 3252
accompanied by supporting evidence as the registrar may require. 3253
The fee shall be in addition to all other fees established by this 3254
section. A deputy registrar shall retain fifty cents of the fee 3255
and shall transmit the remaining amount to the registrar at the 3256
time and in the manner provided by section 4503.10 of the Revised 3257
Code. The registrar shall deposit all moneys received under this 3258

division into the state highway safety fund established in section 3259
4501.06 of the Revised Code. 3260

(F) The rates established by this section shall not apply to 3261
any of the following: 3262

(1) Vehicles equipped, owned, and used by a charitable or 3263
nonprofit corporation exclusively for the purpose of administering 3264
chest x-rays or receiving blood donations; 3265

(2) Vans used principally for the transportation of 3266
handicapped persons that have been modified by being equipped with 3267
adaptive equipment to facilitate the movement of such persons into 3268
and out of the vans; 3269

(3) Buses used principally for the transportation of 3270
handicapped persons or persons sixty-five years of age or older; 3271

(4) Buses used principally for the transportation of persons 3272
in a ridesharing arrangement; 3273

(5) Transit buses having motor power; 3274

(6) Noncommercial trailers, mobile homes, or manufactured 3275
homes. 3276

Sec. 4503.07. (A) In lieu of the schedule of rates for 3277
commercial cars fixed in section 4503.04 of the Revised Code, the 3278
fee shall be ten dollars for each church bus used exclusively to 3279
transport members of a church congregation to and from church 3280
services or church functions or to transport children and their 3281
authorized supervisors to and from any camping function sponsored 3282
by a nonprofit, tax-exempt, charitable or philanthropic 3283
organization. A church within the meaning of this section is an 3284
organized religious group, duly constituted with officers and a 3285
board of trustees, regularly holding religious services, and 3286
presided over or administered to by a properly accredited 3287
ecclesiastical officer, whose name and standing is published in 3288

the official publication of the officer's religious group. 3289

(B) Commencing on October 1, 2009, if an application for 3290
registration renewal is not applied for prior to the expiration 3291
date of the registration or within ~~seven~~ thirty days after that 3292
date, the registrar or deputy registrar shall collect a fee of 3293
~~twenty ten~~ ten dollars for the issuance of the vehicle registration, 3294
but may waive the fee for good cause shown if the application is 3295
accompanied by supporting evidence as the registrar may require. 3296
The fee shall be in addition to all other fees established by this 3297
section. A deputy registrar shall retain fifty cents of the fee 3298
and shall transmit the remaining amount to the registrar at the 3299
time and in the manner provided by section 4503.10 of the Revised 3300
Code. The registrar shall deposit all moneys received under this 3301
division into the state highway safety fund established in section 3302
4501.06 of the Revised Code. 3303

(C) The application for registration of such bus shall be 3304
accompanied by the following, as applicable: 3305

(1) An affidavit, prescribed by the registrar of motor 3306
vehicles and signed by either the senior pastor, minister, priest, 3307
or rabbi of the church making application or by the head of the 3308
governing body of the church making application, stating that the 3309
bus is to be used exclusively to transport members of a church 3310
congregation to and from church services or church functions or to 3311
transport children and their authorized supervisors to and from 3312
any camping function sponsored by a nonprofit, tax-exempt, 3313
charitable, or philanthropic organization; 3314

(2) A certificate from the state highway patrol stating that 3315
the bus involved is safe for operation in accordance with such 3316
standards as are prescribed by the state highway patrol if the bus 3317
meets either of the following: 3318

(a) It originally was designed by the manufacturer to 3319

transport sixteen or more passengers, including the driver; 3320

(b) It has a gross vehicle weight rating of ten thousand one 3321
pounds or more. 3322

(D) The form of the license plate and the manner of its 3323
attachment to the vehicle shall be prescribed by the registrar. 3324

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 3325
may adopt rules to permit any person or lessee, other than a 3326
person receiving an apportioned license plate under the 3327
international registration plan, who owns or leases one or more 3328
motor vehicles to file a written application for registration for 3329
no more than five succeeding registration years. The rules adopted 3330
by the registrar may designate the classes of motor vehicles that 3331
are eligible for such registration. At the time of application, 3332
all annual taxes and fees shall be paid for each year for which 3333
the person is registering. 3334

~~(ii)(2)(a)~~ Not later than ~~October 1, 2009~~ December 31, 2013, 3335
the registrar shall adopt rules to permit any person or lessee who 3336
owns or leases a trailer or semitrailer that is subject to the tax 3337
rates prescribed in section 4503.042 of the Revised Code for such 3338
trailers or semitrailers to file a written application for 3339
registration for ~~not more than five~~ any number of succeeding 3340
registration years, including a permanent registration. At the 3341
time of application, all annual taxes and fees shall be paid for 3342
each year for which the person is registering, provided that the 3343
annual taxes due, regardless of the number of years for which the 3344
person is registering, shall not exceed two hundred dollars. A 3345
person who registers a vehicle under division (A)(1)(a)(~~ii~~)(2) of 3346
this section shall pay for each year of registration the 3347
additional fee established under division (C)(1) of section 3348
4503.10 of the Revised Code, provided that the additional fee due, 3349
regardless of the number of years for which the person is 3350

registering, shall not exceed eighty-eight dollars. The person 3351
also shall pay one single deputy registrar service fee in the 3352
amount specified in division (D) of section 4503.10 of the Revised 3353
Code or one single bureau of motor vehicles service fee in the 3354
amount specified in division (G) of that section, as applicable, 3355
regardless of the number of years for which the person is 3356
registering. 3357

(b) In addition, each person registering a trailer or 3358
semitrailer under division (A)(2)(a) of this section shall pay any 3359
applicable local motor vehicle license tax levied under Chapter 3360
4504. of Revised Code for each year for which the person is 3361
registering, provided that not more than eight times any such 3362
annual local taxes shall be due upon registration. 3363

(c) The period of registration for a trailer or semitrailer 3364
registered under division (A)(2)(a) of this section is exclusive 3365
to the trailer or semitrailer for which that certificate of 3366
registration is issued and is not transferable to any other 3367
trailer or semitrailer. 3368

~~(b)(i)(3)~~ Except as provided in division (A)~~(1)(b)(ii)(4)~~ of 3369
this section, the registrar shall adopt rules to permit any person 3370
who owns a motor vehicle to file an application for registration 3371
for the next two succeeding registration years. At the time of 3372
application, the person shall pay the annual taxes and fees for 3373
each registration year, calculated in accordance with division (C) 3374
of section 4503.11 of the Revised Code. A person who is 3375
registering a vehicle under division (A)~~(1)(b)(3)~~ of this section 3376
shall pay for each year of registration the additional fee 3377
established under division (C)(1) of section 4503.10 of the 3378
Revised Code. The person shall also pay one and one-half times the 3379
amount of the deputy registrar service fee specified in division 3380
(D) of section 4503.10 of the Revised Code or the bureau of motor 3381
vehicles service fee specified in division (G) of that section, as 3382

applicable. 3383

~~(ii)~~(4) Division (A)~~(1)~~(b)~~(i)~~(3) of this section does not 3384
apply to a person receiving an apportioned license plate under the 3385
international registration plan, or the owner of a commercial car 3386
used solely in intrastate commerce, or the owner of a bus as 3387
defined in section 4513.50 of the Revised Code. 3388

~~(2)~~(B) No person applying for a multi-year registration under 3389
division (A)~~(1)~~ of this section is entitled to a refund of any 3390
taxes or fees paid. 3391

~~(3)~~(C) The registrar shall not issue to any applicant who has 3392
been issued a final, nonappealable order under division ~~(B)~~(D) of 3393
this section a multi-year registration or renewal thereof under 3394
this division or rules adopted under it for any motor vehicle that 3395
is required to be inspected under section 3704.14 of the Revised 3396
Code the district of registration of which, as determined under 3397
section 4503.10 of the Revised Code, is or is located in the 3398
county named in the order. 3399

~~(B)~~(D) Upon receipt from the director of environmental 3400
protection of a notice issued under rules adopted under section 3401
3704.14 of the Revised Code indicating that an owner of a motor 3402
vehicle that is required to be inspected under that section who 3403
obtained a multi-year registration for the vehicle under division 3404
(A) of this section or rules adopted under that division has not 3405
obtained a required inspection certificate for the vehicle, the 3406
registrar in accordance with Chapter 119. of the Revised Code 3407
shall issue an order to the owner impounding the certificate of 3408
registration and identification license plates for the vehicle. 3409
The order also shall prohibit the owner from obtaining or renewing 3410
a multi-year registration for any vehicle that is required to be 3411
inspected under that section, the district of registration of 3412
which is or is located in the same county as the county named in 3413
the order during the number of years after expiration of the 3414

current multi-year registration that equals the number of years 3415
for which the current multi-year registration was issued. 3416

An order issued under this division shall require the owner 3417
to surrender to the registrar the certificate of registration and 3418
license plates for the vehicle named in the order within five days 3419
after its issuance. If the owner fails to do so within that time, 3420
the registrar shall certify that fact to the county sheriff or 3421
local police officials who shall recover the certificate of 3422
registration and license plates for the vehicle. 3423

~~(C)~~(E) Upon the occurrence of either of the following 3424
circumstances, the registrar in accordance with Chapter 119. of 3425
the Revised Code shall issue to the owner a modified order 3426
rescinding the provisions of the order issued under division 3427
~~(B)~~(D) of this section impounding the certificate of registration 3428
and license plates for the vehicle named in that original order: 3429

(1) Receipt from the director of environmental protection of 3430
a subsequent notice under rules adopted under section 3704.14 of 3431
the Revised Code that the owner has obtained the inspection 3432
certificate for the vehicle as required under those rules; 3433

(2) Presentation to the registrar by the owner of the 3434
required inspection certificate for the vehicle. 3435

~~(D)~~(F) The owner of a motor vehicle for which the certificate 3436
of registration and license plates have been impounded pursuant to 3437
an order issued under division ~~(B)~~(D) of this section, upon 3438
issuance of a modified order under division ~~(C)~~(E) of this 3439
section, may apply to the registrar for their return. A fee of two 3440
dollars and fifty cents shall be charged for the return of the 3441
certificate of registration and license plates for each vehicle 3442
named in the application. 3443

Sec. 4503.11. (A) Except as provided by sections 4503.103, 3444

4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3445
person who is the owner or chauffeur of a motor vehicle operated 3446
or driven upon the public roads or highways shall fail to file 3447
annually the application for registration or to pay the tax 3448
therefor. 3449

(B) Except as provided by sections 4503.12 and 4503.16 of the 3450
Revised Code, the taxes payable on all applications made under 3451
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 3452
of the tax due under division (B)(1)(a) or (b) of this section 3453
plus the tax due under division (B)(2)(a) or (b) of this section: 3454

(1)(a) If the application is made before the second month of 3455
the current registration period to which the motor vehicle is 3456
assigned as provided in section 4503.101 of the Revised Code, the 3457
tax due is the full amount of the tax provided in section 4503.04 3458
of the Revised Code; 3459

(b) If the application is made during or after the second 3460
month of the current registration period to which the motor 3461
vehicle is assigned as provided in section 4503.101 of the Revised 3462
Code, and prior to the beginning of the next such registration 3463
period, the amount of the tax provided in section 4503.04 of the 3464
Revised Code shall be reduced by one-twelfth of the amount of such 3465
tax, rounded upward to the nearest cent, multiplied by the number 3466
of full months that have elapsed in the current registration 3467
period. The resulting amount shall be rounded upward to the next 3468
highest dollar and shall be the amount of tax due. 3469

(2)(a) If the application is made before the sixth month of 3470
the current registration period to which the motor vehicle is 3471
assigned as provided in section 4503.101 of the Revised Code, the 3472
amount of tax due is the full amount of local motor vehicle 3473
license taxes levied under Chapter 4504. of the Revised Code; 3474

(b) If the application is made during or after the sixth 3475

month of the current registration period to which the motor 3476
vehicle is assigned as provided in section 4503.101 of the Revised 3477
Code and prior to the beginning of the next such registration 3478
period, the amount of tax due is one-half of the amount of local 3479
motor vehicle license taxes levied under Chapter 4504. of the 3480
Revised Code. 3481

(C) The taxes payable on all applications made under division 3482
(A)~~(1)~~~~(b)~~(3) of section 4503.103 of the Revised Code shall be the 3483
sum of the tax due under division (B)(1)(a) or (b) of this section 3484
plus the tax due under division (B)(2)(a) or (b) of this section 3485
for the first year plus the full amount of the tax provided in 3486
section 4503.04 of the Revised Code and the full amount of local 3487
motor vehicle license taxes levied under Chapter 4504. of the 3488
Revised Code for the second year. 3489

(D) Whoever violates this section is guilty of a misdemeanor 3490
of the fourth degree. 3491

Sec. 4503.19. (A) Upon the filing of an application for 3492
registration and the payment of the tax for registration, the 3493
registrar of motor vehicles or a deputy registrar shall determine 3494
whether the owner previously has been issued license plates for 3495
the motor vehicle described in the application. If no license 3496
plates previously have been issued to the owner for that motor 3497
vehicle, the registrar or deputy registrar shall assign to the 3498
motor vehicle a distinctive number and issue and deliver to the 3499
owner in the manner that the registrar may select a certificate of 3500
registration, in the form that the registrar shall prescribe, and, 3501
except as otherwise provided in this section, two license plates, 3502
duplicates of each other, and a validation sticker, or a 3503
validation sticker alone, to be attached to the number plates as 3504
provided in section 4503.191 of the Revised Code. The registrar or 3505
deputy registrar also shall charge the owner any fees required 3506

under division (C) of section 4503.10 of the Revised Code. 3507
Trailers, manufactured homes, mobile homes, semitrailers, the 3508
manufacturer thereof, the dealer, or in transit companies therein, 3509
shall be issued one license plate only and one validation sticker, 3510
or a validation sticker alone, and the license plate and 3511
validation sticker shall be displayed only on the rear of such 3512
vehicles. A commercial tractor that does not receive an 3513
apportioned license plate under the international registration 3514
plan shall be issued two license plates and one validation 3515
sticker, and the validation sticker shall be displayed on the 3516
front of the commercial tractor. An apportioned vehicle receiving 3517
an apportioned license plate under the international registration 3518
plan shall be issued one license plate only and one validation 3519
sticker, or a validation sticker alone; the license plate shall be 3520
displayed only on the front of a semitractor and on the rear of 3521
all other vehicles. School buses shall not be issued license 3522
plates but shall bear identifying numbers in the manner prescribed 3523
by section 4511.764 of the Revised Code. The certificate of 3524
registration and license plates and validation stickers, or 3525
validation stickers alone, shall be issued and delivered to the 3526
owner in person or by mail. Chauffeured limousines shall be issued 3527
license plates, a validation sticker, and a livery sticker as 3528
provided in section 4503.24 of the Revised Code. In the event of 3529
the loss, mutilation, or destruction of any certificate of 3530
registration, or of any license plates or validation stickers, or 3531
if the owner chooses to replace license plates previously issued 3532
for a motor vehicle, or if the registration certificate and 3533
license plates have been impounded as provided by division (B)(1) 3534
of section 4507.02 and section 4507.16 of the Revised Code, the 3535
owner of a motor vehicle, or manufacturer or dealer, may obtain 3536
from the registrar, or from a deputy registrar if authorized by 3537
the registrar, a duplicate thereof or new license plates bearing a 3538

different number, if the registrar considers it advisable, upon 3539
filing an application prescribed by the registrar, and upon paying 3540
a fee of one dollar for such certificate of registration, which 3541
one dollar fee shall be deposited into the state treasury to the 3542
credit of the state bureau of motor vehicles fund created in 3543
section 4501.25 of the Revised Code. Commencing with each request 3544
made on or after October 1, 2009, or in conjunction with 3545
replacement license plates issued for renewal registrations 3546
expiring on or after October 1, 2009, a fee of seven dollars and 3547
fifty cents for each set of two license plates or six dollars and 3548
fifty cents for each single license plate or validation sticker 3549
shall be charged and collected, of which the registrar shall 3550
deposit five dollars and fifty cents of each seven dollar and 3551
fifty cent fee or each six dollar and fifty cent fee into the 3552
state treasury to the credit of the state highway safety fund 3553
created in section 4501.06 of the Revised Code and the remaining 3554
portion of each such fee into the state treasury to the credit of 3555
the state bureau of motor vehicles fund created in section 4501.25 3556
of the Revised Code. In addition, each applicant for a replacement 3557
certificate of registration, license plate, or validation sticker 3558
shall pay the fees provided in divisions (C) and (D) of section 3559
4503.10 of the Revised Code and any applicable fee under section 3560
4503.192 of the Revised Code. 3561

Additionally, the registrar and each deputy registrar who 3562
either issues license plates and a validation sticker for use on 3563
any vehicle other than a commercial tractor, semitrailer, or 3564
apportioned vehicle, or who issues a validation sticker alone for 3565
use on such a vehicle and the owner has changed the owner's county 3566
of residence since the owner last was issued county identification 3567
stickers, also shall issue and deliver to the owner either one or 3568
two county identification stickers, as appropriate, which shall be 3569
attached to the license plates in a manner prescribed by the 3570

director of public safety. The county identification stickers 3571
shall identify prominently by name or number the county in which 3572
the owner of the vehicle resides at the time of registration. 3573

(B) A certificate of registration issued under this section 3574
shall have a portion that contains all the information contained 3575
in the main portion of the certificate except for the address of 3576
the person to whom the certificate is issued. Except as provided 3577
in this division, whenever a reference is made in the Revised Code 3578
to a motor vehicle certificate of registration that is issued 3579
under this section, the reference shall be deemed to refer to 3580
either the main portion of the certificate or the portion 3581
containing all information in the main portion except the address 3582
of the person to whom the certificate is issued. If a reference is 3583
made in the Revised Code to the seizure or surrender of a motor 3584
vehicle certificate of registration that is issued under this 3585
section, the reference shall be deemed to refer to both the main 3586
portion of the certificate and the portion containing all 3587
information in the main portion except the address of the person 3588
to whom the certificate is issued. 3589

(C) Whoever violates this section is guilty of a minor 3590
misdemeanor. 3591

Sec. 4503.191. (A)(1) The identification license plate shall 3592
be issued for a multi-year period as determined by the director of 3593
public safety, and shall be accompanied by a validation sticker, 3594
to be attached to the license plate. Except as provided in 3595
division (A)(2) of this section, the validation sticker shall 3596
indicate the expiration of the registration period to which the 3597
motor vehicle for which the license plate is issued is assigned, 3598
in accordance with rules adopted by the registrar of motor 3599
vehicles. During each succeeding year of the multi-year period 3600
following the issuance of the plate and validation sticker, upon 3601

the filing of an application for registration and the payment of 3602
the tax therefor, a validation sticker alone shall be issued. The 3603
validation stickers required under this section shall be of 3604
different colors or shades each year, the new colors or shades to 3605
be selected by the director. 3606

(2)(a) Not later than October 1, 2009, the director shall 3607
develop a universal validation sticker that may be issued to any 3608
owner of two hundred fifty or more passenger vehicles, so that a 3609
sticker issued to the owner may be placed on any passenger vehicle 3610
in that owner's fleet. The director may establish and charge an 3611
additional fee of not more than one dollar per registration to 3612
compensate for necessary costs of the universal validation sticker 3613
program. The additional fee shall be credited to the state bureau 3614
of motor vehicles fund created in section 4501.25 of the Revised 3615
Code. 3616

(b) A validation sticker issued for an all-purpose vehicle 3617
that is registered under Chapter 4519. of the Revised Code or for 3618
a trailer or semitrailer that is permanently registered under 3619
division (A)~~(1)(a)(ii)~~(2) of section 4503.103 of the Revised Code 3620
or is registered for ~~a period of not more than five~~ any number of 3621
succeeding registration years may indicate the expiration of the 3622
registration period, if any, by any manner determined by the 3623
registrar by rule. 3624

(B) Identification license plates shall be produced by Ohio 3625
penal industries. Validation stickers and county identification 3626
stickers shall be produced by Ohio penal industries unless the 3627
registrar adopts rules that permit the registrar or deputy 3628
registrars to print or otherwise produce them in house. 3629

Sec. 4503.192. (A)(1) Except as provided in division (B) of 3630
this section, any person who is replacing vehicle license plates, 3631
upon request and payment of a fee of ten dollars, may retain the 3632

distinctive combination of letters and numerals on license plates 3633
previously issued to that person. 3634

A person who is replacing license plates specifically created 3635
by law for which the registrar collects a contribution or 3636
additional fee, may retain the distinctive combination of letters 3637
and numerals on license plates previously issued to that person 3638
upon request and payment of a fee of ten dollars, but the person 3639
also shall be required to pay the contribution or additional fee 3640
required under the Revised Code section authorizing issuance of 3641
the license plate. 3642

(2) The registrar of motor vehicles shall charge and collect 3643
the ten-dollar fee under this section only when a new set of 3644
license plates are issued. The fee is in addition to the license 3645
tax established by this chapter and, where applicable, Chapter 3646
4504. of the Revised Code. A deputy registrar who receives an 3647
application under this section shall retain one dollar of the 3648
ten-dollar fee and shall transmit the remaining nine dollars to 3649
the registrar in a manner determined by the registrar. The 3650
registrar shall deposit the fees received under this section into 3651
the state treasury to the credit of the state bureau of motor 3652
vehicles fund created under section 4501.25 of the Revised Code 3653
and shall be used by the bureau of motor vehicles to pay the 3654
expenses of producing license plates and validation stickers, 3655
including the cost of materials, manufacturing, and administrative 3656
costs for required replacement of license plates. 3657

(B)(1) A person who is replacing license plates originally 3658
obtained under section 4503.40 or 4503.42 of the Revised Code 3659
shall pay the additional fee required under the applicable section 3660
to retain the distinctive license plates previously issued. 3661

(2) This section does not apply to a person who is replacing 3662
a single, duplicate license plate due to the loss, mutilation, or 3663

destruction of a license plate. 3664

Sec. 4503.22. The identification license plate shall consist 3665
of a placard upon the face of which shall appear the distinctive 3666
number assigned to the motor vehicle as provided in section 3667
4503.19 of the Revised Code, in Arabic numerals or letters, or 3668
both. The dimensions of the numerals or letters and of each stroke 3669
shall be determined by the director of public safety. The license 3670
placard also shall contain the name of this state and the slogan 3671
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 3672
aluminum, plastic, or any other suitable material, and the 3673
background shall be treated with a reflective material that shall 3674
provide effective and dependable reflective brightness during the 3675
service period required of the placard. Specifications for the 3676
reflective and other materials and the design of the placard, the 3677
county identification stickers as provided by section 4503.19 of 3678
the Revised Code, and validation stickers as provided by section 3679
4503.191 of the Revised Code, shall be adopted by the director as 3680
rules under sections 119.01 to 119.13 of the Revised Code. The 3681
identification license plate of motorized bicycles and of motor 3682
vehicles of the type commonly called "motorcycles" shall consist 3683
of a single placard, the size of which shall be prescribed by the 3684
director. The identification plate of a vehicle registered in 3685
accordance with the international registration plan shall contain 3686
the word "apportioned." The director may prescribe the type of 3687
placard, or means of fastening the placard, or both; the placard 3688
or means of fastening may be so designed and constructed as to 3689
render difficult the removal of the placard after it has been 3690
fastened to a motor vehicle. 3691

Sec. 4503.42. For each registration renewal with an 3692
expiration date before October 1, 2009, and for each initial 3693
application for registration received before that date the 3694

registrar of motor vehicles shall be allowed a fee not to exceed 3695
thirty-five dollars, and for each registration renewal with an 3696
expiration date on or after October 1, 2009, and for each initial 3697
application for registration received on or after that date the 3698
registrar shall be allowed a fee of fifty dollars, which shall be 3699
in addition to the regular license fee for tags as prescribed 3700
under section 4503.04 of the Revised Code and any tax levied under 3701
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 3702
each application received by the registrar for special reserved 3703
license plate numbers containing more than three letters or 3704
numerals, and the issuing of such licenses and validation stickers 3705
in the several series as the registrar may designate. Five dollars 3706
of the fee shall be for the purpose of compensating the bureau of 3707
motor vehicles for additional services required in the issuing of 3708
such licenses and validation stickers, and the remaining portion 3709
of the fee shall be deposited by the registrar into the state 3710
treasury to the credit of the state highway safety fund created by 3711
section 4501.06 of the Revised Code. 3712

This section does not apply to the issuance of reserved 3713
license plates as authorized by sections 4503.14, 4503.15, and 3714
4503.40 of the Revised Code. The types of motor vehicles for which 3715
license plate numbers containing more than three letters or 3716
numerals may be issued in accordance with this section shall 3717
include at least buses, passenger cars, and noncommercial motor 3718
vehicles. 3719

Sec. 4503.45. An owner of a collector's vehicle, upon 3720
complying with the motor vehicle laws relating to registration and 3721
licensing of motor vehicles, and upon payment of the regular 3722
license fee as prescribed under section 4503.04 of the Revised 3723
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 3724
4504. of the Revised Code, and the payment of an additional fee of 3725
five dollars, which shall be for the purpose of compensating the 3726

bureau of motor vehicles for additional services required in the 3727
issuing of such licenses, shall be issued validation stickers and 3728
license plates, or validation stickers alone when required by 3729
section 4503.191 of the Revised Code, upon which, in addition to 3730
the letters and numbers ordinarily inscribed thereon, shall be 3731
inscribed the words "collector's vehicle." 3732

Sec. 4503.49. (A) As used in this section, "ambulance," 3733
"ambulette," "emergency medical service organization," 3734
"nonemergency medical service organization," and "nontransport 3735
vehicle" have the same meanings as in section 4766.01 of the 3736
Revised Code. 3737

(B) Each private emergency medical service organization and 3738
each private nonemergency medical service organization shall apply 3739
to the registrar of motor vehicles for the registration of any 3740
ambulance, ambulette, or nontransport vehicle it owns or leases. 3741
The application shall be accompanied by a copy of the certificate 3742
of licensure issued to the organization by the ~~Ohio~~ state board of 3743
emergency medical, fire, and transportation board services and the 3744
following fees: 3745

(1) The regular license tax as prescribed under section 3746
4503.04 of the Revised Code; 3747

(2) Any local license tax levied under Chapter 4504. of the 3748
Revised Code; 3749

(3) An additional fee of seven dollars and fifty cents. The 3750
additional fee shall be for the purpose of compensating the bureau 3751
of motor vehicles for additional services required to be performed 3752
under this section and shall be transmitted by the registrar to 3753
the treasurer of state for deposit in the state bureau of motor 3754
vehicles fund created by section 4501.25 of the Revised Code. 3755

(C) On receipt of a complete application, the registrar shall 3756

issue to the applicant the appropriate certificate of registration 3757
for the vehicle and do one of the following: 3758

(1) Issue a set of license plates with a validation sticker 3759
and a set of stickers to be attached to the plates as an 3760
identification of the vehicle's classification as an ambulance, 3761
ambulette, or nontransport vehicle; 3762

(2) Issue a validation sticker alone when so required by 3763
section 4503.191 of the Revised Code. 3764

Sec. 4503.83. (A) The owner or lessee of a fleet of 3765
apportioned vehicles may apply to the registrar of motor vehicles 3766
for the registration of any apportioned vehicle, commercial 3767
trailer, or other vehicle of a class approved by the registrar and 3768
issuance of company logo license plates. The initial application 3769
shall be for not less than fifty eligible vehicles. The applicant 3770
shall provide the registrar the artwork for the company logo plate 3771
in a format designated by the registrar. The registrar shall 3772
approve the artwork or return the artwork for modification in 3773
accordance with any design requirements reasonably imposed by the 3774
registrar. 3775

Upon approval of the artwork and receipt of the completed 3776
application and compliance with divisions (B) and (C) of this 3777
section, the registrar shall issue to the applicant the 3778
appropriate vehicle registration and the appropriate number of 3779
company logo license plates with a validation sticker or a 3780
validation sticker alone when required by section 4503.191 of the 3781
Revised Code. 3782

In addition to the letters and numbers ordinarily inscribed 3783
on license plates, company logo license plates shall be inscribed 3784
with words and markings requested by the applicant and approved by 3785
the registrar. 3786

(B) A company logo license plate and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the regular license tax prescribed in section 4503.042 of the Revised Code, any applicable fees prescribed in section 4503.10 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles fee of six dollars, and compliance with all other applicable laws relating to the registration of motor vehicles. If a company logo plate is issued to replace an existing license plate for the same vehicle, the replacement license plate fees prescribed in division (A) of section 4503.19 of the Revised Code shall not apply.

(C) The registrar shall deposit the bureau of motor vehicles fee specified in division (B) of this section, the purpose of which is to compensate the bureau for the additional services required in issuing company logo license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

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

Sec. 4504.21. (A) For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this section; for planning, constructing, reconstructing, improving, maintaining, and repairing roads, bridges, and

culverts; for purchasing, erecting, and maintaining traffic signs, 3818
markers, lights, and signals; for paying debt service charges on 3819
obligations issued for those purposes; and to supplement revenue 3820
already available for those purposes, a transportation improvement 3821
district created in accordance with section 5540.02 of the Revised 3822
Code may levy an annual license tax upon the operation of motor 3823
vehicles on the public roads and highways in the territory of the 3824
district. The tax shall be levied in increments of five dollars 3825
and shall not exceed twenty dollars per motor vehicle on all motor 3826
vehicles the owners of which reside in the district and shall be 3827
in addition to all other taxes levied under this chapter, subject 3828
to reduction in the manner provided in division (B)(2) of section 3829
4503.11 of the Revised Code. The tax may be levied in all or part 3830
of the territory of the district. 3831

(B) The board of trustees of a transportation improvement 3832
district proposing to levy a motor vehicle license tax under this 3833
section shall put the question of the tax to the electors of the 3834
district or of that part of the district in which the tax would be 3835
levied. The election shall be held on the date of a primary or 3836
general election held not less than ninety days after the board of 3837
trustees certifies to the county board of elections its resolution 3838
proposing the tax. The resolution shall specify the rate of the 3839
tax. The board of elections shall submit the question of the tax 3840
to the electors at the primary or general election. The secretary 3841
of state shall prescribe the form of the ballot for the election. 3842
If approved by a majority of the electors voting on the question 3843
of the tax, the board of trustees shall levy the tax as provided 3844
in the resolution. 3845

(C) A transportation improvement district license tax levied 3846
under this section shall continue in effect until repealed, or 3847
until the dissolution of the transportation improvement district 3848
that levied it. 3849

(D) Money received by the registrar of motor vehicles 3850
pursuant to ~~sections 4501.03 and section~~ section 4504.09 of the Revised 3851
Code that consists of the taxes levied under this section shall be 3852
deposited in the ~~auto registration distribution~~ local motor 3853
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 3854
the Revised Code and distributed to the transportation improvement 3855
district levying such tax. The registrar may assign to the 3856
transportation improvement district a unique code to facilitate 3857
the distribution of such money, which may be the same unique code 3858
assigned to a county under section 4501.03 of the Revised Code. 3859

Sec. 4505.11. This section shall also apply to all-purpose 3860
vehicles and off-highway motorcycles as defined in section 4519.01 3861
of the Revised Code. 3862

(A) Each owner of a motor vehicle and each person mentioned 3863
as owner in the last certificate of title, when the motor vehicle 3864
is dismantled, destroyed, or changed in such manner that it loses 3865
its character as a motor vehicle, or changed in such manner that 3866
it is not the motor vehicle described in the certificate of title, 3867
shall surrender the certificate of title to that motor vehicle to 3868
a clerk of a court of common pleas, and the clerk, with the 3869
consent of any holders of any liens noted on the certificate of 3870
title, then shall enter a cancellation upon the clerk's records 3871
and shall notify the registrar of motor vehicles of the 3872
cancellation. 3873

Upon the cancellation of a certificate of title in the manner 3874
prescribed by this section, any clerk and the registrar of motor 3875
vehicles may cancel and destroy all certificates and all 3876
memorandum certificates in that chain of title. 3877

(B)(1) If an Ohio certificate of title or salvage certificate 3878
of title to a motor vehicle is assigned to a salvage dealer, the 3879
dealer is not required to obtain an Ohio certificate of title or a 3880

salvage certificate of title to the motor vehicle in the dealer's 3881
own name if the dealer dismantles or destroys the motor vehicle, 3882
indicates the number of the dealer's motor vehicle salvage 3883
dealer's license on it, marks "FOR DESTRUCTION" across the face of 3884
the certificate of title or salvage certificate of title, and 3885
surrenders the certificate of title or salvage certificate of 3886
title to a clerk of a court of common pleas as provided in 3887
division (A) of this section. If the salvage dealer retains the 3888
motor vehicle for resale, the dealer shall make application for a 3889
salvage certificate of title to the motor vehicle in the dealer's 3890
own name as provided in division (C)(1) of this section. 3891

(2) At the time any salvage motor vehicle is sold at auction 3892
or through a pool, the salvage motor vehicle auction or salvage 3893
motor vehicle pool shall give a copy of the salvage certificate of 3894
title or a copy of the certificate of title marked "FOR 3895
DESTRUCTION" to the purchaser. 3896

(C)(1) When an insurance company declares it economically 3897
impractical to repair such a motor vehicle and has paid an agreed 3898
price for the purchase of the motor vehicle to any insured or 3899
claimant owner, the insurance company shall proceed as follows: 3900

(a) If an insurance company receives the certificate of title 3901
and the motor vehicle, within thirty business days, the insurance 3902
company shall deliver the certificate of title to a clerk of a 3903
court of common pleas and shall make application for a salvage 3904
certificate of title. 3905

(b) If an insurance company obtains possession of the motor 3906
vehicle but is unable to obtain the properly endorsed certificate 3907
of title for the motor vehicle, within thirty business days 3908
following the vehicle's owner or lienholder's acceptance of the 3909
insurance company's payment for the vehicle, the insurance company 3910
may apply to the clerk of a court of common pleas for a salvage 3911
certificate of title without delivering the certificate of title 3912

for the motor vehicle. The application shall be accompanied by 3913
evidence that the insurance company has paid a total loss claim on 3914
the vehicle, a copy of the written request for the certificate of 3915
title on the insurance company's letterhead, and the original 3916
certified mail, return receipt notice, addressed to the last known 3917
owner of the vehicle and any known lienholder, to obtain the 3918
certificate of title. 3919

(c) Upon receipt of a properly completed application for a 3920
salvage certificate of title as described in division (C)(1)(a) or 3921
(b) or (C)(2) of this section, the clerk shall issue the salvage 3922
certificate of title on a form, prescribed by the registrar, that 3923
shall be easily distinguishable from the original certificate of 3924
title and shall bear the same information as the original 3925
certificate of title except that it may bear a different number 3926
than that of the original certificate of title. Except as provided 3927
in division (C)(3) of this section, the salvage certificate of 3928
title shall be assigned by the insurance company to a salvage 3929
dealer or any other person for use as evidence of ownership upon 3930
the sale or other disposition of the motor vehicle, and the 3931
salvage certificate of title shall be transferrable to any other 3932
person. The clerk shall charge a fee of four dollars for the cost 3933
of processing each salvage certificate of title. 3934

(2) If an insurance company requests that a salvage motor 3935
vehicle auction take possession of a motor vehicle that is the 3936
subject of an insurance claim, and subsequently the insurance 3937
company denies coverage with respect to the motor vehicle or does 3938
not otherwise take ownership of the motor vehicle, the salvage 3939
motor vehicle auction may proceed as follows. After the salvage 3940
motor vehicle auction has possession of the motor vehicle for 3941
forty-five days, it may apply to the clerk of a court of common 3942
pleas for a salvage certificate of title without delivering the 3943
certificate of title for the motor vehicle. The application shall 3944

be accompanied by a copy of the written request that the vehicle 3945
be removed from the facility on the salvage motor vehicle 3946
auction's letterhead, and the original certified mail, return 3947
receipt notice, addressed to the last known owner of the vehicle 3948
and any known lienholder, requesting that the vehicle be removed 3949
from the facility of the salvage motor vehicle auction. Upon 3950
receipt of a properly completed application, the clerk shall 3951
follow the process as described in division (C)(1)(c) of this 3952
section. The salvage certificate of title so issued shall be free 3953
and clear of all liens. 3954

(3) If an insurance company considers a motor vehicle as 3955
described in division (C)(1)(a) or (b) of this section to be 3956
impossible to restore for highway operation, the insurance company 3957
may assign the certificate of title to the motor vehicle to a 3958
salvage dealer or scrap metal processing facility and send the 3959
assigned certificate of title to the clerk of the court of common 3960
pleas of any county. The insurance company shall mark the face of 3961
the certificate of title "FOR DESTRUCTION" and shall deliver a 3962
photocopy of the certificate of title to the salvage dealer or 3963
scrap metal processing facility for its records. 3964

(4) If an insurance company declares it economically 3965
impractical to repair a motor vehicle, agrees to pay to the 3966
insured or claimant owner an amount in settlement of a claim 3967
against a policy of motor vehicle insurance covering the motor 3968
vehicle, and agrees to permit the insured or claimant owner to 3969
retain possession of the motor vehicle, the insurance company 3970
shall not pay the insured or claimant owner any amount in 3971
settlement of the insurance claim until the owner obtains a 3972
salvage certificate of title to the vehicle and furnishes a copy 3973
of the salvage certificate of title to the insurance company. 3974

(D) When a self-insured organization, rental or leasing 3975
company, or secured creditor becomes the owner of a motor vehicle 3976

that is burned, damaged, or dismantled and is determined to be 3977
economically impractical to repair, the self-insured organization, 3978
rental or leasing company, or secured creditor shall do one of the 3979
following: 3980

(1) Mark the face of the certificate of title to the motor 3981
vehicle "FOR DESTRUCTION" and surrender the certificate of title 3982
to a clerk of a court of common pleas for cancellation as 3983
described in division (A) of this section. The self-insured 3984
organization, rental or leasing company, or secured creditor then 3985
shall deliver the motor vehicle, together with a photocopy of the 3986
certificate of title, to a salvage dealer or scrap metal 3987
processing facility and shall cause the motor vehicle to be 3988
dismantled, flattened, crushed, or destroyed. 3989

(2) Obtain a salvage certificate of title to the motor 3990
vehicle in the name of the self-insured organization, rental or 3991
leasing company, or secured creditor, as provided in division 3992
(C)(1) of this section, and then sell or otherwise dispose of the 3993
motor vehicle. If the motor vehicle is sold, the self-insured 3994
organization, rental or leasing company, or secured creditor shall 3995
obtain a salvage certificate of title to the motor vehicle in the 3996
name of the purchaser from a clerk of a court of common pleas. 3997

(E) If a motor vehicle titled with a salvage certificate of 3998
title is restored for operation upon the highways, application 3999
shall be made to a clerk of a court of common pleas for a 4000
certificate of title. Upon inspection by the state highway patrol, 4001
which shall include establishing proof of ownership and an 4002
inspection of the motor number and vehicle identification number 4003
of the motor vehicle and of documentation or receipts for the 4004
materials used in restoration by the owner of the motor vehicle 4005
being inspected, which documentation or receipts shall be 4006
presented at the time of inspection, the clerk, upon surrender of 4007
the salvage certificate of title, shall issue a certificate of 4008

title for a fee prescribed by the registrar. The certificate of 4009
title shall be in the same form as the original certificate of 4010
title and shall bear the words "REBUILT SALVAGE" in black boldface 4011
letters on its face. Every subsequent certificate of title, 4012
memorandum certificate of title, or duplicate certificate of title 4013
issued for the motor vehicle also shall bear the words "REBUILT 4014
SALVAGE" in black boldface letters on its face. The exact location 4015
on the face of the certificate of title of the words "REBUILT 4016
SALVAGE" shall be determined by the registrar, who shall develop 4017
an automated procedure within the automated title processing 4018
system to comply with this division. The clerk shall use 4019
reasonable care in performing the duties imposed on the clerk by 4020
this division in issuing a certificate of title pursuant to this 4021
division, but the clerk is not liable for any of the clerk's 4022
errors or omissions or those of the clerk's deputies, or the 4023
automated title processing system in the performance of those 4024
duties. A fee of fifty dollars shall be assessed by the state 4025
highway patrol for each inspection made pursuant to this division 4026
and shall be deposited into the state highway safety fund 4027
established by section 4501.06 of the Revised Code. 4028

(F) No person shall operate upon the highways in this state a 4029
motor vehicle, title to which is evidenced by a salvage 4030
certificate of title, except to deliver the motor vehicle pursuant 4031
to an appointment for an inspection under this section. 4032

(G) No motor vehicle the certificate of title to which has 4033
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 4034
court of common pleas shall be used for anything except parts and 4035
scrap metal. 4036

(H)(1) Except as otherwise provided in this division, an 4037
owner of a manufactured or mobile home that will be taxed as real 4038
property pursuant to division (B) of section 4503.06 of the 4039
Revised Code shall surrender the certificate of title to the 4040

auditor of the county containing the taxing district in which the 4041
home is located. An owner whose home qualifies for real property 4042
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 4043
the Revised Code shall surrender the certificate within fifteen 4044
days after the home meets the conditions specified in those 4045
divisions. The auditor shall deliver the certificate of title to 4046
the clerk of the court of common pleas who issued it. 4047

(2) If the certificate of title for a manufactured or mobile 4048
home that is to be taxed as real property is held by a lienholder, 4049
the lienholder shall surrender the certificate of title to the 4050
auditor of the county containing the taxing district in which the 4051
home is located, and the auditor shall deliver the certificate of 4052
title to the clerk of the court of common pleas who issued it. The 4053
lienholder shall surrender the certificate within thirty days 4054
after both of the following have occurred: 4055

(a) The homeowner has provided written notice to the 4056
lienholder requesting that the certificate of title be surrendered 4057
to the auditor of the county containing the taxing district in 4058
which the home is located. 4059

(b) The homeowner has either paid the lienholder the 4060
remaining balance owed to the lienholder, or, with the 4061
lienholder's consent, executed and delivered to the lienholder a 4062
mortgage on the home and land on which the home is sited in the 4063
amount of the remaining balance owed to the lienholder. 4064

(3) Upon the delivery of a certificate of title by the county 4065
auditor to the clerk, the clerk shall inactivate it and maintain 4066
it in the automated title processing system for a period of thirty 4067
years. 4068

(4) Upon application by the owner of a manufactured or mobile 4069
home that is taxed as real property pursuant to division (B) of 4070
section 4503.06 of the Revised Code and that no longer satisfies 4071

divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 4072
section, the clerk shall reactivate the record of the certificate 4073
of title that was inactivated under division (H)(3) of this 4074
section and shall issue a new certificate of title, but only if 4075
the application contains or has attached to it all of the 4076
following: 4077

(a) An endorsement of the county treasurer that all real 4078
property taxes charged against the home under Title LVII of the 4079
Revised Code and division (B) of section 4503.06 of the Revised 4080
Code for all preceding tax years have been paid; 4081

(b) An endorsement of the county auditor that the home will 4082
be removed from the real property tax list; 4083

(c) Proof that there are no outstanding mortgages or other 4084
liens on the home or, if there are such mortgages or other liens, 4085
that the mortgagee or lienholder has consented to the reactivation 4086
of the certificate of title. 4087

(I)(1) Whoever violates division (F) of this section shall be 4088
fined not more than two thousand dollars, imprisoned not more than 4089
one year, or both. 4090

(2) Whoever violates division (G) of this section shall be 4091
fined not more than one thousand dollars, imprisoned not more than 4092
six months, or both. 4093

Sec. 4506.08. (A)(1) Each application for a commercial 4094
driver's license temporary instruction permit shall be accompanied 4095
by a fee of ten dollars. Each application for a commercial 4096
driver's license, restricted commercial driver's license, renewal 4097
of such a license, or waiver for farm-related service industries 4098
shall be accompanied by a fee of twenty-five dollars, except that 4099
an application for a commercial driver's license or restricted 4100
commercial driver's license received pursuant to division (A)(3) 4101

of section 4506.14 of the Revised Code shall be accompanied by a 4102
fee of eighteen dollars and seventy-five cents if the license will 4103
expire on the licensee's birthday three years after the date of 4104
issuance, a fee of twelve dollars and fifty cents if the license 4105
will expire on the licensee's birthday two years after the date of 4106
issuance, and a fee of six dollars and twenty-five cents if the 4107
license will expire on the licensee's birthday one year after the 4108
date of issuance. Each application for a duplicate commercial 4109
driver's license shall be accompanied by a fee of ten dollars. 4110

(2) In addition, the registrar of motor vehicles or deputy 4111
registrar may collect and retain an additional fee of no more than 4112
three dollars and fifty cents for each application for a 4113
commercial driver's license temporary instruction permit, 4114
commercial driver's license, renewal of a commercial driver's 4115
license, or duplicate commercial driver's license received by the 4116
registrar or deputy. 4117

(B) In addition to the fees imposed under division (A) of 4118
this section, the registrar of motor vehicles or deputy registrar 4119
shall collect a fee of twelve dollars for each application for a 4120
commercial driver's license temporary instruction permit, 4121
commercial driver's license, or duplicate commercial driver's 4122
license and for each application for renewal of a commercial 4123
driver's license. The additional fee is for the purpose of 4124
defraying the department of public safety's costs associated with 4125
the administration and enforcement of the motor vehicle and 4126
traffic laws of Ohio. 4127

(C) Each deputy registrar shall transmit the fees collected 4128
under divisions (A)(1) and (B) of this section in the time and 4129
manner prescribed by the registrar. The registrar shall deposit 4130
all moneys ~~received~~ collected under division ~~(C)(A)(1)~~ of this 4131
section into the state ~~highway safety~~ bureau of motor vehicles 4132
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 4133

The registrar shall deposit all moneys collected under division 4134
(B) of this section into the state highway safety fund established 4135
in section 4501.06 of the Revised Code. 4136

(D) Information regarding the driving record of any person 4137
holding a commercial driver's license issued by this state shall 4138
be furnished by the registrar, upon request and payment of a fee 4139
of five dollars, to the employer or prospective employer of such a 4140
person and to any insurer. 4141

Of each five-dollar fee the registrar collects under this 4142
division, the registrar shall pay two dollars into the state 4143
treasury to the credit of the state bureau of motor vehicles fund 4144
established in section 4501.25 of the Revised Code, sixty cents 4145
into the state treasury to the credit of the trauma and emergency 4146
medical services fund established in section 4513.263 of the 4147
Revised Code, sixty cents into the state treasury to the credit of 4148
the homeland security fund established in section 5502.03 of the 4149
Revised Code, thirty cents into the state treasury to the credit 4150
of the investigations fund established in section 5502.131 of the 4151
Revised Code, one dollar and twenty-five cents into the state 4152
treasury to the credit of the emergency management agency service 4153
and reimbursement fund established in section 5502.39 of the 4154
Revised Code, and twenty-five cents into the state treasury to the 4155
credit of the justice program services fund established in section 4156
5502.67 of the Revised Code. 4157

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4158
approval by the director of public safety, shall adopt rules 4159
conforming with applicable standards adopted by the federal motor 4160
carrier safety administration as regulations under Pub. L. No. 4161
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4162
31317. The rules shall establish requirements for the 4163
qualification and testing of persons applying for a commercial 4164

driver's license, which shall be in addition to other requirements 4165
established by this chapter. Except as provided in division (B) of 4166
this section, the highway patrol or any other employee of the 4167
department of public safety the registrar authorizes shall 4168
supervise and conduct the testing of persons applying for a 4169
commercial driver's license. 4170

(B) The director may adopt rules, in accordance with Chapter 4171
119. of the Revised Code and applicable requirements of the 4172
federal motor carrier safety administration, authorizing the 4173
skills test specified in this section to be administered by any 4174
person, by an agency of this or another state, or by an agency, 4175
department, or instrumentality of local government. Each party 4176
authorized under this division to administer the skills test may 4177
charge a maximum divisible fee of eighty-five dollars for each 4178
skills test given as part of a commercial driver's license 4179
examination. The fee shall consist of not more than twenty dollars 4180
for the pre-trip inspection portion of the test, not more than 4181
twenty dollars for the off-road maneuvering portion of the test, 4182
and not more than forty-five dollars for the on-road portion of 4183
the test. Each such party may require an appointment fee in the 4184
same manner provided in division (F)(2) of this section, except 4185
that the maximum amount such a party may require as an appointment 4186
fee is eighty-five dollars. The skills test administered by 4187
another party under this division shall be the same as otherwise 4188
would be administered by this state. The other party shall enter 4189
into an agreement with the director that, without limitation, does 4190
all of the following: 4191

(1) Allows the director or the director's representative and 4192
the federal motor carrier safety administration or its 4193
representative to conduct random examinations, inspections, and 4194
audits of the other party without prior notice; 4195

(2) Requires the director or the director's representative to 4196

conduct on-site inspections of the other party at least annually; 4197

(3) Requires that all examiners of the other party meet the 4198
same qualification and training standards as examiners of the 4199
department of public safety, to the extent necessary to conduct 4200
skills tests in the manner required by 49 C.F.R. 383.110 through 4201
383.135; 4202

(4) Requires either that state employees take, at least 4203
annually and as though the employees were test applicants, the 4204
tests actually administered by the other party, that the director 4205
test a sample of drivers who were examined by the other party to 4206
compare the test results, or that state employees accompany a test 4207
applicant during an actual test; 4208

(5) Reserves to this state the right to take prompt and 4209
appropriate remedial action against testers of the other party if 4210
the other party fails to comply with standards of this state or 4211
federal standards for the testing program or with any other terms 4212
of the contract. 4213

(C) The director shall enter into an agreement with the 4214
department of education authorizing the skills test specified in 4215
this section to be administered by the department at any location 4216
operated by the department for purposes of training and testing 4217
school bus drivers, provided that the agreement between the 4218
director and the department complies with the requirements of 4219
division (B) of this section. Skills tests administered by the 4220
department shall be limited to persons applying for a commercial 4221
driver's license with a school bus endorsement. 4222

(D) The director shall adopt rules, in accordance with 4223
Chapter 119. of the Revised Code, authorizing waiver of the skills 4224
test specified in this section for any applicant for a commercial 4225
driver's license who meets all of the following requirements: 4226

(1) Certifies that, during the two-year period immediately 4227

preceding application for a commercial driver's license, all of 4228
the following apply: 4229

(a) The applicant has not had more than one license. 4230

(b) The applicant has not had any license suspended, revoked, 4231
or canceled. 4232

(c) The applicant has not had any convictions for any type of 4233
motor vehicle for the offenses for which disqualification is 4234
prescribed in section 4506.16 of the Revised Code. 4235

(d) The applicant has not had any violation of a state or 4236
local law relating to motor vehicle traffic control other than a 4237
parking violation arising in connection with any traffic accident 4238
and has no record of an accident in which the applicant was at 4239
fault. 4240

(e) The applicant has previously taken and passed a skills 4241
test given by a state with a classified licensing and testing 4242
system in which the test was behind-the-wheel in a representative 4243
vehicle for the applicant's commercial driver's license 4244
classification. 4245

(2) Certifies and also provides evidence that the applicant 4246
is regularly employed in a job requiring operation of a commercial 4247
motor vehicle and that one of the following applies: 4248

(a) The applicant has previously taken and passed a skills 4249
test given by a state with a classified licensing and testing 4250
system in which the test was behind-the-wheel in a representative 4251
vehicle for the applicant's commercial driver's license 4252
classification. 4253

(b) The applicant has regularly operated, for at least two 4254
years immediately preceding application for a commercial driver's 4255
license, a vehicle representative of the commercial motor vehicle 4256
the applicant operates or expects to operate. 4257

(E) The director shall adopt rules, in accordance with 4258
Chapter 119. of the Revised Code, authorizing waiver of the skills 4259
test specified in this section for any applicant for a commercial 4260
driver's license who meets all of the following requirements: 4261

(1) At the time of applying, is a member or uniformed 4262
employee of the armed forces of the United States or their reserve 4263
components, including the Ohio national guard, or separated from 4264
such service or employment within the preceding ninety days; 4265

(2) Certifies that, during the two-year period immediately 4266
preceding application for a commercial driver's license, all of 4267
the following apply: 4268

(a) The applicant has not had more than one license, 4269
excluding any military license. 4270

(b) The applicant has not had any license suspended, revoked, 4271
or canceled. 4272

(c) The applicant has not had any convictions for any type of 4273
motor vehicle for the offenses for which disqualification is 4274
prescribed in section 4506.16 of the Revised Code. 4275

(d) The applicant has not had more than one conviction for 4276
any type of motor vehicle for a serious traffic violation. 4277

(e) The applicant has not had any violation of a state or 4278
local law relating to motor vehicle traffic control other than a 4279
parking violation arising in connection with any traffic accident 4280
and has no record of an accident in which the applicant was at 4281
fault. 4282

(3) In accordance with rules adopted by the director, 4283
certifies and also provides evidence of all of the following: 4284

(a) That the applicant is regularly employed or was regularly 4285
employed within the preceding ninety days in a military position 4286
requiring operation of a commercial motor vehicle; 4287

(b) That the applicant was exempt from the requirements of 4288
this chapter under division (B)(6) of section 4506.03 of the 4289
Revised Code; 4290

(c) That, for at least two years immediately preceding the 4291
date of application or at least two years immediately preceding 4292
the date the applicant separated from military service or 4293
employment, the applicant regularly operated a vehicle 4294
representative of the commercial motor vehicle type that the 4295
applicant operates or expects to operate. 4296

(F)(1) The department of public safety may charge and collect 4297
a divisible fee of fifty dollars for each skills test given as 4298
part of a commercial driver's license examination. The fee shall 4299
consist of ten dollars for the pre-trip inspection portion of the 4300
test, ten dollars for the off-road maneuvering portion of the 4301
test, and thirty dollars for the on-road portion of the test. 4302

(2) The director may require an applicant for a commercial 4303
driver's license who schedules an appointment with the highway 4304
patrol or other authorized employee of the department of public 4305
safety to take all portions of the skills test, to pay an 4306
appointment fee of fifty dollars at the time of scheduling the 4307
appointment. If the applicant appears at the time and location 4308
specified for the appointment and takes all portions of the skills 4309
test during that appointment, the appointment fee shall serve as 4310
the skills test fee. If the applicant schedules an appointment to 4311
take all portions of the skills test and fails to appear at the 4312
time and location specified for the appointment, no portion of the 4313
appointment fee shall be refunded. If the applicant schedules an 4314
appointment to take all portions of the skills test and appears at 4315
the time and location specified for the appointment, but declines 4316
or is unable to take all portions of the skills test, no portion 4317
of the appointment fee shall be refunded. If the applicant cancels 4318
a scheduled appointment forty-eight hours or more prior to the 4319

time of the appointment time, the applicant shall not forfeit the 4320
appointment fee. 4321

An applicant for a commercial driver's license who schedules 4322
an appointment to take one or more, but not all, portions of the 4323
skills test shall be required to pay an appointment fee equal to 4324
the costs of each test scheduled, as prescribed in division (F)(1) 4325
of this section, when scheduling such an appointment. If the 4326
applicant appears at the time and location specified for the 4327
appointment and takes all the portions of the skills test during 4328
that appointment that the applicant was scheduled to take, the 4329
appointment fee shall serve as the skills test fee. If the 4330
applicant schedules an appointment to take one or more, but not 4331
all, portions of the skills test and fails to appear at the time 4332
and location specified for the appointment, no portion of the 4333
appointment fee shall be refunded. If the applicant schedules an 4334
appointment to take one or more, but not all, portions of the 4335
skills test and appears at the time and location specified for the 4336
appointment, but declines or is unable to take all portions of the 4337
skills test that the applicant was scheduled to take, no portion 4338
of the appointment fee shall be refunded. If the applicant cancels 4339
a scheduled appointment forty-eight hours or more prior to the 4340
time of the appointment time, the applicant shall not forfeit the 4341
appointment fee. 4342

(3) The department of public safety shall deposit all fees it 4343
collects under division (F) of this section in the state ~~highway~~ 4344
~~safety~~ bureau of motor vehicles fund established in section 4345
4501.25 of the Revised Code. 4346

(G) As used in this section, "skills test" means a test of an 4347
applicant's ability to drive the type of commercial motor vehicle 4348
for which the applicant seeks a commercial driver's license by 4349
having the applicant drive such a motor vehicle while under the 4350
supervision of an authorized state driver's license examiner or 4351

tester. 4352

Sec. 4507.011. (A) Each deputy registrar assigned to a 4353
driver's license examining station by the registrar of motor 4354
vehicles as provided in section 4507.01 of the Revised Code shall 4355
remit to the director of public safety a rental fee equal to the 4356
percentage of space occupied by the deputy registrar in the 4357
driver's license examining station multiplied by the rental fee 4358
paid for the entire driver's license examining station plus a pro 4359
rata share of all utility costs. All such moneys received by the 4360
director shall be deposited in the state treasury to the credit of 4361
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 4362
~~hereby~~ created in section 4501.25 of the Revised Code. ~~The moneys~~ 4363
~~in the fund shall be used by the department of public safety only~~ 4364
~~to pay the rent and expenses of the driver's license examining~~ 4365
~~stations. All investment earnings of the fund shall be credited to~~ 4366
~~the fund.~~ 4367

(B) Each deputy registrar assigned to a bureau of motor 4368
vehicles' location shall reimburse the registrar a monthly 4369
building rental fee, including applicable utility charges. All 4370
such moneys received by the registrar shall be deposited into the 4371
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 4372
~~the Revised Code.~~ 4373

Sec. 4507.05. (A) The registrar of motor vehicles, or a 4374
deputy registrar, upon receiving an application for a temporary 4375
instruction permit and a temporary instruction permit 4376
identification card for a driver's license from any person who is 4377
at least fifteen years six months of age, may issue such a permit 4378
and identification card entitling the applicant to drive a motor 4379
vehicle, other than a commercial motor vehicle, upon the highways 4380
under the following conditions: 4381

(1) If the permit is issued to a person who is at least 4382
fifteen years six months of age, but less than sixteen years of 4383
age: 4384

(a) The permit and identification card are in the holder's 4385
immediate possession; 4386

(b) The holder is accompanied by an eligible adult who 4387
actually occupies the seat beside the permit holder and does not 4388
have a prohibited concentration of alcohol in the whole blood, 4389
blood serum or plasma, breath, or urine as provided in division 4390
(A) of section 4511.19 of the Revised Code; 4391

(c) The total number of occupants of the vehicle does not 4392
exceed the total number of occupant restraining devices originally 4393
installed in the motor vehicle by its manufacturer, and each 4394
occupant of the vehicle is wearing all of the available elements 4395
of a properly adjusted occupant restraining device. 4396

(2) If the permit is issued to a person who is at least 4397
sixteen years of age: 4398

(a) The permit and identification card are in the holder's 4399
immediate possession; 4400

(b) The holder is accompanied by a licensed operator who is 4401
at least twenty-one years of age, is actually occupying a seat 4402
beside the driver, and does not have a prohibited concentration of 4403
alcohol in the whole blood, blood serum or plasma, breath, or 4404
urine as provided in division (A) of section 4511.19 of the 4405
Revised Code; 4406

(c) The total number of occupants of the vehicle does not 4407
exceed the total number of occupant restraining devices originally 4408
installed in the motor vehicle by its manufacturer, and each 4409
occupant of the vehicle is wearing all of the available elements 4410
of a properly adjusted occupant restraining device. 4411

(B) The registrar or a deputy registrar, upon receiving from 4412
any person an application for a temporary instruction permit and 4413
temporary instruction permit identification card to operate a 4414
motorcycle or motorized bicycle, may issue such a permit and 4415
identification card entitling the applicant, while having the 4416
permit and identification card in the applicant's immediate 4417
possession, to drive a motorcycle under the restrictions 4418
prescribed in section 4511.53 of the Revised Code, or to drive a 4419
motorized bicycle under restrictions determined by the registrar. 4420
A temporary instruction permit and temporary instruction permit 4421
identification card to operate a motorized bicycle may be issued 4422
to a person fourteen or fifteen years old. 4423

(C) Any permit and identification card issued under this 4424
section shall be issued in the same manner as a driver's license, 4425
upon a form to be furnished by the registrar. A temporary 4426
instruction permit to drive a motor vehicle other than a 4427
commercial motor vehicle shall be valid for a period of one year. 4428

(D) Any person having in the person's possession a valid and 4429
current driver's license or motorcycle operator's license or 4430
endorsement issued to the person by another jurisdiction 4431
recognized by this state is exempt from obtaining a temporary 4432
instruction permit for a driver's license, ~~but shall submit and~~ 4433
from submitting to the examination for a temporary instruction 4434
permit and the regular examination ~~in~~ for obtaining a driver's 4435
license or motorcycle operator's endorsement in this state if the 4436
person does all of the following: 4437

(1) Submits to and passes vision screening as provided in 4438
section 4507.12 of the Revised Code; 4439

(2) Surrenders to the registrar or deputy registrar the 4440
person's driver's license issued by the other jurisdiction; and 4441

(3) Complies with all other applicable requirements for 4442

issuance by this state of a driver's license, driver's license 4443
with a motorcycle operator's endorsement, or restricted license to 4444
operate a motorcycle. 4445

If the person does not comply with all the requirements of 4446
this division, the person shall submit to the regular examination 4447
for obtaining a driver's license or motorcycle operator's 4448
endorsement in this state in order to obtain such a license or 4449
endorsement. 4450

(E) The registrar may adopt rules governing the use of 4451
temporary instruction permits and temporary instruction permit 4452
identification cards. 4453

(F)(1) No holder of a permit issued under division (A) of 4454
this section shall operate a motor vehicle upon a highway or any 4455
public or private property used by the public for purposes of 4456
vehicular travel or parking in violation of the conditions 4457
established under division (A) of this section. 4458

(2) Except as provided in division (F)(2) of this section, no 4459
holder of a permit that is issued under division (A) of this 4460
section and that is issued on or after July 1, 1998, and who has 4461
not attained the age of eighteen years, shall operate a motor 4462
vehicle upon a highway or any public or private property used by 4463
the public for purposes of vehicular travel or parking between the 4464
hours of midnight and six a.m. 4465

The holder of a permit issued under division (A) of this 4466
section on or after July 1, 1998, who has not attained the age of 4467
eighteen years, may operate a motor vehicle upon a highway or any 4468
public or private property used by the public for purposes of 4469
vehicular travel or parking between the hours of midnight and six 4470
a.m. if, at the time of such operation, the holder is accompanied 4471
by the holder's parent, guardian, or custodian, and the parent, 4472
guardian, or custodian holds a current valid driver's or 4473

commercial driver's license issued by this state, is actually 4474
occupying a seat beside the permit holder, and does not have a 4475
prohibited concentration of alcohol in the whole blood, blood 4476
serum or plasma, breath, or urine as provided in division (A) of 4477
section 4511.19 of the Revised Code. 4478

(G)(1) Notwithstanding any other provision of law to the 4479
contrary, no law enforcement officer shall cause the operator of a 4480
motor vehicle being operated on any street or highway to stop the 4481
motor vehicle for the sole purpose of determining whether each 4482
occupant of the motor vehicle is wearing all of the available 4483
elements of a properly adjusted occupant restraining device as 4484
required by division (A) of this section, or for the sole purpose 4485
of issuing a ticket, citation, or summons if the requirement in 4486
that division has been or is being violated, or for causing the 4487
arrest of or commencing a prosecution of a person for a violation 4488
of that requirement. 4489

(2) Notwithstanding any other provision of law to the 4490
contrary, no law enforcement officer shall cause the operator of a 4491
motor vehicle being operated on any street or highway to stop the 4492
motor vehicle for the sole purpose of determining whether a 4493
violation of division (F)(2) of this section has been or is being 4494
committed or for the sole purpose of issuing a ticket, citation, 4495
or summons for such a violation or for causing the arrest of or 4496
commencing a prosecution of a person for such violation. 4497

(H) As used in this section: 4498

(1) "Eligible adult" means any of the following: 4499

(a) An instructor of a driver training course approved by the 4500
department of public safety; 4501

(b) Any of the following persons who holds a current valid 4502
driver's or commercial driver's license issued by this state: 4503

(i) A parent, guardian, or custodian of the permit holder; 4504

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder. 4505
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(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code. 4507
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(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor. 4509
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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. 4511
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(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. 4514
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(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. 4521
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(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. 4525
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(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. 4531
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(E) Except as provided in division (I) of this section, each 4534

application for a driver's license or renewal of a driver's 4535
license that will be issued to a person who is less than 4536
twenty-one years of age shall be accompanied by whichever of the 4537
following fees is applicable: 4538

(1) If the person is sixteen years of age or older, but less 4539
than seventeen years of age, a fee of seven dollars and 4540
twenty-five cents; 4541

(2) If the person is seventeen years of age or older, but 4542
less than eighteen years of age, a fee of six dollars; 4543

(3) If the person is eighteen years of age or older, but less 4544
than nineteen years of age, a fee of four dollars and seventy-five 4545
cents; 4546

(4) If the person is nineteen years of age or older, but less 4547
than twenty years of age, a fee of three dollars and fifty cents; 4548

(5) If the person is twenty years of age or older, but less 4549
than twenty-one years of age, a fee of two dollars and twenty-five 4550
cents. 4551

(F) Neither the registrar nor any deputy registrar shall 4552
charge a fee in excess of one dollar and fifty cents for 4553
laminating a driver's license, motorized bicycle license, or 4554
temporary instruction permit identification cards as required by 4555
sections 4507.13 and 4511.521 of the Revised Code. A deputy 4556
registrar laminating a driver's license, motorized bicycle 4557
license, or temporary instruction permit identification cards 4558
shall retain the entire amount of the fee charged for lamination, 4559
less the actual cost to the registrar of the laminating materials 4560
used for that lamination, as specified in the contract executed by 4561
the bureau for the laminating materials and laminating equipment. 4562
The deputy registrar shall forward the amount of the cost of the 4563
laminating materials to the registrar for deposit as provided in 4564
this section. 4565

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

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

(I) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may 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; 4598
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(3) A motorcycle operator's endorsement; 4600

(4) A motorized bicycle license or duplicate thereof; 4601

(5) Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card as provided in division (F) of this section. 4602
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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. 4605
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Sec. 4511.01. As used in this chapter and in Chapter 4513. of the Revised Code: 4608
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(A) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. 4610
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(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance 4618
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of no more than ten miles and at a speed of twenty-five miles per 4628
hour or less. 4629

(C) "Motorcycle" means every motor vehicle, other than a 4630
tractor, having a seat or saddle for the use of the operator and 4631
designed to travel on not more than three wheels in contact with 4632
the ground, including, but not limited to, motor vehicles known as 4633
"motor-driven cycle," "motor scooter," or "motorcycle" without 4634
regard to weight or brake horsepower. 4635

(D) "Emergency vehicle" means emergency vehicles of 4636
municipal, township, or county departments or public utility 4637
corporations when identified as such as required by law, the 4638
director of public safety, or local authorities, and motor 4639
vehicles when commandeered by a police officer. 4640

(E) "Public safety vehicle" means any of the following: 4641

(1) Ambulances, including private ambulance companies under 4642
contract to a municipal corporation, township, or county, and 4643
private ambulances and nontransport vehicles bearing license 4644
plates issued under section 4503.49 of the Revised Code; 4645

(2) Motor vehicles used by public law enforcement officers or 4646
other persons sworn to enforce the criminal and traffic laws of 4647
the state; 4648

(3) Any motor vehicle when properly identified as required by 4649
the director of public safety, when used in response to fire 4650
emergency calls or to provide emergency medical service to ill or 4651
injured persons, and when operated by a duly qualified person who 4652
is a member of a volunteer rescue service or a volunteer fire 4653
department, and who is on duty pursuant to the rules or directives 4654
of that service. The state fire marshal shall be designated by the 4655
director of public safety as the certifying agency for all public 4656
safety vehicles described in division (E)(3) of this section. 4657

(4) Vehicles used by fire departments, including motor 4658

vehicles when used by volunteer fire fighters responding to 4659
emergency calls in the fire department service when identified as 4660
required by the director of public safety. 4661

Any vehicle used to transport or provide emergency medical 4662
service to an ill or injured person, when certified as a public 4663
safety vehicle, shall be considered a public safety vehicle when 4664
transporting an ill or injured person to a hospital regardless of 4665
whether such vehicle has already passed a hospital. 4666

(5) Vehicles used by the motor carrier enforcement unit for 4667
the enforcement of orders and rules of the public utilities 4668
commission as specified in section 5503.34 of the Revised Code. 4669

(F) "School bus" means every bus designed for carrying more 4670
than nine passengers that is owned by a public, private, or 4671
governmental agency or institution of learning and operated for 4672
the transportation of children to or from a school session or a 4673
school function, or owned by a private person and operated for 4674
compensation for the transportation of children to or from a 4675
school session or a school function, provided "school bus" does 4676
not include a bus operated by a municipally owned transportation 4677
system, a mass transit company operating exclusively within the 4678
territorial limits of a municipal corporation, or within such 4679
limits and the territorial limits of municipal corporations 4680
immediately contiguous to such municipal corporation, nor a common 4681
passenger carrier certified by the public utilities commission 4682
unless such bus is devoted exclusively to the transportation of 4683
children to and from a school session or a school function, and 4684
"school bus" does not include a van or bus used by a licensed 4685
child day-care center or type A family day-care home to transport 4686
children from the child day-care center or type A family day-care 4687
home to a school if the van or bus does not have more than fifteen 4688
children in the van or bus at any time. 4689

(G) "Bicycle" means every device, other than a ~~tricycle~~ 4690

device that is designed solely for use as a play vehicle by a 4691
child, that is propelled solely by human power upon which ~~any a~~ 4692
person may ride ~~having, and that has~~ two ~~tandem or more~~ wheels, ~~or~~ 4693
~~one wheel in the front and two wheels in the rear, or two wheels~~ 4694
~~in the front and one wheel in the rear,~~ any of which is more than 4695
fourteen inches in diameter. 4696

(H) "Motorized bicycle" means any vehicle having either two 4697
tandem wheels or one wheel in the front and two wheels in the 4698
rear, that is capable of being pedaled and is equipped with a 4699
helper motor of not more than fifty cubic centimeters piston 4700
displacement that produces no more than one brake horsepower and 4701
is capable of propelling the vehicle at a speed of no greater than 4702
twenty miles per hour on a level surface. 4703

(I) "Commercial tractor" means every motor vehicle having 4704
motive power designed or used for drawing other vehicles and not 4705
so constructed as to carry any load thereon, or designed or used 4706
for drawing other vehicles while carrying a portion of such other 4707
vehicles, or load thereon, or both. 4708

(J) "Agricultural tractor" means every self-propelling 4709
vehicle designed or used for drawing other vehicles or wheeled 4710
machinery but having no provision for carrying loads independently 4711
of such other vehicles, and used principally for agricultural 4712
purposes. 4713

(K) "Truck" means every motor vehicle, except trailers and 4714
semitrailers, designed and used to carry property. 4715

(L) "Bus" means every motor vehicle designed for carrying 4716
more than nine passengers and used for the transportation of 4717
persons other than in a ridesharing arrangement, and every motor 4718
vehicle, automobile for hire, or funeral car, other than a taxicab 4719
or motor vehicle used in a ridesharing arrangement, designed and 4720
used for the transportation of persons for compensation. 4721

(M) "Trailer" means every vehicle designed or used for 4722
carrying persons or property wholly on its own structure and for 4723
being drawn by a motor vehicle, including any such vehicle when 4724
formed by or operated as a combination of a "semitrailer" and a 4725
vehicle of the dolly type, such as that commonly known as a 4726
"trailer dolly," a vehicle used to transport agricultural produce 4727
or agricultural production materials between a local place of 4728
storage or supply and the farm when drawn or towed on a street or 4729
highway at a speed greater than twenty-five miles per hour, and a 4730
vehicle designed and used exclusively to transport a boat between 4731
a place of storage and a marina, or in and around a marina, when 4732
drawn or towed on a street or highway for a distance of more than 4733
ten miles or at a speed of more than twenty-five miles per hour. 4734

(N) "Semitrailer" means every vehicle designed or used for 4735
carrying persons or property with another and separate motor 4736
vehicle so that in operation a part of its own weight or that of 4737
its load, or both, rests upon and is carried by another vehicle. 4738

(O) "Pole trailer" means every trailer or semitrailer 4739
attached to the towing vehicle by means of a reach, pole, or by 4740
being boomed or otherwise secured to the towing vehicle, and 4741
ordinarily used for transporting long or irregular shaped loads 4742
such as poles, pipes, or structural members capable, generally, of 4743
sustaining themselves as beams between the supporting connections. 4744

(P) "Railroad" means a carrier of persons or property 4745
operating upon rails placed principally on a private right-of-way. 4746

(Q) "Railroad train" means a steam engine or an electric or 4747
other motor, with or without cars coupled thereto, operated by a 4748
railroad. 4749

(R) "Streetcar" means a car, other than a railroad train, for 4750
transporting persons or property, operated upon rails principally 4751
within a street or highway. 4752

(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.

(W) "Person" means every natural person, firm, co-partnership, association, or corporation.

(X) "Pedestrian" means any natural person afoot.

(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.

(Z) "Police officer" means every officer authorized to direct

or regulate traffic, or to make arrests for violations of traffic regulations. 4784
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(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state. 4786
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(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. 4789
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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. 4792
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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. 4798
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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively. 4802
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. 4807
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 4810
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(HH) "Through highway" means every street or highway as 4813

provided in section 4511.65 of the Revised Code. 4814

(II) "State highway" means a highway under the jurisdiction 4815
of the department of transportation, outside the limits of 4816
municipal corporations, provided that the authority conferred upon 4817
the director of transportation in section 5511.01 of the Revised 4818
Code to erect state highway route markers and signs directing 4819
traffic shall not be modified by sections 4511.01 to 4511.79 and 4820
4511.99 of the Revised Code. 4821

(JJ) "State route" means every highway that is designated 4822
with an official state route number and so marked. 4823

(KK) "Intersection" means: 4824

(1) The area embraced within the prolongation or connection 4825
of the lateral curb lines, or, if none, the lateral boundary lines 4826
of the roadways of two highways that join one another at, or 4827
approximately at, right angles, or the area within which vehicles 4828
traveling upon different highways that join at any other angle 4829
might come into conflict. The junction of an alley or driveway 4830
with a roadway or highway does not constitute an intersection 4831
unless the roadway or highway at the junction is controlled by a 4832
traffic control device. 4833

(2) If a highway includes two roadways that are thirty feet 4834
or more apart, then every crossing of each roadway of such divided 4835
highway by an intersecting highway constitutes a separate 4836
intersection. If both intersecting highways include two roadways 4837
thirty feet or more apart, then every crossing of any two roadways 4838
of such highways constitutes a separate intersection. 4839

(3) At a location controlled by a traffic control signal, 4840
regardless of the distance between the separate intersections as 4841
described in division (KK)(2) of this section: 4842

(a) If a stop line, yield line, or crosswalk has not been 4843
designated on the roadway within the median between the separate 4844

intersections, the two intersections and the roadway and median
constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is
designated on the roadway on the intersection approach, the area
within the crosswalk and any area beyond the designated stop line
or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the
departure from the intersection, the intersection includes the
area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily
included within the real or projected prolongation of property
lines and curb lines or, in the absence of curbs, the edges of the
traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere,
distinctly indicated for pedestrian crossing by lines or other
markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this
section, there shall not be a crosswalk where local authorities
have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set
apart within a roadway for the exclusive use of pedestrians and
protected or marked or indicated by adequate signs as to be
plainly visible at all times.

(NN) "Business district" means the territory fronting upon a
street or highway, including the street or highway, between
successive intersections within municipal corporations where fifty
per cent or more of the frontage between such successive
intersections is occupied by buildings in use for business, or
within or outside municipal corporations where fifty per cent or

more of the frontage for a distance of three hundred feet or more 4875
is occupied by buildings in use for business, and the character of 4876
such territory is indicated by official traffic control devices. 4877

(OO) "Residence district" means the territory, not comprising 4878
a business district, fronting on a street or highway, including 4879
the street or highway, where, for a distance of three hundred feet 4880
or more, the frontage is improved with residences or residences 4881
and buildings in use for business. 4882

(PP) "Urban district" means the territory contiguous to and 4883
including any street or highway which is built up with structures 4884
devoted to business, industry, or dwelling houses situated at 4885
intervals of less than one hundred feet for a distance of a 4886
quarter of a mile or more, and the character of such territory is 4887
indicated by official traffic control devices. 4888

(QQ) "Traffic control device" means a flagger, sign, signal, 4889
marking, or other device used to regulate, warn, or guide traffic, 4890
placed on, over, or adjacent to a street, highway, private road 4891
open to public travel, pedestrian facility, or shared-use path by 4892
authority of a public agency or official having jurisdiction, or, 4893
in the case of a private road open to public travel, by authority 4894
of the private owner or private official having jurisdiction. 4895

(RR) "Traffic control signal" means any highway traffic 4896
signal by which traffic is alternately directed to stop and 4897
permitted to proceed. 4898

(SS) "Railroad sign or signal" means any sign, signal, or 4899
device erected by authority of a public body or official or by a 4900
railroad and intended to give notice of the presence of railroad 4901
tracks or the approach of a railroad train. 4902

(TT) "Traffic" means pedestrians, ridden or herded animals, 4903
vehicles, streetcars, trackless trolleys, and other devices, 4904
either singly or together, while using for purposes of travel any 4905

highway or private road open to public travel. 4906

(UU) "Right-of-way" means either of the following, as the 4907
context requires: 4908

(1) The right of a vehicle, streetcar, trackless trolley, or 4909
pedestrian to proceed uninterruptedly in a lawful manner in the 4910
direction in which it or the individual is moving in preference to 4911
another vehicle, streetcar, trackless trolley, or pedestrian 4912
approaching from a different direction into its or the 4913
individual's path; 4914

(2) A general term denoting land, property, or the interest 4915
therein, usually in the configuration of a strip, acquired for or 4916
devoted to transportation purposes. When used in this context, 4917
right-of-way includes the roadway, shoulders or berm, ditch, and 4918
slopes extending to the right-of-way limits under the control of 4919
the state or local authority. 4920

(VV) "Rural mail delivery vehicle" means every vehicle used 4921
to deliver United States mail on a rural mail delivery route. 4922

(WW) "Funeral escort vehicle" means any motor vehicle, 4923
including a funeral hearse, while used to facilitate the movement 4924
of a funeral procession. 4925

(XX) "Alley" means a street or highway intended to provide 4926
access to the rear or side of lots or buildings in urban districts 4927
and not intended for the purpose of through vehicular traffic, and 4928
includes any street or highway that has been declared an "alley" 4929
by the legislative authority of the municipal corporation in which 4930
such street or highway is located. 4931

(YY) "Freeway" means a divided multi-lane highway for through 4932
traffic with all crossroads separated in grade and with full 4933
control of access. 4934

(ZZ) "Expressway" means a divided arterial highway for 4935

through traffic with full or partial control of access with an 4936
excess of fifty per cent of all crossroads separated in grade. 4937

(AAA) "Thruway" means a through highway whose entire roadway 4938
is reserved for through traffic and on which roadway parking is 4939
prohibited. 4940

(BBB) "Stop intersection" means any intersection at one or 4941
more entrances of which stop signs are erected. 4942

(CCC) "Arterial street" means any United States or state 4943
numbered route, controlled access highway, or other major radial 4944
or circumferential street or highway designated by local 4945
authorities within their respective jurisdictions as part of a 4946
major arterial system of streets or highways. 4947

(DDD) "Ridesharing arrangement" means the transportation of 4948
persons in a motor vehicle where such transportation is incidental 4949
to another purpose of a volunteer driver and includes ridesharing 4950
arrangements known as carpools, vanpools, and buspools. 4951

(EEE) "Motorized wheelchair" means any self-propelled vehicle 4952
designed for, and used by, a handicapped person and that is 4953
incapable of a speed in excess of eight miles per hour. 4954

(FFF) "Child day-care center" and "type A family day-care 4955
home" have the same meanings as in section 5104.01 of the Revised 4956
Code. 4957

(GGG) "Multi-wheel agricultural tractor" means a type of 4958
agricultural tractor that has two or more wheels or tires on each 4959
side of one axle at the rear of the tractor, is designed or used 4960
for drawing other vehicles or wheeled machinery, has no provision 4961
for carrying loads independently of the drawn vehicles or 4962
machinery, and is used principally for agricultural purposes. 4963

(HHH) "Operate" means to cause or have caused movement of a 4964
vehicle, streetcar, or trackless trolley. 4965

(III) "Predicate motor vehicle or traffic offense" means any 4966
of the following: 4967

(1) A violation of section 4511.03, 4511.051, 4511.12, 4968
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4969
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4970
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4971
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4972
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4973
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4974
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4975
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4976
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4977
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 4978

(2) A violation of division (A)(2) of section 4511.17, 4979
divisions (A) to (D) of section 4511.51, or division (A) of 4980
section 4511.74 of the Revised Code; 4981

(3) A violation of any provision of sections 4511.01 to 4982
4511.76 of the Revised Code for which no penalty otherwise is 4983
provided in the section that contains the provision violated; 4984

(4) A violation of a municipal ordinance that is 4985
substantially similar to any section or provision set forth or 4986
described in division (III)(1), (2), or (3) of this section. 4987

(JJJ) "Road service vehicle" means wreckers, utility repair 4988
vehicles, and state, county, and municipal service vehicles 4989
equipped with visual signals by means of flashing, rotating, or 4990
oscillating lights. 4991

(KKK) "Beacon" means a highway traffic signal with one or 4992
more signal sections that operate in a flashing mode. 4993

(LLL) "Hybrid beacon" means a type of beacon that is 4994
intentionally placed in a dark mode between periods of operation 4995
where no indications are displayed and, when in operation, 4996

displays both steady and flashing traffic control signal 4997
indications. 4998

(MMM) "Highway traffic signal" means a power-operated traffic 4999
control device by which traffic is warned or directed to take some 5000
specific action. "Highway traffic signal" does not include a 5001
power-operated sign, steadily illuminated pavement marker, warning 5002
light, or steady burning electric lamp. 5003

(NNN) "Median" means the area between two roadways of a 5004
divided highway, measured from edge of traveled way to edge of 5005
traveled way, but excluding turn lanes. The width of a median may 5006
be different between intersections, between interchanges, and at 5007
opposite approaches of the same intersection. 5008

(OOO) "Private road open to public travel" means a private 5009
toll road or road, including any adjacent sidewalks that generally 5010
run parallel to the road, within a shopping center, airport, 5011
sports arena, or other similar business or recreation facility 5012
that is privately owned but where the public is allowed to travel 5013
without access restrictions. "Private road open to public travel" 5014
includes a gated toll road but does not include a road within a 5015
private gated property where access is restricted at all times, a 5016
parking area, a driving aisle within a parking area, or a private 5017
grade crossing. 5018

(PPP) "Shared-use path" means a bikeway outside the traveled 5019
way and physically separated from motorized vehicular traffic by 5020
an open space or barrier and either within the highway 5021
right-of-way or within an independent alignment. A shared-use path 5022
also may be used by pedestrians, including skaters, joggers, users 5023
of manual and motorized wheelchairs, and other authorized 5024
motorized and non-motorized users. 5025

Sec. 4511.13. Highway traffic signal indications for vehicles 5026
and pedestrians shall have the following meanings: 5027

(A) Steady green signal indication:	5028
(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:	5029 5030 5031 5032 5033 5034 5035 5036 5037
(i) Pedestrians lawfully within an associated crosswalk;	5038
(ii) Other vehicles lawfully within the intersection.	5039
(b) In addition, vehicular traffic turning left or making a u-turn movement 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.	5040 5041 5042 5043 5044
(2) Vehicular traffic, streetcars, and trackless trolleys facing a green arrow signal indication, displayed alone or in combination with another signal indication, are permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, streetcars, and trackless trolleys, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:	5045 5046 5047 5048 5049 5050 5051 5052 5053
(a) Pedestrians lawfully within an associated crosswalk;	5054
(b) Other traffic lawfully using the intersection.	5055
(3)(a) Unless otherwise directed by a pedestrian signal indication, as provided in section 4511.14 of the Revised Code,	5056 5057

pedestrians facing a circular green signal indication are 5058
permitted to proceed across the roadway within any marked or 5059
unmarked associated crosswalk. The pedestrian shall yield the 5060
right-of-way to vehicles lawfully within the intersection or so 5061
close as to create an immediate hazard at the time that the green 5062
signal indication is first displayed. 5063

(b) Pedestrians facing a green arrow signal indication, 5064
unless otherwise directed by a pedestrian signal indication or 5065
other traffic control device, shall not cross the roadway. 5066

(B) Steady yellow signal indication: 5067

(1) Vehicular traffic, streetcars, and trackless trolleys 5068
facing a steady circular yellow signal indication are thereby 5069
warned that the related green movement or the related flashing 5070
arrow movement is being terminated or that a steady red signal 5071
indication will be exhibited immediately thereafter when vehicular 5072
traffic, streetcars, and trackless trolleys shall not enter the 5073
intersection. The provisions governing vehicular operation under 5074
the movement being terminated shall continue to apply while the 5075
steady circular yellow signal indication is displayed. 5076

(2) Vehicular traffic facing a steady yellow arrow signal 5077
indication is thereby warned that the related green arrow movement 5078
or the related flashing arrow movement is being terminated. The 5079
provisions governing vehicular operation under the movement being 5080
terminated shall continue to apply while the steady yellow arrow 5081
signal indication is displayed. 5082

(3) Pedestrians facing a steady circular yellow or yellow 5083
arrow signal indication, unless otherwise directed by a pedestrian 5084
signal indication as provided in section 4511.14 of the Revised 5085
Code or other traffic control device, shall not start to cross the 5086
roadway. 5087

(C) Steady red signal indication: 5088

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5089
facing a steady circular red signal indication, unless entering 5090
the intersection to make another movement permitted by another 5091
signal indication, shall stop at a clearly marked stop line; but 5092
if there is no stop line, traffic shall stop before entering the 5093
crosswalk on the near side of the intersection; or if there is no 5094
crosswalk, then before entering the intersection; and shall remain 5095
stopped until a signal indication to proceed is displayed except 5096
as provided in divisions (C)(1), (2), and (3) of this section. 5097

(b) Except when a traffic control device is in place 5098
prohibiting a turn on red or a steady red arrow signal indication 5099
is displayed, vehicular traffic facing a steady circular red 5100
signal indication is permitted, after stopping, to enter the 5101
intersection to turn right, or to turn left from a one-way street, 5102
~~after stopping into a one-way street~~. The right to proceed with 5103
the turn shall be subject to the provisions that are applicable 5104
after making a stop at a stop sign. 5105

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 5106
facing a steady red arrow signal indication shall not enter the 5107
intersection to make the movement indicated by the arrow and, 5108
unless entering the intersection to make another movement 5109
permitted by another signal indication, shall stop at a clearly 5110
marked stop line; but if there is no stop line, before entering 5111
the crosswalk on the near side of the intersection; or if there is 5112
no crosswalk, then before entering the intersection; and shall 5113
remain stopped until a signal indication or other traffic control 5114
device permitting the movement indicated by such red arrow is 5115
displayed. 5116

(b) When a traffic control device is in place permitting a 5117
turn on a steady red arrow signal indication, vehicular traffic 5118
facing a steady red arrow indication is permitted, after stopping, 5119
to enter the intersection to ~~make the movement indicated by the~~ 5120

~~arrow signal indication, after stopping~~ turn right, or to turn 5121
left from a one-way street into a one-way street. The right to 5122
proceed with the turn shall be limited to the direction indicated 5123
by the arrow and shall be subject to the provisions that are 5124
applicable after making a stop at a stop sign. 5125

(3) Unless otherwise directed by a pedestrian signal 5126
indication as provided in section 4511.14 of the Revised Code or 5127
other traffic control device, pedestrians facing a steady circular 5128
red or steady red arrow signal indication shall not enter the 5129
roadway. 5130

(4) Local authorities by ordinance, or the director of 5131
transportation on state highways, may prohibit a right or a left 5132
turn against a steady red signal at any intersection, which shall 5133
be effective when signs giving notice thereof are posted at the 5134
intersection. 5135

(D) A flashing green signal indication has no meaning and 5136
shall not be used. 5137

(E) Flashing yellow signal indication: 5138

(1)(a) Vehicular traffic, on an approach to an intersection, 5139
facing a flashing circular yellow signal indication, is permitted 5140
to cautiously enter the intersection to proceed straight through 5141
or turn right or left or make a u-turn movement except as such 5142
movement is modified by lane-use signs, turn prohibition signs, 5143
lane markings, roadway design, separate turn signal indications, 5144
or other traffic control devices. Such vehicular traffic, 5145
including vehicles turning right or left or making a u-turn 5146
movement, shall yield the right-of-way to both of the following: 5147

(i) Pedestrians lawfully within an associated crosswalk; 5148

(ii) Other vehicles lawfully within the intersection. 5149

(b) In addition, vehicular traffic turning left or making a 5150

u-turn to the left shall yield the right-of-way to other vehicles 5151
approaching from the opposite direction so closely as to 5152
constitute an immediate hazard during the time when such turning 5153
vehicle is moving across or within the intersection. 5154

(2)(a) Vehicular traffic, on an approach to an intersection, 5155
facing a flashing yellow arrow signal indication, displayed alone 5156
or in combination with another signal indication, is permitted to 5157
cautiously enter the intersection only to make the movement 5158
indicated by such arrow, or other such movement as is permitted by 5159
other signal indications displayed at the same time. Such 5160
vehicular traffic, including vehicles turning right or left or 5161
making a u-turn, shall yield the right-of-way to both of the 5162
following: 5163

(i) Pedestrians lawfully within an associated crosswalk; 5164

(ii) Other vehicles lawfully within the intersection. 5165

(b) In addition, vehicular traffic turning left or making a 5166
u-turn to the left shall yield the right-of-way to other vehicles 5167
approaching from the opposite direction so closely as to 5168
constitute an immediate hazard during the time when such turning 5169
vehicle is moving across or within the intersection. 5170

(3) Pedestrians facing any flashing yellow signal indication 5171
at an intersection, unless otherwise directed by a pedestrian 5172
signal indication or other traffic control device, are permitted 5173
to proceed across the roadway within any marked or unmarked 5174
associated crosswalk. Pedestrians shall yield the right-of-way to 5175
vehicles lawfully within the intersection at the time that the 5176
flashing yellow signal indication is first displayed. 5177

(4) When a flashing circular yellow signal indication is 5178
displayed as a beacon to supplement another traffic control 5179
device, road users are notified that there is a need to pay 5180
additional attention to the message contained thereon or that the 5181

regulatory or warning requirements of the other traffic control 5182
device, which might not be applicable at all times, are currently 5183
applicable. 5184

(F) Flashing red signal indication: 5185

(1) Vehicular traffic, on an approach to an intersection, 5186
facing a flashing circular red signal indication, shall stop at a 5187
clearly marked stop line; but if there is no stop line, before 5188
entering the crosswalk on the near side of the intersection; or if 5189
there is no crosswalk, at the point nearest the intersecting 5190
roadway where the driver has a view of approaching traffic on the 5191
intersecting roadway before entering the intersection. The right 5192
to proceed shall be subject to the provisions that are applicable 5193
after making a stop at a stop sign. 5194

(2) Pedestrians facing any flashing red signal indication at 5195
an intersection, unless otherwise directed by a pedestrian signal 5196
indication or other traffic control device, are permitted to 5197
proceed across the roadway within any marked or unmarked 5198
associated crosswalk. Pedestrians shall yield the right-of-way to 5199
vehicles lawfully within the intersection at the time that the 5200
flashing red signal indication is first displayed. 5201

(3) When a flashing circular red signal indication is 5202
displayed as a beacon to supplement another traffic control 5203
device, road users are notified that there is a need to pay 5204
additional attention to the message contained thereon or that the 5205
regulatory requirements of the other traffic control device, which 5206
might not be applicable at all times, are currently applicable. 5207
Use of this signal indication shall be limited to supplementing 5208
stop, do not enter, or wrong way signs, and to applications where 5209
compliance with the supplemented traffic control device requires a 5210
stop at a designated point. 5211

(G) In the event an official traffic-control signal is 5212

erected and maintained at a place other than an intersection, the 5213
provisions of this section shall be applicable except as to those 5214
provisions which by their nature can have no application. Any stop 5215
required shall be made at a sign or marking on the pavement 5216
indicating where the stop shall be made, but in the absence of any 5217
such sign or marking the stop shall be made at the signal. 5218

(H) This section does not apply at railroad grade crossings. 5219
Conduct of drivers of vehicles, trackless trolleys, and streetcars 5220
approaching railroad grade crossings shall be governed by sections 5221
4511.61 and 4511.62 of the Revised Code. 5222

Sec. 4511.21. (A) No person shall operate a motor vehicle, 5223
trackless trolley, or streetcar at a speed greater or less than is 5224
reasonable or proper, having due regard to the traffic, surface, 5225
and width of the street or highway and any other conditions, and 5226
no person shall drive any motor vehicle, trackless trolley, or 5227
streetcar in and upon any street or highway at a greater speed 5228
than will permit the person to bring it to a stop within the 5229
assured clear distance ahead. 5230

(B) It is prima-facie lawful, in the absence of a lower limit 5231
declared or established pursuant to this section by the director 5232
of transportation or local authorities, for the operator of a 5233
motor vehicle, trackless trolley, or streetcar to operate the same 5234
at a speed not exceeding the following: 5235

(1)(a) Twenty miles per hour in school zones during school 5236
recess and while children are going to or leaving school during 5237
the opening or closing hours, and when twenty miles per hour 5238
school speed limit signs are erected; except that, on 5239
controlled-access highways and expressways, if the right-of-way 5240
line fence has been erected without pedestrian opening, the speed 5241
shall be governed by division (B)(4) of this section and on 5242
freeways, if the right-of-way line fence has been erected without 5243

pedestrian opening, the speed shall be governed by divisions 5244
(B)(9) and (10) of this section. The end of every school zone may 5245
be marked by a sign indicating the end of the zone. Nothing in 5246
this section or in the manual and specifications for a uniform 5247
system of traffic control devices shall be construed to require 5248
school zones to be indicated by signs equipped with flashing or 5249
other lights, or giving other special notice of the hours in which 5250
the school zone speed limit is in effect. 5251

(b) As used in this section and in section 4511.212 of the 5252
Revised Code, "school" means any school chartered under section 5253
3301.16 of the Revised Code and any nonchartered school that 5254
during the preceding year filed with the department of education 5255
in compliance with rule 3301-35-08 of the Ohio Administrative 5256
Code, a copy of the school's report for the parents of the 5257
school's pupils certifying that the school meets Ohio minimum 5258
standards for nonchartered, nontax-supported schools and presents 5259
evidence of this filing to the jurisdiction from which it is 5260
requesting the establishment of a school zone. "School" also 5261
includes a special elementary school that in writing requests the 5262
county engineer of the county in which the special elementary 5263
school is located to create a school zone at the location of that 5264
school. Upon receipt of such a written request, the county 5265
engineer shall create a school zone at that location by erecting 5266
the appropriate signs. 5267

(c) As used in this section, "school zone" means that portion 5268
of a street or highway passing a school fronting upon the street 5269
or highway that is encompassed by projecting the school property 5270
lines to the fronting street or highway, and also includes that 5271
portion of a state highway. Upon request from local authorities 5272
for streets and highways under their jurisdiction and that portion 5273
of a state highway under the jurisdiction of the director of 5274
transportation or a request from a county engineer in the case of 5275

a school zone for a special elementary school, the director may 5276
extend the traditional school zone boundaries. The distances in 5277
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5278
exceed three hundred feet per approach per direction and are 5279
bounded by whichever of the following distances or combinations 5280
thereof the director approves as most appropriate: 5281

(i) The distance encompassed by projecting the school 5282
building lines normal to the fronting highway and extending a 5283
distance of three hundred feet on each approach direction; 5284

(ii) The distance encompassed by projecting the school 5285
property lines intersecting the fronting highway and extending a 5286
distance of three hundred feet on each approach direction; 5287

(iii) The distance encompassed by the special marking of the 5288
pavement for a principal school pupil crosswalk plus a distance of 5289
three hundred feet on each approach direction of the highway. 5290

Nothing in this section shall be construed to invalidate the 5291
director's initial action on August 9, 1976, establishing all 5292
school zones at the traditional school zone boundaries defined by 5293
projecting school property lines, except when those boundaries are 5294
extended as provided in divisions (B)(1)(a) and (c) of this 5295
section. 5296

(d) As used in this division, "crosswalk" has the meaning 5297
given that term in division (LL)(2) of section 4511.01 of the 5298
Revised Code. 5299

The director may, upon request by resolution of the 5300
legislative authority of a municipal corporation, the board of 5301
trustees of a township, or a county board of developmental 5302
disabilities created pursuant to Chapter 5126. of the Revised 5303
Code, and upon submission by the municipal corporation, township, 5304
or county board of such engineering, traffic, and other 5305
information as the director considers necessary, designate a 5306

school zone on any portion of a state route lying within the 5307
municipal corporation, lying within the unincorporated territory 5308
of the township, or lying adjacent to the property of a school 5309
that is operated by such county board, that includes a crosswalk 5310
customarily used by children going to or leaving a school during 5311
recess and opening and closing hours, whenever the distance, as 5312
measured in a straight line, from the school property line nearest 5313
the crosswalk to the nearest point of the crosswalk is no more 5314
than one thousand three hundred twenty feet. Such a school zone 5315
shall include the distance encompassed by the crosswalk and 5316
extending three hundred feet on each approach direction of the 5317
state route. 5318

(e) As used in this section, "special elementary school" 5319
means a school that meets all of the following criteria: 5320

(i) It is not chartered and does not receive tax revenue from 5321
any source. 5322

(ii) It does not educate children beyond the eighth grade. 5323

(iii) It is located outside the limits of a municipal 5324
corporation. 5325

(iv) A majority of the total number of students enrolled at 5326
the school are not related by blood. 5327

(v) The principal or other person in charge of the special 5328
elementary school annually sends a report to the superintendent of 5329
the school district in which the special elementary school is 5330
located indicating the total number of students enrolled at the 5331
school, but otherwise the principal or other person in charge does 5332
not report any other information or data to the superintendent. 5333

(2) Twenty-five miles per hour in all other portions of a 5334
municipal corporation, except on state routes outside business 5335
districts, through highways outside business districts, and 5336
alleys; 5337

- (3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;
- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in divisions (B)(13) ~~and (14)~~, (15), and (16) of this section;
- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (7) Fifteen miles per hour on all alleys within the municipal corporation;
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;
- (9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) ~~and (14)~~, (15), and (16) of this section;
- (10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(13) ~~and (14)~~, (15), and (16) of this section;
- (11) Fifty-five miles per hour at all times ~~on all portions of freeways that are part of the interstate system and~~ on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight

thousand pounds empty weight and any noncommercial bus, ~~except as~~ 5368
~~provided in division (B)(14) of this section;~~ 5369

(12) Fifty-five miles per hour for operators of any motor 5370
vehicle weighing eight thousand pounds or less empty weight and 5371
any commercial bus at all times on all portions of freeways that 5372
~~are part of the interstate system and that had such a speed limit~~ 5373
~~established prior to October 1, 1995, and freeways that~~ are not 5374
part of the interstate system, but are built to the standards and 5375
specifications that are applicable to freeways that are part of 5376
the interstate system and that had such a speed limit established 5377
prior to October 1, 1995, unless a higher speed limit is 5378
established under division (L) of this section; 5379

(13) Sixty-five miles per hour for operators of any motor 5380
vehicle weighing eight thousand pounds or less empty weight and 5381
any commercial bus at all times on all portions of the following: 5382

(a) ~~Freeways that are part of the interstate system and that~~ 5383
~~had such a speed limit established prior to October 1, 1995, and~~ 5384
~~freeways~~ that are not part of the interstate system, but are built 5385
to the standards and specifications that are applicable to 5386
freeways that are part of the interstate system and that had such 5387
a speed limit established prior to October 1, 1995; 5388

(b) ~~Freeways that are part of the interstate system and~~ 5389
~~freeways~~ that are not part of the interstate system but are built 5390
to the standards and specifications that are applicable to 5391
freeways that are part of the interstate system, and that had such 5392
a speed limit established under division (L) of this section; 5393

(c) Rural, divided, multi-lane highways that are designated 5394
as part of the national highway system under the "National Highway 5395
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 5396
and that had such a speed limit established under division (M) of 5397
this section. 5398

(14) ~~Sixty-five~~ Fifty-five miles per hour for operators of 5399
any motor vehicle at all times on all portions of freeways in 5400
congested areas as determined by the director and that are part of 5401
the interstate system and are located within a municipal 5402
corporation or within an interstate freeway outerbelt; 5403

(15) Sixty-five miles per hour for operators of any motor 5404
vehicle at all times on all portions of freeways in urban areas as 5405
determined by the director and that are part of the interstate 5406
system and are part of an interstate freeway outerbelt; 5407

(16) Seventy miles per hour at all times on all portions of 5408
freeways that are part of the interstate system and ~~that had such~~ 5409
~~a speed limit on the effective date of this amendment~~ are outside 5410
urbanized areas, as designated in accordance with 23 U.S.C. 101, 5411
for operators of ~~any~~ all motor ~~vehicle weighing in excess of eight~~ 5412
~~thousand pounds empty weight and any noncommercial bus~~ vehicles. 5413

(C) It is prima-facie unlawful for any person to exceed any 5414
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5415
(6), (7), and (8) of this section, or any declared or established 5416
pursuant to this section by the director or local authorities and 5417
it is unlawful for any person to exceed any of the speed 5418
limitations in division (D) of this section. No person shall be 5419
convicted of more than one violation of this section for the same 5420
conduct, although violations of more than one provision of this 5421
section may be charged in the alternative in a single affidavit. 5422

(D) No person shall operate a motor vehicle, trackless 5423
trolley, or streetcar upon a street or highway as follows: 5424

(1) At a speed exceeding fifty-five miles per hour, except 5425
upon a freeway as provided in divisions (B)(13) ~~and (14)~~, (15), 5426
and (16) of this section; 5427

(2) At a speed exceeding sixty-five miles per hour upon a 5428
freeway as provided in division (B)(15) of this section; 5429

(3) At a speed exceeding ~~sixty-five~~ seventy miles per hour 5430
upon a freeway as provided in ~~divisions~~ division (B)~~(13)~~ and 5431
~~(14)~~(16) of this section; 5432

~~(3)~~(4) If a motor vehicle weighing in excess of eight 5433
thousand pounds empty weight or a noncommercial bus as prescribed 5434
in division (B)(11) of this section, at a speed exceeding 5435
fifty-five miles per hour, except upon a freeway as provided in 5436
~~that division~~ divisions (B)(15) and (16) of this section; 5437

~~(4)~~(5) At a speed exceeding the posted speed limit upon a 5438
freeway for which the director has determined and declared a speed 5439
limit of not more than sixty-five miles per hour pursuant to 5440
division (L)(2) or (M) of this section; 5441

~~(5)~~(6) At a speed exceeding sixty-five miles per hour upon a 5442
freeway for which such a speed limit has been established through 5443
the operation of division (L)(3) of this section; 5444

~~(6)~~(7) At a speed exceeding the posted speed limit upon a 5445
freeway for which the director has determined and declared a speed 5446
limit pursuant to division (I)(2) of this section. 5447

(E) In every charge of violation of this section the 5448
affidavit and warrant shall specify the time, place, and speed at 5449
which the defendant is alleged to have driven, and in charges made 5450
in reliance upon division (C) of this section also the speed which 5451
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 5452
declared or established pursuant to, this section declares is 5453
prima-facie lawful at the time and place of such alleged 5454
violation, except that in affidavits where a person is alleged to 5455
have driven at a greater speed than will permit the person to 5456
bring the vehicle to a stop within the assured clear distance 5457
ahead the affidavit and warrant need not specify the speed at 5458
which the defendant is alleged to have driven. 5459

(F) When a speed in excess of both a prima-facie limitation 5460

and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 5461
this section is alleged, the defendant shall be charged in a 5462
single affidavit, alleging a single act, with a violation 5463
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 5464
(8) of this section, or of a limit declared or established 5465
pursuant to this section by the director or local authorities, and 5466
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 5467
of this section. If the court finds a violation of division 5468
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 5469
or established pursuant to, this section has occurred, it shall 5470
enter a judgment of conviction under such division and dismiss the 5471
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 5472
section. If it finds no violation of division (B)(1)(a), (2), (3), 5473
(4), (6), (7), or (8) of, or a limit declared or established 5474
pursuant to, this section, it shall then consider whether the 5475
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 5476
~~(4), (5), or (6)~~ of this section. 5477

(G) Points shall be assessed for violation of a limitation 5478
under division (D) of this section in accordance with section 5479
4510.036 of the Revised Code. 5480

(H) Whenever the director determines upon the basis of a 5481
geometric and traffic characteristic study that any speed limit 5482
set forth in divisions (B)(1)(a) to (D) of this section is greater 5483
or less than is reasonable or safe under the conditions found to 5484
exist at any portion of a street or highway under the jurisdiction 5485
of the director, the director shall determine and declare a 5486
reasonable and safe prima-facie speed limit, which shall be 5487
effective when appropriate signs giving notice of it are erected 5488
at the location. 5489

(I)(1) Except as provided in divisions (I)(2) and (K) of this 5490
section, whenever local authorities determine upon the basis of an 5491
engineering and traffic investigation that the speed permitted by 5492

divisions (B)(1)(a) to (D) of this section, on any part of a 5493
highway under their jurisdiction, is greater than is reasonable 5494
and safe under the conditions found to exist at such location, the 5495
local authorities may by resolution request the director to 5496
determine and declare a reasonable and safe prima-facie speed 5497
limit. Upon receipt of such request the director may determine and 5498
declare a reasonable and safe prima-facie speed limit at such 5499
location, and if the director does so, then such declared speed 5500
limit shall become effective only when appropriate signs giving 5501
notice thereof are erected at such location by the local 5502
authorities. The director may withdraw the declaration of a 5503
prima-facie speed limit whenever in the director's opinion the 5504
altered prima-facie speed becomes unreasonable. Upon such 5505
withdrawal, the declared prima-facie speed shall become 5506
ineffective and the signs relating thereto shall be immediately 5507
removed by the local authorities. 5508

(2) A local authority may determine on the basis of a 5509
geometric and traffic characteristic study that the speed limit of 5510
sixty-five miles per hour on a portion of a freeway under its 5511
jurisdiction that was established through the operation of 5512
division (L)(3) of this section is greater than is reasonable or 5513
safe under the conditions found to exist at that portion of the 5514
freeway. If the local authority makes such a determination, the 5515
local authority by resolution may request the director to 5516
determine and declare a reasonable and safe speed limit of not 5517
less than fifty-five miles per hour for that portion of the 5518
freeway. If the director takes such action, the declared speed 5519
limit becomes effective only when appropriate signs giving notice 5520
of it are erected at such location by the local authority. 5521

(J) Local authorities in their respective jurisdictions may 5522
authorize by ordinance higher prima-facie speeds than those stated 5523
in this section upon through highways, or upon highways or 5524

portions thereof where there are no intersections, or between 5525
widely spaced intersections, provided signs are erected giving 5526
notice of the authorized speed, but local authorities shall not 5527
modify or alter the basic rule set forth in division (A) of this 5528
section or in any event authorize by ordinance a speed in excess 5529
of fifty miles per hour. 5530

Alteration of prima-facie limits on state routes by local 5531
authorities shall not be effective until the alteration has been 5532
approved by the director. The director may withdraw approval of 5533
any altered prima-facie speed limits whenever in the director's 5534
opinion any altered prima-facie speed becomes unreasonable, and 5535
upon such withdrawal, the altered prima-facie speed shall become 5536
ineffective and the signs relating thereto shall be immediately 5537
removed by the local authorities. 5538

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 5539
section, "unimproved highway" means a highway consisting of any of 5540
the following: 5541

(a) Unimproved earth; 5542

(b) Unimproved graded and drained earth; 5543

(c) Gravel. 5544

(2) Except as otherwise provided in divisions (K)(4) and (5) 5545
of this section, whenever a board of township trustees determines 5546
upon the basis of an engineering and traffic investigation that 5547
the speed permitted by division (B)(5) of this section on any part 5548
of an unimproved highway under its jurisdiction and in the 5549
unincorporated territory of the township is greater than is 5550
reasonable or safe under the conditions found to exist at the 5551
location, the board may by resolution declare a reasonable and 5552
safe prima-facie speed limit of fifty-five but not less than 5553
twenty-five miles per hour. An altered speed limit adopted by a 5554
board of township trustees under this division becomes effective 5555

when appropriate traffic control devices, as prescribed in section 5556
4511.11 of the Revised Code, giving notice thereof are erected at 5557
the location, which shall be no sooner than sixty days after 5558
adoption of the resolution. 5559

(3)(a) Whenever, in the opinion of a board of township 5560
trustees, any altered prima-facie speed limit established by the 5561
board under this division becomes unreasonable, the board may 5562
adopt a resolution withdrawing the altered prima-facie speed 5563
limit. Upon the adoption of such a resolution, the altered 5564
prima-facie speed limit becomes ineffective and the traffic 5565
control devices relating thereto shall be immediately removed. 5566

(b) Whenever a highway ceases to be an unimproved highway and 5567
the board has adopted an altered prima-facie speed limit pursuant 5568
to division (K)(2) of this section, the board shall, by 5569
resolution, withdraw the altered prima-facie speed limit as soon 5570
as the highway ceases to be unimproved. Upon the adoption of such 5571
a resolution, the altered prima-facie speed limit becomes 5572
ineffective and the traffic control devices relating thereto shall 5573
be immediately removed. 5574

(4)(a) If the boundary of two townships rests on the 5575
centerline of an unimproved highway in unincorporated territory 5576
and both townships have jurisdiction over the highway, neither of 5577
the boards of township trustees of such townships may declare an 5578
altered prima-facie speed limit pursuant to division (K)(2) of 5579
this section on the part of the highway under their joint 5580
jurisdiction unless the boards of township trustees of both of the 5581
townships determine, upon the basis of an engineering and traffic 5582
investigation, that the speed permitted by division (B)(5) of this 5583
section is greater than is reasonable or safe under the conditions 5584
found to exist at the location and both boards agree upon a 5585
reasonable and safe prima-facie speed limit of less than 5586
fifty-five but not less than twenty-five miles per hour for that 5587

location. If both boards so agree, each shall follow the procedure 5588
specified in division (K)(2) of this section for altering the 5589
prima-facie speed limit on the highway. Except as otherwise 5590
provided in division (K)(4)(b) of this section, no speed limit 5591
altered pursuant to division (K)(4)(a) of this section may be 5592
withdrawn unless the boards of township trustees of both townships 5593
determine that the altered prima-facie speed limit previously 5594
adopted becomes unreasonable and each board adopts a resolution 5595
withdrawing the altered prima-facie speed limit pursuant to the 5596
procedure specified in division (K)(3)(a) of this section. 5597

(b) Whenever a highway described in division (K)(4)(a) of 5598
this section ceases to be an unimproved highway and two boards of 5599
township trustees have adopted an altered prima-facie speed limit 5600
pursuant to division (K)(4)(a) of this section, both boards shall, 5601
by resolution, withdraw the altered prima-facie speed limit as 5602
soon as the highway ceases to be unimproved. Upon the adoption of 5603
the resolution, the altered prima-facie speed limit becomes 5604
ineffective and the traffic control devices relating thereto shall 5605
be immediately removed. 5606

(5) As used in division (K)(5) of this section: 5607

(a) "Commercial subdivision" means any platted territory 5608
outside the limits of a municipal corporation and fronting a 5609
highway where, for a distance of three hundred feet or more, the 5610
frontage is improved with buildings in use for commercial 5611
purposes, or where the entire length of the highway is less than 5612
three hundred feet long and the frontage is improved with 5613
buildings in use for commercial purposes. 5614

(b) "Residential subdivision" means any platted territory 5615
outside the limits of a municipal corporation and fronting a 5616
highway, where, for a distance of three hundred feet or more, the 5617
frontage is improved with residences or residences and buildings 5618
in use for business, or where the entire length of the highway is 5619

less than three hundred feet long and the frontage is improved 5620
with residences or residences and buildings in use for business. 5621

Whenever a board of township trustees finds upon the basis of 5622
an engineering and traffic investigation that the prima-facie 5623
speed permitted by division (B)(5) of this section on any part of 5624
a highway under its jurisdiction that is located in a commercial 5625
or residential subdivision, except on highways or portions thereof 5626
at the entrances to which vehicular traffic from the majority of 5627
intersecting highways is required to yield the right-of-way to 5628
vehicles on such highways in obedience to stop or yield signs or 5629
traffic control signals, is greater than is reasonable and safe 5630
under the conditions found to exist at the location, the board may 5631
by resolution declare a reasonable and safe prima-facie speed 5632
limit of less than fifty-five but not less than twenty-five miles 5633
per hour at the location. An altered speed limit adopted by a 5634
board of township trustees under this division shall become 5635
effective when appropriate signs giving notice thereof are erected 5636
at the location by the township. Whenever, in the opinion of a 5637
board of township trustees, any altered prima-facie speed limit 5638
established by it under this division becomes unreasonable, it may 5639
adopt a resolution withdrawing the altered prima-facie speed, and 5640
upon such withdrawal, the altered prima-facie speed shall become 5641
ineffective, and the signs relating thereto shall be immediately 5642
removed by the township. 5643

(L)(1) Within one hundred twenty days of February 29, 1996, 5644
the director of transportation, based upon a geometric and traffic 5645
characteristic study of a freeway that is part of the interstate 5646
system or that is not part of the interstate system, but is built 5647
to the standards and specifications that are applicable to 5648
freeways that are part of the interstate system, in consultation 5649
with the director of public safety and, if applicable, the local 5650
authority having jurisdiction over a portion of such freeway, may 5651

determine and declare that the speed limit of less than sixty-five 5652
miles per hour established on such freeway or portion of freeway 5653
either is reasonable and safe or is less than that which is 5654
reasonable and safe. 5655

(2) If the established speed limit for such a freeway or 5656
portion of freeway is determined to be less than that which is 5657
reasonable and safe, the director of transportation, in 5658
consultation with the director of public safety and, if 5659
applicable, the local authority having jurisdiction over the 5660
portion of freeway, shall determine and declare a reasonable and 5661
safe speed limit of not more than sixty-five miles per hour for 5662
that freeway or portion of freeway. 5663

The director of transportation or local authority having 5664
jurisdiction over the freeway or portion of freeway shall erect 5665
appropriate signs giving notice of the speed limit at such 5666
location within one hundred fifty days of February 29, 1996. Such 5667
speed limit becomes effective only when such signs are erected at 5668
the location. 5669

(3) If, within one hundred twenty days of February 29, 1996, 5670
the director of transportation does not make a determination and 5671
declaration of a reasonable and safe speed limit for a freeway or 5672
portion of freeway that is part of the interstate system or that 5673
is not part of the interstate system, but is built to the 5674
standards and specifications that are applicable to freeways that 5675
are part of the interstate system and that has a speed limit of 5676
less than sixty-five miles per hour, the speed limit on that 5677
freeway or portion of a freeway shall be sixty-five miles per 5678
hour. The director of transportation or local authority having 5679
jurisdiction over the freeway or portion of the freeway shall 5680
erect appropriate signs giving notice of the speed limit of 5681
sixty-five miles per hour at such location within one hundred 5682
fifty days of February 29, 1996. Such speed limit becomes 5683

effective only when such signs are erected at the location. A 5684
speed limit established through the operation of division (L)(3) 5685
of this section is subject to reduction under division (I)(2) of 5686
this section. 5687

(M) Within three hundred sixty days after February 29, 1996, 5688
the director of transportation, based upon a geometric and traffic 5689
characteristic study of a rural, divided, multi-lane highway that 5690
has been designated as part of the national highway system under 5691
the "National Highway System Designation Act of 1995," 109 Stat. 5692
568, 23 U.S.C.A. 103, in consultation with the director of public 5693
safety and, if applicable, the local authority having jurisdiction 5694
over a portion of the highway, may determine and declare that the 5695
speed limit of less than sixty-five miles per hour established on 5696
the highway or portion of highway either is reasonable and safe or 5697
is less than that which is reasonable and safe. 5698

If the established speed limit for the highway or portion of 5699
highway is determined to be less than that which is reasonable and 5700
safe, the director of transportation, in consultation with the 5701
director of public safety and, if applicable, the local authority 5702
having jurisdiction over the portion of highway, shall determine 5703
and declare a reasonable and safe speed limit of not more than 5704
sixty-five miles per hour for that highway or portion of highway. 5705
The director of transportation or local authority having 5706
jurisdiction over the highway or portion of highway shall erect 5707
appropriate signs giving notice of the speed limit at such 5708
location within three hundred ninety days after February 29, 1996. 5709
The speed limit becomes effective only when such signs are erected 5710
at the location. 5711

(N)(1)(a) If the boundary of two local authorities rests on 5712
the centerline of a highway and both authorities have jurisdiction 5713
over the highway, the speed limit for the part of the highway 5714
within their joint jurisdiction shall be either one of the 5715

following as agreed to by both authorities:	5716
(i) Either prima-facie speed limit permitted by division (B) of this section;	5717 5718
(ii) An altered speed limit determined and posted in accordance with this section.	5719 5720
(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.	5721 5722 5723
(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.	5724 5725 5726 5727 5728 5729 5730 5731 5732 5733 5734 5735 5736 5737 5738 5739 5740 5741
(0) As used in this section:	5742
(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.	5743 5744
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation	5745 5746

of persons for compensation. 5747

(3) "Noncommercial bus" includes but is not limited to a 5748
school bus or a motor vehicle operated solely for the 5749
transportation of persons associated with a charitable or 5750
nonprofit organization. 5751

(4) "Outerbelt" means a portion of a freeway that is part of 5752
the interstate system and is located in the outer vicinity of a 5753
major municipal corporation or group of municipal corporations, as 5754
designated by the director. 5755

(P)(1) A violation of any provision of this section is one of 5756
the following: 5757

(a) Except as otherwise provided in divisions (P)(1)(b), 5758
(1)(c), (2), and (3) of this section, a minor misdemeanor; 5759

(b) If, within one year of the offense, the offender 5760
previously has been convicted of or pleaded guilty to two 5761
violations of any provision of this section or of any provision of 5762
a municipal ordinance that is substantially similar to any 5763
provision of this section, a misdemeanor of the fourth degree; 5764

(c) If, within one year of the offense, the offender 5765
previously has been convicted of or pleaded guilty to three or 5766
more violations of any provision of this section or of any 5767
provision of a municipal ordinance that is substantially similar 5768
to any provision of this section, a misdemeanor of the third 5769
degree. 5770

(2) If the offender has not previously been convicted of or 5771
pleaded guilty to a violation of any provision of this section or 5772
of any provision of a municipal ordinance that is substantially 5773
similar to this section and operated a motor vehicle faster than 5774
thirty-five miles an hour in a business district of a municipal 5775
corporation, faster than fifty miles an hour in other portions of 5776
a municipal corporation, or faster than thirty-five miles an hour 5777

in a school zone during recess or while children are going to or 5778
leaving school during the school's opening or closing hours, a 5779
misdemeanor of the fourth degree. 5780

(3) Notwithstanding division (P)(1) of this section, if the 5781
offender operated a motor vehicle in a construction zone where a 5782
sign was then posted in accordance with section 4511.98 of the 5783
Revised Code, the court, in addition to all other penalties 5784
provided by law, shall impose upon the offender a fine of two 5785
times the usual amount imposed for the violation. No court shall 5786
impose a fine of two times the usual amount imposed for the 5787
violation upon an offender if the offender alleges, in an 5788
affidavit filed with the court prior to the offender's sentencing, 5789
that the offender is indigent and is unable to pay the fine 5790
imposed pursuant to this division and if the court determines that 5791
the offender is an indigent person and unable to pay the fine. 5792

Sec. 4511.61. (A) The department of transportation and local 5793
authorities in their respective jurisdictions, with the approval 5794
of the department, may designate dangerous highway crossings over 5795
railroad tracks whether on state, county, or township highways or 5796
on streets or ways within municipal corporations, and erect stop 5797
signs thereat. ~~When such~~ 5798

(B) The department and local authorities shall erect stop 5799
signs at a railroad highway grade crossing in both of the 5800
following circumstances: 5801

(1) Railroad crossbucks are the only warning devices at the 5802
grade crossing, and additional warning or protective devices that 5803
are not crossbucks are installed at the grade crossing; 5804

(2) The grade crossing is constructed after the effective 5805
date of this amendment. 5806

(C) When stop signs are erected pursuant to division (A) or 5807

(B) of this section, the operator of any vehicle, streetcar, or 5808
trackless trolley shall stop within fifty, but not less than 5809
fifteen, feet from the nearest rail of the railroad tracks and 5810
shall exercise due care before proceeding across such grade 5811
crossing. 5812

~~(B)~~(D) Except as otherwise provided in this division, whoever 5813
violates division (C) of this section is guilty of a minor 5814
misdemeanor. If, within one year of the offense, the offender 5815
previously has been convicted of or pleaded guilty to one 5816
predicate motor vehicle or traffic offense, whoever violates this 5817
section is guilty of a misdemeanor of the fourth degree. If, 5818
within one year of the offense, the offender previously has been 5819
convicted of two or more predicate motor vehicle or traffic 5820
offenses, whoever violates this section is guilty of a misdemeanor 5821
of the third degree. 5822

Sec. 4513.263. (A) As used in this section and in section 5823
4513.99 of the Revised Code: 5824

(1) "Automobile" means any commercial tractor, passenger car, 5825
commercial car, or truck that is required to be factory-equipped 5826
with an occupant restraining device for the operator or any 5827
passenger by regulations adopted by the United States secretary of 5828
transportation pursuant to the "National Traffic and Motor Vehicle 5829
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 5830

(2) "Occupant restraining device" means a seat safety belt, 5831
shoulder belt, harness, or other safety device for restraining a 5832
person who is an operator of or passenger in an automobile and 5833
that satisfies the minimum federal vehicle safety standards 5834
established by the United States department of transportation. 5835

(3) "Passenger" means any person in an automobile, other than 5836
its operator, who is occupying a seating position for which an 5837
occupant restraining device is provided. 5838

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code. 5839
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(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code. 5842
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(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons. 5845
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(B) No person shall do any of the following: 5852

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted; 5853
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(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device; 5859
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 5864
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are 5868
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maintained in usable form. 5870

(C) Division (B)(3) of this section does not apply to a 5871
person who is required by section 4511.81 of the Revised Code to 5872
be secured in a child restraint device or booster seat. Division 5873
(B)(1) of this section does not apply to a person who is an 5874
employee of the United States postal service or of a newspaper 5875
home delivery service, during any period in which the person is 5876
engaged in the operation of an automobile to deliver mail or 5877
newspapers to addressees. Divisions (B)(1) and (3) of this section 5878
do not apply to a person who has an affidavit signed by a 5879
physician licensed to practice in this state under Chapter 4731. 5880
of the Revised Code or a chiropractor licensed to practice in this 5881
state under Chapter 4734. of the Revised Code that states that the 5882
person has a physical impairment that makes use of an occupant 5883
restraining device impossible or impractical. 5884

(D) Notwithstanding any provision of law to the contrary, no 5885
law enforcement officer shall cause an operator of an automobile 5886
being operated on any street or highway to stop the automobile for 5887
the sole purpose of determining whether a violation of division 5888
(B) of this section has been or is being committed or for the sole 5889
purpose of issuing a ticket, citation, or summons for a violation 5890
of that nature or causing the arrest of or commencing a 5891
prosecution of a person for a violation of that nature, and no law 5892
enforcement officer shall view the interior or visually inspect 5893
any automobile being operated on any street or highway for the 5894
sole purpose of determining whether a violation of that nature has 5895
been or is being committed. 5896

(E) All fines collected for violations of division (B) of 5897
this section, or for violations of any ordinance or resolution of 5898
a political subdivision that is substantively comparable to that 5899
division, shall be forwarded to the treasurer of state for deposit 5900
into the state treasury to the credit of the trauma and emergency 5901

medical services fund, which is hereby created. In addition, sixty 5902
cents of each fee collected under sections 4501.34, 4503.26, 5903
4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as 5904
specified in those sections, plus the portion of the driver's 5905
license reinstatement fee described in division (F)(2)(g) of 5906
section 4511.191 of the Revised Code, plus all fees collected 5907
under section 4765.11 of the Revised Code, plus all fines imposed 5908
under section 4765.55 of the Revised Code, plus the fees and other 5909
moneys specified in section 4766.05 of the Revised Code, and plus 5910
five per cent of fines and moneys arising from bail forfeitures as 5911
directed by section 5503.04 of the Revised Code, also shall be 5912
deposited into the trauma and emergency medical services fund. All 5913
money deposited into the trauma and emergency medical services 5914
fund shall be used by the department of public safety for the 5915
administration and operation of the division of emergency medical 5916
services and the state board of emergency medical, fire, and 5917
transportation services, and by the state board of emergency 5918
medical, fire, and transportation services to make grants, in 5919
accordance with section 4765.07 of the Revised Code and rules the 5920
board adopts under section 4765.11 of the Revised Code. The 5921
director of budget and management may transfer excess money from 5922
the trauma and emergency medical services fund to the state 5923
highway safety fund if the director of public safety determines 5924
that the amount of money in the trauma and emergency medical 5925
services fund exceeds the amount required to cover such costs 5926
incurred by the emergency medical services agency and the grants 5927
made by the state board of emergency medical, fire, and 5928
transportation services and requests the director of budget and 5929
management to make the transfer. 5930

(F)(1) Subject to division (F)(2) of this section, the 5931
failure of a person to wear all of the available elements of a 5932
properly adjusted occupant restraining device in violation of 5933
division (B)(1) or (3) of this section or the failure of a person 5934

to ensure that each minor who is a passenger of an automobile 5935
being operated by that person is wearing all of the available 5936
elements of a properly adjusted occupant restraining device in 5937
violation of division (B)(2) of this section shall not be 5938
considered or used by the trier of fact in a tort action as 5939
evidence of negligence or contributory negligence. But, the trier 5940
of fact may determine based on evidence admitted consistent with 5941
the Ohio Rules of Evidence that the failure contributed to the 5942
harm alleged in the tort action and may diminish a recovery of 5943
compensatory damages that represents noneconomic loss, as defined 5944
in section 2307.011 of the Revised Code, in a tort action that 5945
could have been recovered but for the plaintiff's failure to wear 5946
all of the available elements of a properly adjusted occupant 5947
restraining device. Evidence of that failure shall not be used as 5948
a basis for a criminal prosecution of the person other than a 5949
prosecution for a violation of this section; and shall not be 5950
admissible as evidence in a criminal action involving the person 5951
other than a prosecution for a violation of this section. 5952

(2) If, at the time of an accident involving a passenger car 5953
equipped with occupant restraining devices, any occupant of the 5954
passenger car who sustained injury or death was not wearing an 5955
available occupant restraining device, was not wearing all of the 5956
available elements of such a device, or was not wearing such a 5957
device as properly adjusted, then, consistent with the Rules of 5958
Evidence, the fact that the occupant was not wearing the available 5959
occupant restraining device, was not wearing all of the available 5960
elements of such a device, or was not wearing such a device as 5961
properly adjusted is admissible in evidence in relation to any 5962
claim for relief in a tort action to the extent that the claim for 5963
relief satisfies all of the following: 5964

(a) It seeks to recover damages for injury or death to the 5965
occupant. 5966

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 5967
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(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. 5969
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(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars. 5973
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(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars. 5975
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(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. 5977
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Sec. 4513.34. (A)(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 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. 5983
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(2) For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the 5994
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director under this section involves travel of a nonconforming 5997
vehicle or combination of vehicles upon a special economic 5998
development highway, the director, in determining whether good 5999
cause has been shown that issuance of a permit is justified, shall 6000
consider the effect the travel of the vehicle or combination of 6001
vehicles will have on the economic development in the area in 6002
which the designated highway or portion of highway is located. 6003

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 6004
Code, the holder of a ~~special~~ permit issued by the director under 6005
this section may move the vehicle or combination of vehicles 6006
described in the ~~special~~ permit on any highway that is a part of 6007
the state highway system when the movement is partly within and 6008
partly without the corporate limits of a municipal corporation. No 6009
local authority shall require any other permit or license or 6010
charge any license fee or other charge against the holder of a 6011
permit for the movement of a vehicle or combination of vehicles on 6012
any highway that is a part of the state highway system. The 6013
director shall not require the holder of a permit issued by a 6014
local authority to obtain a special permit for the movement of 6015
vehicles or combination of vehicles on highways within the 6016
jurisdiction of the local authority. Permits may be issued for any 6017
period of time not to exceed one year, as the director in the 6018
director's discretion or a local authority in its discretion 6019
determines advisable, or for the duration of any public 6020
construction project. 6021

(C)(1) The application for a permit issued under this section 6022
shall be in the form that the director or local authority 6023
prescribes. The director or local authority may prescribe a permit 6024
fee to be imposed and collected when any permit described in this 6025
section is issued. The permit fee may be in an amount sufficient 6026
to reimburse the director or local authority for the 6027
administrative costs incurred in issuing the permit, and also to 6028

cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section.

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

(D) The director or local authority may issue or withhold a permit. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

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

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

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

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

(2) Failed to comply with or substantially perform under a previously issued ~~special~~ permit according to its terms, conditions, and specifications within specified time limits;

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

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

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

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

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

(8) Accumulated repeated convictions under a law, rule, or 6091
regulation governing the movement of traffic over the public 6092
streets and highways; 6093

(9) Failed to pay any fees associated with any permitted 6094
operation or move; 6095

(10) Deliberately or willfully submitted false or misleading 6096
information in connection with the application for, or performance 6097
under, a ~~special~~ permit issued under this section. 6098

If the applicant is a partnership, association, or 6099
corporation, the director also may debar from consideration for 6100
~~special~~ permits any partner of the partnership, or the officers, 6101
directors, or employees of the association or corporation being 6102
debarred. 6103

The director may adopt rules in accordance with Chapter 119. 6104
of the Revised Code governing the debarment of an applicant. 6105

(G) When the director reasonably believes that grounds for 6106
debarment exist, the director shall send the person that is 6107
subject to debarment a notice of the proposed debarment. A notice 6108
of proposed debarment shall indicate the grounds for the debarment 6109
of the person and the procedure for requesting a hearing. The 6110
notice and hearing shall be in accordance with Chapter 119. of the 6111
Revised Code. If the person does not respond with a request for a 6112
hearing in the manner specified in that chapter, the director 6113
shall issue the debarment decision without a hearing and shall 6114
notify the person of the decision by certified mail, return 6115
receipt requested. The debarment period may be of any length 6116
determined by the director, and the director may modify or rescind 6117
the debarment at any time. During the period of debarment, the 6118
director shall not issue, or consider issuing, a ~~special~~ permit 6119
under this section to any partnership, association, or corporation 6120
that is affiliated with a debarred person. After the debarment 6121

period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a ~~special~~ permit. 6122
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(H) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code. 6125
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(I) A permit issued under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the terms of the permit notwithstanding any other violation of the motor vehicle and traffic laws of this state by the operator of the vehicle or combination of vehicles. 6127
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Sec. 4513.53. (A) The superintendent of the state highway patrol, with approval of the director of public safety, may appoint and maintain necessary staff to carry out the inspection of buses. 6133
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(B) The superintendent of the state highway patrol shall adopt a distinctive annual safety inspection decal bearing the date of inspection. The state highway patrol may remove any decal from a bus that fails any inspection. 6137
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(C) ~~Fees~~ Bus inspection fees collected by the state highway patrol under section 4513.52 of the Revised Code shall be paid into the state treasury to the credit of the ~~general revenue fund~~. ~~Annually by the first day of June, the director of public safety shall determine the amount of fees collected under section 4513.52 of the Revised Code and shall certify the amount to the director of budget and management for reimbursement. The director of budget and management then may transfer cash up to the amount certified from the general revenue fund to the state highway safety fund created in section 4501.06 of the Revised Code.~~ 6141
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Sec. 4513.66. (A) If a motor vehicle accident occurs on any 6151

highway, public street, or other property open to the public for 6152
purposes of vehicular travel and if any motor vehicle, cargo, or 6153
personal property that has been damaged or spilled as a result of 6154
the motor vehicle accident is blocking the highway, street, or 6155
other property or is otherwise endangering public safety, the 6156
sheriff of the county, or the chief of police of the municipal 6157
corporation, township, or township or joint police district, in 6158
which the accident occurred, a state highway patrol trooper, ~~or~~ 6159
the chief of the fire department having jurisdiction where the 6160
accident occurred ~~may~~, or a duly authorized subordinate acting on 6161
behalf of an official specified above, without consent of the 6162
owner but with the approval of the law enforcement agency 6163
conducting any investigation of the accident, may remove the motor 6164
vehicle if the motor vehicle is unoccupied, cargo, or personal 6165
property from the portion of the highway, public street, or 6166
property ordinarily used for vehicular travel on the highway, 6167
public street, or other property open to the public for purposes 6168
of vehicular travel. 6169

(B)(1) Except as provided in division (B)(2) or (3) of this 6170
section, no employee of the department of transportation, sheriff, 6171
deputy sheriff, chief of police or police officer of a municipal 6172
corporation, township, or township or joint police district, state 6173
highway patrol trooper, chief of a fire department, ~~or~~ fire 6174
fighter, or a duly authorized subordinate acting on behalf of such 6175
an official who authorizes or participates in the removal of any 6176
unoccupied motor vehicle, cargo, or personal property as 6177
authorized by division (A) of this section is liable in civil 6178
damages for any injury, death, or loss to person or property that 6179
results from the removal of that unoccupied motor vehicle, cargo, 6180
or personal property. Except as provided in division (B)(2) or (3) 6181
of this section, if the department of transportation or a sheriff, 6182
chief of police of a municipal corporation, township, or township 6183

or joint police district, head of the state highway patrol, ~~or~~ 6184
chief of a fire department, or a duly authorized subordinate 6185
acting on behalf of such an official authorizes, employs, or 6186
arranges to have a private tow truck operator or towing company 6187
remove any unoccupied motor vehicle, cargo, or personal property 6188
as authorized by division (A) of this section, that private tow 6189
truck operator or towing company is not liable in civil damages 6190
for any injury, death, or loss to person or property that results 6191
from the removal of that unoccupied motor vehicle, cargo, or 6192
personal property, ~~and. Further,~~ the department of transportation, 6193
sheriff, chief of police, head of the state highway patrol, ~~or~~ 6194
fire department chief, or a duly authorized subordinate acting on 6195
behalf of such an official is not liable in civil damages for any 6196
injury, death, or loss to person or property that results from the 6197
private tow truck operator or towing company's removal of that 6198
unoccupied motor vehicle, cargo, or personal property. 6199

(2) Division (B)(1) of this section does not apply to any 6200
person or entity involved in the removal of an unoccupied motor 6201
vehicle, cargo, or personal property pursuant to division (A) of 6202
this section if that removal causes or contributes to the release 6203
of a hazardous material or to structural damage to the roadway. 6204

(3) Division (B)(1) of this section does not apply to a 6205
private tow truck operator or towing company that was not 6206
authorized, employed, or arranged by the department of 6207
transportation, a sheriff, a chief of police of a municipal 6208
corporation, township, or township or joint police district, the 6209
head of the state highway patrol, ~~or~~ a chief of a fire department, 6210
or a duly authorized subordinate acting on behalf of such an 6211
official or to a private tow truck operator or towing company that 6212
was authorized, employed, or arranged by the department of 6213
transportation, a sheriff, a chief of police of a municipal 6214
corporation, township, or township or joint police district, the 6215

head of the state highway patrol, or a chief of a fire department, 6216
or a duly authorized subordinate acting on behalf of such an 6217
official to perform the removal of the unoccupied motor vehicle, 6218
cargo, or personal property and the private tow truck operator or 6219
towing company performed the removal in a reckless or willful 6220
manner. 6221

(C) As used in this section, "hazardous material" has the 6222
same meaning as in section 2305.232 of the Revised Code. 6223

Sec. 4517.021. (A) Sections 4517.01, 4517.02, and 4517.03 to 6224
4517.45 of the Revised Code do not apply to a person auctioning 6225
classic motor vehicles, provided all of the following apply: 6226

(1) The person is responsible for not more than ~~two~~ four 6227
auctions of classic motor vehicles per year, with no auction 6228
lasting more than two days; 6229

(2) The person requests and receives permission for the 6230
auction from the registrar of motor vehicles by filing an 6231
application for each proposed auction of classic motor vehicles, 6232
at least thirty days before the auction, in a form prescribed by 6233
the registrar, signed and sworn to by the person, that contains 6234
all of the following: 6235

(a) The person's name and business address; 6236

(b) The location of the auction; 6237

(c) Evidence, sufficient to satisfy the registrar, that the 6238
person does not exclusively sell motor vehicles; 6239

(d) Any necessary, reasonable, and relevant information that 6240
the registrar may require to verify compliance with this section. 6241

(3) The person will be auctioning the classic motor vehicle 6242
to the general public for the legal owner of the vehicle, which 6243
ownership must be evidenced at the time of the auction by a valid 6244
certificate of title issued pursuant to Chapter 4505. of the 6245

Revised Code;	6246
(4) The person keeps a record of the following information	6247
for each classic motor vehicle offered for sale at auction, in a	6248
manner prescribed by the registrar:	6249
(a) The certificate of title number, county, and state of	6250
registration;	6251
(b) The year, make, model, and vehicle identification number;	6252
(c) The name and address of the person offering the vehicle	6253
for sale;	6254
(d) The name and address of any vehicle purchaser;	6255
(e) The date the vehicle is offered for sale;	6256
(f) Any purchase price;	6257
(g) The odometer reading at the time of the auction and an	6258
odometer statement from the person offering the vehicle for sale	6259
at auction that complies with 49 U.S.C. 32705.	6260
(5) The person allows reasonable inspection by the registrar	6261
of the person's records relating to each classic motor vehicle	6262
auction.	6263
(B) Any person that auctions classic motor vehicles under	6264
this section shall use the auction services of an auction firm to	6265
conduct the auction.	6266
(C) The registrar may refuse permission to hold an auction if	6267
the registrar finds that the person has not complied with division	6268
(A) of this section or has made a false statement of a material	6269
fact in the application filed under division (A)(2) of this	6270
section.	6271
(D) The registrar shall not authorize a person licensed under	6272
section 4707.072 of the Revised Code to offer auction services or	6273
act as an auctioneer in regard to an auction of classic motor	6274

vehicles pursuant to this section.	6275
(E) As used in this section:	6276
(1) "Auction firm" and "auction services" have the same meanings as in section 4707.01 of the Revised Code.	6277 6278
(2) "Classic motor vehicle" means a motor vehicle that is over twenty-six years old.	6279 6280
Sec. 4561.01. As used in sections 4561.01 to 4561.151 <u>4561.25</u> of the Revised Code:	6281 6282
(A) "Aviation" means transportation by aircraft; operation of aircraft; the establishment, operation, maintenance, repair, and improvement of airports, landing fields, and other air navigation facilities; and all other activities connected therewith or incidental thereto.	6283 6284 6285 6286 6287
(B) "Aircraft" means any contrivance used or designed for navigation or flight in the air, excepting a parachute or other contrivance for such navigation used primarily as safety equipment.	6288 6289 6290 6291
(C) "Airport" means any location either on land or water which is used for the landing and taking off of aircraft.	6292 6293
(D) "Landing field" means any location either on land or water of such size and nature as to permit the landing or taking off of aircraft with safety, and used for that purpose but not equipped to provide for the shelter, supply, or care of aircraft.	6294 6295 6296 6297
(E) "Air navigation facility" means any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid to the safe taking off, navigation, and	6298 6299 6300 6301 6302 6303 6304

landing of aircraft, or to the safe and efficient operation or 6305
maintenance of an airport or landing field, and any combination of 6306
such facilities. 6307

(F) "Air navigation hazard" means any structure, object of 6308
natural growth, or use of land, that obstructs the air space 6309
required for the flight of aircraft in landing or taking off at 6310
any airport or landing field, or that otherwise is hazardous to 6311
such landing or taking off. 6312

(G) "Air navigation," "navigation of aircraft," or "navigate 6313
aircraft" means the operation of aircraft in the air space over 6314
this state. 6315

(H) "~~Airman~~ Airperson" means any individual who, as the 6316
person in command, or as pilot, mechanic, or member of the crew, 6317
engages in the navigation of aircraft. 6318

(I) "Airway" means a route in the air space over and above 6319
the lands or waters of this state, designated by the Ohio aviation 6320
board as a route suitable for the navigation of aircraft. 6321

(J) "Person" means any individual, firm, partnership, 6322
corporation, company, association, joint stock association, or 6323
body politic, and includes any trustee, receiver, assignee, or 6324
other similar representative thereof. 6325

(K) "Government agency" means a state agency, state 6326
institution of higher education, regional port authority, or any 6327
other political subdivision of the state, or the federal 6328
government or other states. 6329

Sec. 4561.06. The department of transportation shall 6330
encourage the development of aviation and the promotion of 6331
aviation education and research within this state as, in its 6332
judgment, may best serve the public interest. 6333

The department may furnish engineering or other technical 6334

counsel and services, with or without charge therefor, to any 6335
appropriate government agency ~~of any county or municipal~~ 6336
~~corporation of the state~~ desiring such counsel or services in 6337
connection with any question or problem concerning the need for, 6338
or the location, construction, maintenance, or operation of 6339
airports, landing fields, or other air navigation facilities ~~in~~ 6340
~~the county or municipal corporation.~~ 6341

The department shall be the official representative of this 6342
state in all civil actions, matters, or proceedings pertaining to 6343
aviation in which this state is a party or has an interest. 6344

The department may investigate, and may cooperate with any 6345
other appropriate ~~governmental~~ government agency in the 6346
investigation of, any accident occurring in this state in 6347
connection with aviation. It may issue an order to preserve, 6348
protect, or prevent the removal of any aircraft or air navigation 6349
facility involved in an accident being so investigated until the 6350
investigation is completed. The chief executive officer or any law 6351
enforcement officer of this state or any political subdivision in 6352
which an accident occurred shall assist the department in 6353
enforcing such an order when called upon to do so. 6354

The department, in connection with any investigation it is 6355
authorized to conduct, or in connection with any matter it is 6356
required to consider and determine, may conduct hearings thereon. 6357
All such hearings shall be open to the public. The administrator 6358
of the office of aviation or those employees of that office or its 6359
agents who are designated to conduct such hearings may administer 6360
oaths and affirmations and issue subpoenas for and compel the 6361
attendance and testimony of witnesses and the production of 6362
papers, books, and documents at the hearings. In case of failure 6363
to comply with such a subpoena or refusal to testify, the 6364
administrator or the employees of the office of aviation or its 6365
agents who are designated to conduct the hearings may invoke the 6366

aid of the court of common pleas of the county in which the 6367
hearing is being conducted, and the court may order the witness to 6368
comply with the requirements of the subpoena or to give testimony 6369
concerning the matter in question. Failure to obey any order of 6370
the court may be punished as a contempt of the court. 6371

Reports of any investigations or hearings, or parts thereof, 6372
conducted by the department shall not be admitted in evidence or 6373
used for any purpose in any action or proceeding arising out of 6374
any matter referred to in the investigation, hearings, or report 6375
thereof, except in actions or proceedings instituted by the state 6376
or by the department on behalf of the state, nor shall any member 6377
of the department or any of its employees be required to testify 6378
to any facts ascertained in, or information obtained by reason of, 6379
the member's or employee's official capacity, or to testify as an 6380
expert witness in any action or proceeding involving or pertaining 6381
to aviation to which the state is not a party. Subject to this 6382
section, the department may make available to appropriate agencies 6383
of government any information and material developed in the course 6384
of its investigations and hearings. 6385

The department shall report to the appropriate agency of the 6386
United States all cases that come to its attention of persons 6387
navigating aircraft without a valid aviator's certificate, or in 6388
which an aircraft is navigated without a valid air-worthiness 6389
certificate in probable violation of the laws of the United States 6390
requiring such certificates, and it also shall report to the 6391
proper governmental agency any probable infringement or violation 6392
of laws, rules, and regulations pertaining to aviation that come 6393
to its attention. 6394

The department may prepare, adopt, and subsequently revise a 6395
plan showing the locations and types of airports, landing fields, 6396
and other air navigation facilities within this state; it also may 6397
prepare another plan of a system of airways within this state, the 6398

establishment, maintenance, and use of which will, in its 6399
judgment, serve the development of transportation by aircraft 6400
within this state in the best interests of the public. It may 6401
publish plans and pertinent information as the public interest 6402
requires. 6403

The department periodically may prepare, publish, and 6404
distribute such maps, charts, or other information as the public 6405
interest requires, showing the location of and containing a 6406
description of all airports, landing fields, and other air 6407
navigation facilities then in operation in this state, together 6408
with information concerning the manner in which, and the terms 6409
upon which, those facilities may be used, and showing all airways 6410
then in use, or recommended for use, within this state, together 6411
with information concerning the manner in which the facilities 6412
should be used. 6413

Sec. 4561.07. The department of transportation may cooperate 6414
with ~~and assist the federal~~ any government, ~~regional airport~~ 6415
~~authorities, the political subdivisions of this state,~~ agency and 6416
~~others, including private persons,~~ engaged in aviation, aviation 6417
education or research, or the promotion of aviation, and shall 6418
seek to promote the aeronautic activities of these bodies. 6419

The department may confer with or hold joint meetings and 6420
hearings with any ~~federal aeronautical agency, any regional~~ 6421
~~airport authority, or any~~ government agency ~~of a political~~ 6422
~~subdivision of this state,~~ in connection with any matter arising 6423
under ~~sections 4561.01 to 4561.151 of the Revised Code~~ this 6424
chapter, or relating to the sound development of aviation, and the 6425
department may avail itself of the cooperation, services, records, 6426
and facilities of any ~~such regional airport authority or~~ 6427
government agency, as fully as is practicable, in the 6428
administration and enforcement of such sections. It shall 6429

reciprocate by furnishing to any such regional airport authority 6430
or agency its cooperation, services, records, and facilities, as 6431
fully as is practicable and in the best interests of the public. 6432

If the federal government, any agency of the federal 6433
government, ~~or~~ any regional airport authority or political 6434
subdivision of this state, or any government agency, requires a 6435
state agency to receive and disburse any airport assistance or 6436
development and maintenance funds, the department may act as that 6437
state agency in all such matters pertaining to aviation. 6438

Sec. 4561.08. The department of transportation may cooperate 6439
with ~~the United States, and~~ any government agency ~~thereof~~, in the 6440
acquisition, establishment, construction, enlargement, 6441
improvement, equipment, or operation of airports, landing fields, 6442
and other air navigation facilities in this state, and may comply 6443
with the laws of the United States and any regulations made 6444
thereunder with respect to the expenditure of federal funds for or 6445
in connection with such airports, landing fields, and other air 6446
navigation facilities. 6447

The department may accept, receive, and receipt for federal 6448
funds, upon such terms as are prescribed by the laws of the United 6449
States and any regulations made thereunder, on behalf of the 6450
state, and may treat similarly, for the state or as agent for any 6451
regional airport authority, county, or municipal corporation 6452
thereof, other funds, public or private, for the acquisition, 6453
establishment, construction, enlargement, improvement, equipment, 6454
or operation of airports, landing fields, and other air navigation 6455
facilities, whether such work is to be done severally by the state 6456
or by a political subdivision thereof or by a regional airport 6457
authority, or by the state and a regional airport authority or one 6458
or more such political subdivisions jointly, or by any two or more 6459
such political subdivisions jointly, or by a regional airport 6460

authority and any one or more such political subdivisions jointly. 6461
The department may also act as agent of any regional airport 6462
authority, county, or municipal corporation of the state in any 6463
other matter connected with the acquisition, establishment, 6464
construction, enlargement, improvement, equipment, or operation of 6465
airports, landing fields, and other air navigation facilities. In 6466
the discharge of its duties as such agent, the department may use 6467
all its powers in the same manner as when acting for and in behalf 6468
of the state. 6469

The department may approve or disapprove all contracts and 6470
agreements for the acquisition, establishment, construction, 6471
enlargement, improvement, equipment, or operation of airports, 6472
landing fields, and other air navigation facilities insofar as its 6473
rules require. 6474

The department may advise and cooperate with any regional 6475
airport authority or political subdivision of this state or of any 6476
other state, when it is acting jointly with a regional airport 6477
authority or subdivision of this state, in all matters pertaining 6478
to the location, acquisition, establishment, construction, 6479
enlargement, improvement, equipment, or operation of airports, 6480
landing fields, and other air navigation facilities. 6481

All money accepted by the department pursuant to sections 6482
4561.01 to 4561.151 of the Revised Code shall be deposited in the 6483
state treasury to the credit of the highway operating fund. All 6484
such moneys shall be expended in accordance with the terms imposed 6485
by the United States in making the grants thereof. 6486

Sec. 4561.09. Each regional airport authority, county, ~~and~~ 6487
municipal corporation, and agency of this state may accept, 6488
receive, and give receipt for federal funds upon such terms as are 6489
prescribed by the laws of the United States and any rules and 6490
regulations made thereunder, and may treat similarly other funds, 6491

public or private, for the acquisition, establishment, 6492
construction, enlargement, improvement, equipment, or operation of 6493
airports, landing fields, and other air navigation facilities. 6494

The board of trustees of a regional airport authority and the 6495
legislative body of each county or municipal corporation may 6496
designate the department of transportation as the agent of such 6497
regional airport authority, county, or municipal corporation to 6498
accept, receive, and receipt for federal funds upon such terms as 6499
are prescribed by the laws of the United States and any rules or 6500
regulations made thereunder, and to treat similarly other funds, 6501
public or private, for the acquisition, establishment, 6502
construction, enlargement, improvement, equipment, or operation of 6503
airports, landing fields, and other air navigation facilities, 6504
whether such work is to be done by the regional airport authority, 6505
county, or municipal corporation alone, or jointly with the state, 6506
or jointly with the state and other counties or municipal 6507
corporations. Such board of trustees or legislative body may 6508
designate the department as its agent in any other matter 6509
connected with the acquisition, establishment, construction, 6510
enlargement, improvement, equipment, or operation of airports, 6511
landing fields, and other air navigation facilities, and may enter 6512
into, or authorize the executive department of such political 6513
subdivision to enter into, an agreement with the department 6514
prescribing the terms of such agency, in accordance with the laws 6515
of the United States and any rules or regulations made thereunder. 6516

All contracts for the acquisition, establishment, 6517
construction, enlargement, improvement, equipment, or operation of 6518
airports, landing fields, or other air navigation facilities made 6519
by a regional airport authority, county, ~~or~~ municipal corporation, 6520
or agency of this state shall be made pursuant to the laws of this 6521
state governing the making of such contracts; provided that when 6522
the acquisition, establishment, construction, enlargement, 6523

improvement, equipment, or operation of airports, landing fields, 6524
or other air navigation facilities is financed wholly or partly 6525
with federal funds, the regional airport authority, county, ~~or~~ 6526
municipal corporation, or agency of this state may let contracts 6527
in the manner prescribed by the federal authorities acting under 6528
the laws of the United States and any rules or regulations made 6529
thereunder. 6530

Sec. 4561.12. (A) ~~No~~ Unless operated by the department of 6531
transportation or its agents, no aircraft shall be operated or 6532
maintained on any public land or water owned or controlled by this 6533
state, or by any political subdivision of this state, except at 6534
such places and under such rules and regulations governing and 6535
controlling the operation and maintenance of aircraft as are 6536
adopted and promulgated by the department ~~of transportation~~ in 6537
accordance with sections 119.01 to 119.13 of the Revised Code. 6538

Such action and approval by the department shall not become 6539
effective until it has been approved by the adoption and 6540
promulgation of appropriate rules ~~and regulations~~ governing, 6541
controlling, and approving said places and the method of operation 6542
and maintenance of aircraft, by the department, division, 6543
political subdivision, agent, or agency of this state having 6544
ownership or control of the places on said public land or water 6545
which are affected by such operation or maintenance of aircraft 6546
thereon. 6547

(B) Whoever violates this section shall be fined not more 6548
than five hundred dollars, imprisoned not more than ninety days, 6549
or both. 6550

Sec. 4561.21. (A) The director of transportation shall 6551
deposit all aircraft transfer fees in the state treasury to the 6552
credit of the general fund. 6553

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

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

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. 6585

Sec. 4765.02. (A)(1) There is hereby created the state board 6586
of emergency medical, fire, and transportation services within the 6587
division of emergency medical services of the department of public 6588
safety. The board shall consist of the members specified in this 6589
section who are residents of this state. The governor, with the 6590
advice and consent of the senate, shall appoint all members of the 6591
board, except the employee of the department of public safety 6592
designated by the director of public safety under this section to 6593
be a member of the board. In making the appointments, the governor 6594
shall appoint only members with background or experience in 6595
emergency medical services or trauma care and shall attempt to 6596
include members representing urban and rural areas, various 6597
geographical regions of the state, and various schools of 6598
training. 6599

(2) One member of the board shall be a physician certified by 6600
the American board of emergency medicine or the American 6601
osteopathic board of emergency medicine who is active in the 6602
practice of emergency medicine and is actively involved with an 6603
emergency medical service organization. The governor shall appoint 6604
this member from among three persons nominated by the Ohio chapter 6605
of the American college of emergency physicians and three persons 6606
nominated by the Ohio osteopathic association. One member shall be 6607
a physician certified by the American board of surgery or the 6608
American osteopathic board of surgery who is active in the 6609
practice of trauma surgery and is actively involved with emergency 6610
medical services. The governor shall appoint this member from 6611
among three persons nominated by the Ohio chapter of the American 6612
college of surgeons and three persons nominated by the Ohio 6613
osteopathic association. One member shall be a physician certified 6614
by the American academy of pediatrics or American osteopathic 6615
board of pediatrics who is active in the practice of pediatric 6616

emergency medicine and actively involved with an emergency medical 6617
service organization. The governor shall appoint this member from 6618
among three persons nominated by the Ohio chapter of the American 6619
academy of pediatrics and three persons nominated by the Ohio 6620
osteopathic association. ~~One member shall be the administrator of~~ 6621
~~an adult or pediatric trauma center. The governor shall appoint~~ 6622
~~this member from among three persons nominated by the OHA: the~~ 6623
~~association for hospitals and health systems, three persons~~ 6624
~~nominated by the Ohio osteopathic association, three persons~~ 6625
~~nominated by the association of Ohio children's hospitals, and~~ 6626
~~three persons nominated by the health forum of Ohio.~~ One member 6627
shall be the administrator of a hospital ~~that is not a trauma~~ 6628
~~center~~ located in this state. The governor shall appoint this 6629
member from among three persons nominated by OHA: the association 6630
for hospitals and health systems, three persons nominated by the 6631
Ohio osteopathic association, and three persons nominated by the 6632
association of Ohio children's hospitals, ~~and three persons~~ 6633
~~nominated by the health forum of Ohio.~~ One member shall be a 6634
~~registered nurse~~ an adult or pediatric trauma program manager or 6635
trauma program director who is involved in the ~~active practice of~~ 6636
~~emergency nursing~~ daily management of a verified trauma center. 6637
The governor shall appoint this member from among three persons 6638
nominated by the Ohio nurses association, three persons nominated 6639
by the Ohio society of trauma nurse leaders, and three persons 6640
nominated by the Ohio state council of the emergency nurses 6641
association. One member shall be the chief of a fire department 6642
that is also an emergency medical service organization in which 6643
more than fifty per cent of the persons who provide emergency 6644
medical services are full-time paid employees. The governor shall 6645
appoint this member from among three persons nominated by the Ohio 6646
fire chiefs' association. One member shall be the chief of a fire 6647
department that is also an emergency medical service organization 6648
in which more than fifty per cent of the persons who provide 6649

emergency medical services are volunteers. The governor shall 6650
appoint this member from among three persons nominated by the Ohio 6651
fire chiefs' association. One member shall be a person who is 6652
certified to teach under section 4765.23 of the Revised Code ~~or,~~ 6653
~~if the board has not yet certified persons to teach under that~~ 6654
~~section, a person who is qualified to be certified to teach under~~ 6655
~~that section and holds a valid certificate to practice as an EMT,~~ 6656
AEMT, or paramedic. The governor shall appoint this member from 6657
among three persons nominated by the Ohio emergency medical 6658
technician instructors association and the Ohio 6659
instructor/coordinators' society. One member shall be an 6660
~~EMT basic, one shall be an EMT I, and one~~ EMT, AEMT, or paramedic, 6661
and one member shall be a paramedic. The governor shall appoint 6662
these members from among three ~~EMTs basic, three EMTs I, EMTs or~~ 6663
AEMTs and three paramedics nominated by the Ohio association of 6664
professional fire fighters and three ~~EMTs basic~~ EMTs, three ~~EMTs I~~ 6665
AEMTs, and three paramedics nominated by the northern Ohio fire 6666
fighters. One member shall be an ~~EMT basic, one shall be an EMT I,~~ 6667
and one EMT, AEMT, or paramedic, and one member shall be a 6668
paramedic ~~whom the.~~ The governor shall appoint these members from 6669
among three ~~EMTs basic, three EMTs I, EMTs or AEMTs~~ and three 6670
paramedics nominated by the Ohio state firefighter's association. 6671
One member shall be a person whom the governor shall appoint from 6672
among an ~~EMT basic, an EMT I, and~~ EMT, AEMT, or a paramedic 6673
nominated by the Ohio association of emergency medical services or 6674
the Ohio ambulance and medical transportation association. One 6675
member shall be an EMT, AEMT, or a paramedic, whom the governor 6676
shall appoint from among three persons nominated by the Ohio 6677
ambulance and medical transportation association. One member shall 6678
be a paramedic, whom the governor shall appoint from among three 6679
persons nominated by the Ohio ambulance and medical transportation 6680
association. The governor shall appoint one member who is an 6681
~~EMT basic, EMT I, or paramedic affiliated with an emergency~~ 6682

~~medical services organization. One member shall be a member of the
Ohio ambulance association whom the governor shall appoint from
among three persons nominated by the Ohio ambulance association.
One member shall be a physician certified by the American board of
surgery, American board of osteopathic surgery, American
osteopathic board of emergency medicine, or American board of
emergency medicine who is the chief medical officer of an air
medical agency and is currently active in providing emergency
medical services. The governor shall appoint this member from
among three persons nominated by the Ohio association of air
medical services. One member shall be the owner or operator of a
private emergency medical service organization whom the governor
shall appoint from among three persons nominated by the Ohio
ambulance and medical transportation association. One member shall
be a provider of mobile intensive care unit transportation in this
state whom the governor shall appoint from among three persons
nominated by the Ohio association of critical care transport. One
member shall be a provider of air-medical transportation in this
state whom the governor shall appoint from among three persons
nominated by the Ohio association of critical care transport. One
member shall be the owner or operator of a nonemergency medical
service organization in this state that provides ambulance
services whom the governor shall appoint from among three persons
nominated by the Ohio ambulance and medical transportation
association.~~

The governor may refuse to appoint any of the persons
nominated by one or more organizations under division (A)(2) of
this section, 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 that event, the
organization or organizations shall continue to nominate the
required number of persons until the governor appoints to the
board one or more of the persons nominated by the organization or

organizations. 6716

The director of public safety shall designate an employee of 6717
the department of public safety to serve as a member of the board 6718
at the director's pleasure. This member shall serve as a liaison 6719
between the department and the division of emergency medical 6720
services in cooperation with the executive director of the board. 6721

~~Initial appointments to the board by the governor and the 6722
director of public safety shall be made within ninety days after 6723
November 12, 1992. Of the initial appointments by the governor, 6724
five shall be for terms ending one year after November 12, 1992, 6725
six shall be for terms ending two years after November 12, 1992, 6726
and six shall be for terms ending three years after November 12, 6727
1992. Within ninety days after the effective date of this 6728
amendment, the governor shall appoint the member of the board who 6729
is the chief medical officer of an air medical agency for an 6730
initial term ending November 12, 2000. Thereafter, terms 6731~~

(B) Terms of office of all members appointed by the governor 6732
shall be for three years, each term ending on the same day of the 6733
same month as did the term it succeeds. Each member shall hold 6734
office from the date of appointment until the end of the term for 6735
which the member was appointed. A member shall continue in office 6736
subsequent to the expiration date of the member's term until the 6737
member's successor takes office, or until a period of sixty days 6738
has elapsed, whichever occurs first. 6739

Each vacancy shall be filled in the same manner as the 6740
original appointment. A member appointed to fill a vacancy 6741
occurring prior to the expiration of the term for which the 6742
member's predecessor was appointed shall hold office for the 6743
remainder of the unexpired term. 6744

The term of a member shall expire if the member ceases to 6745
meet any of the requirements to be appointed as that member. The 6746

governor may remove any member from office for neglect of duty, 6747
malfeasance, misfeasance, or nonfeasance, after an adjudication 6748
hearing held in accordance with Chapter 119. of the Revised Code. 6749

(C) The members of the board shall serve without compensation 6750
but shall be reimbursed for their actual and necessary expenses 6751
incurred in carrying out their duties as board members. 6752

(D) The board shall organize by annually selecting a chair 6753
and vice-chair from among its members. The board may adopt bylaws 6754
to regulate its affairs. A majority of all members of the board 6755
shall constitute a quorum. No action shall be taken without the 6756
concurrence of a majority of all members of the board. The board 6757
shall meet at least four times annually and at the call of the 6758
chair. The chair shall call a meeting on the request of the 6759
executive director or the medical director of the board or on the 6760
written request of five members. The board shall maintain written 6761
or electronic records of its meetings. 6762

(E) Upon twenty-four hours' notice from a member of the 6763
board, the member's employer shall release the member from the 6764
member's employment duties to attend meetings of the full board. 6765
Nothing in this ~~paragraph~~ division requires the employer of a 6766
member of the board to compensate the member for time the member 6767
is released from employment duties under this paragraph, but any 6768
civil immunity, workers' compensation, disability, or similar 6769
coverage that applies to a member of the board as a result of the 6770
member's employment shall continue to apply while the member is 6771
released from employment duties under this paragraph. 6772

Sec. 4765.03. (A) The director of public safety shall appoint 6773
a full-time executive director for the state board of emergency 6774
medical, fire, and transportation services. The executive director 6775
shall be knowledgeable in emergency medical services and trauma 6776
care and shall serve at the pleasure of the director of public 6777

safety. The director of public safety shall appoint the executive 6778
director from among three persons nominated by the board. The 6779
director of public safety may refuse, for cause, to appoint any of 6780
the board's nominees. If the director fails to appoint any of the 6781
board's nominees, the board shall continue to nominate groups of 6782
three persons until the director does appoint one of the board's 6783
nominees. The executive director shall serve as the chief 6784
executive officer of the board and as the executive director of 6785
the division of emergency medical services. The executive director 6786
shall attend each meeting of the board, except the board may 6787
exclude the executive director from discussions concerning the 6788
employment or performance of the executive director or medical 6789
director of the board. The executive director shall give a surety 6790
bond to the state in such sum as the board determines, conditioned 6791
on the faithful performance of the duties of the executive 6792
director's office. The executive director shall receive a salary 6793
from the board and shall be reimbursed for actual and necessary 6794
expenses incurred in carrying out duties as executive director. 6795

6796
The executive director shall submit a report to the director 6797
of public safety at least every three months regarding the status 6798
of emergency medical services in this state. The executive 6799
director shall meet with the director of public safety at the 6800
director's request. 6801

(B) The board shall appoint a medical director, who shall 6802
serve at the pleasure of the board. The medical director shall be 6803
a physician certified by the American board of emergency medicine 6804
or the American osteopathic board of emergency medicine who is 6805
active in the practice of emergency medicine and has been actively 6806
involved with an emergency medical service organization for at 6807
least five years prior to being appointed. The board shall 6808
consider any recommendations for this appointment from the Ohio 6809

chapter of the American college of emergency physicians, the Ohio 6810
chapter of the American college of surgeons, the Ohio chapter of 6811
the American academy of pediatrics, the Ohio osteopathic 6812
association, and the Ohio state medical association. 6813

The medical director shall direct the executive director and 6814
advise the board with regard to adult and pediatric trauma and 6815
emergency medical services issues. The medical director shall 6816
attend each meeting of the board, except the board may exclude the 6817
medical director from discussions concerning the appointment or 6818
performance of the medical director or executive director of the 6819
board. The medical director shall be employed and paid by the 6820
board and shall be reimbursed for actual and necessary expenses 6821
incurred in carrying out duties as medical director. 6822

(C) The board may appoint employees as it determines 6823
necessary. The board shall prescribe the duties and titles of its 6824
employees. 6825

Sec. 4765.04. (A) The firefighter and fire safety inspector 6826
training committee of the state board of emergency medical, fire, 6827
and transportation services is hereby created and shall consist of 6828
the members of the board who are chiefs of fire departments, and 6829
the members of the board who are emergency medical 6830
technicians-basic, emergency medical technicians-intermediate, and 6831
emergency medical technicians-paramedic appointed from among 6832
persons nominated by the Ohio association of professional fire 6833
fighters or the northern Ohio fire fighters and from among persons 6834
nominated by the Ohio state firefighter's association. Each member 6835
of the committee, except the chairperson, may designate a person 6836
with fire experience to serve in that member's place. The members 6837
of the committee or their designees shall select a chairperson 6838
from among the members or their designees. 6839

The committee may conduct investigations in the course of 6840

discharging its duties under this chapter. In the course of an 6841
investigation, the committee may issue subpoenas. If a person 6842
subpoenaed fails to comply with the subpoena, the committee may 6843
authorize its chairperson to apply to the court of common pleas in 6844
the county where the person to be subpoenaed resides for an order 6845
compelling compliance in the same manner as compliance with a 6846
subpoena issued by the court is compelled. 6847

(B) The trauma committee of the state board of emergency 6848
medical, fire, and transportation services is hereby created and 6849
shall consist of the following members appointed by the director 6850
of public safety: 6851

(1) A physician who is certified by the American board of 6852
surgery or American osteopathic board of surgery and actively 6853
practices general trauma surgery, appointed from among three 6854
persons nominated by the Ohio chapter of the American college of 6855
surgeons, three persons nominated by the Ohio state medical 6856
association, and three persons nominated by the Ohio osteopathic 6857
association; 6858

(2) A physician who is certified by the American board of 6859
surgery or the American osteopathic board of surgery and actively 6860
practices orthopedic trauma surgery, appointed from among three 6861
persons nominated by the Ohio orthopedic society and three persons 6862
nominated by the Ohio osteopathic association; 6863

(3) A physician who is certified by the American board of 6864
neurological surgeons or the American osteopathic board of surgery 6865
and actively practices neurosurgery on trauma victims, appointed 6866
from among three persons nominated by the Ohio state neurological 6867
society and three persons nominated by the Ohio osteopathic 6868
association; 6869

(4) A physician who is certified by the American board of 6870
surgeons or American osteopathic board of surgeons and actively 6871

specializes in treating burn victims, appointed from among three 6872
persons nominated by the Ohio chapter of the American college of 6873
surgeons and three persons nominated by the Ohio osteopathic 6874
association; 6875

(5) A dentist who is certified by the American board of oral 6876
and maxillofacial surgery and actively practices oral and 6877
maxillofacial surgery, appointed from among three persons 6878
nominated by the Ohio dental association; 6879

(6) A physician who is certified by the American board of 6880
physical medicine and rehabilitation or American osteopathic board 6881
of rehabilitation medicine and actively provides rehabilitative 6882
care to trauma victims, appointed from among three persons 6883
nominated by the Ohio society of physical medicine and 6884
rehabilitation and three persons nominated by the Ohio osteopathic 6885
association; 6886

(7) A physician who is certified by the American board of 6887
surgery or American osteopathic board of surgery with special 6888
qualifications in pediatric surgery and actively practices 6889
pediatric trauma surgery, appointed from among three persons 6890
nominated by the Ohio chapter of the American academy of 6891
pediatrics and three persons nominated by the Ohio osteopathic 6892
association; 6893

(8) A physician who is certified by the American board of 6894
emergency medicine or American osteopathic board of emergency 6895
medicine, actively practices emergency medicine, and is actively 6896
involved in emergency medical services, appointed from among three 6897
persons nominated by the Ohio chapter of the American college of 6898
emergency physicians and three persons nominated by the Ohio 6899
osteopathic association; 6900

(9) A physician who is certified by the American board of 6901
pediatrics, American osteopathic board of pediatrics, or American 6902

board of emergency medicine, is sub-boarded in pediatric emergency 6903
medicine, actively practices pediatric emergency medicine, and is 6904
actively involved in emergency medical services, appointed from 6905
among three persons nominated by the Ohio chapter of the American 6906
academy of pediatrics, three persons nominated by the Ohio chapter 6907
of the American college of emergency physicians, and three persons 6908
nominated by the Ohio osteopathic association; 6909

(10) A physician who is certified by the American board of 6910
surgery, American osteopathic board of surgery, or American board 6911
of emergency medicine and is the chief medical officer of an air 6912
medical organization, appointed from among three persons nominated 6913
by the Ohio association of air medical services; 6914

(11) A coroner or medical examiner appointed from among three 6915
people nominated by the Ohio state coroners' association; 6916

(12) A registered nurse who actively practices trauma nursing 6917
at an adult or pediatric trauma center, appointed from among three 6918
persons nominated by the Ohio association of trauma nurse 6919
coordinators; 6920

(13) A registered nurse who actively practices emergency 6921
nursing and is actively involved in emergency medical services, 6922
appointed from among three persons nominated by the Ohio chapter 6923
of the emergency nurses' association; 6924

(14) The chief trauma registrar of an adult or pediatric 6925
trauma center, appointed from among three persons nominated by the 6926
alliance of Ohio trauma registrars; 6927

(15) The administrator of an adult or pediatric trauma 6928
center, appointed from among three persons nominated by OHA: the 6929
association for hospitals and health systems, three persons 6930
nominated by the Ohio osteopathic association, three persons 6931
nominated by the association of Ohio children's hospitals, and 6932
three persons nominated by the health forum of Ohio; 6933

(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association;

(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association;

(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio association of professional firefighters, three persons nominated by the northern Ohio fire fighters, three persons nominated by the Ohio state firefighters' association, and three persons nominated by the Ohio association of emergency medical services;

(20) A person who actively advocates for trauma victims, appointed from three persons nominated by the Ohio brain injury association and three persons nominated by the governor's council on people with disabilities;

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

forum of Ohio; 6965

(22) Three representatives of hospitals that are not trauma 6966
centers and actively provide emergency care to trauma patients, 6967
appointed from among three persons nominated by OHA: the 6968
association for hospitals and health systems, three persons 6969
nominated by the Ohio osteopathic association, three persons 6970
nominated by the association of Ohio children's hospitals, and 6971
three persons nominated by the health forum of Ohio. The 6972
representatives may be hospital administrators, physicians, 6973
nurses, or other clinical professionals. 6974

Members of the committee shall have substantial experience in 6975
the categories they represent, shall be residents of this state, 6976
and may be members of the state board of emergency medical, fire, 6977
and transportation services. In appointing members of the 6978
committee, the director shall attempt to include members 6979
representing urban and rural areas, various geographical areas of 6980
the state, and various schools of training. The director shall not 6981
appoint to the committee more than one member who is employed by 6982
or practices at the same hospital, health system, or emergency 6983
medical service organization. 6984

The director may refuse to appoint any of the persons 6985
nominated by an organization or organizations under this division. 6986
In that event, the organization or organizations shall continue to 6987
nominate the required number of persons until the director 6988
appoints to the committee one or more of the persons nominated by 6989
the organization or organizations. 6990

Initial appointments to the committee shall be made by the 6991
director not later than ninety days after November 3, 2000. 6992
Members of the committee shall serve at the pleasure of the 6993
director, except that any member of the committee who ceases to be 6994
qualified for the position to which the member was appointed shall 6995
cease to be a member of the committee. Vacancies on the committee 6996

shall be filled in the same manner as original appointments. 6997

The members of the committee shall serve without compensation 6998
but shall be reimbursed for actual and necessary expenses incurred 6999
in carrying out duties as members of the committee. 7000

The committee shall select a chairperson and vice-chairperson 7001
from among its members. A majority of all members of the committee 7002
shall constitute a quorum. No action shall be taken without the 7003
concurrence of a majority of all members of the committee. The 7004
committee shall meet at the call of the chair, upon written 7005
request of five members of the committee, and at the direction of 7006
the state board of emergency medical, fire, and transportation 7007
services. The committee shall not meet at times or locations that 7008
conflict with meetings of the board. The executive director and 7009
medical director of the state board of emergency medical, fire, 7010
and transportation services may participate in any meeting of the 7011
committee and shall do so at the request of the committee. 7012

The committee shall advise and assist the state board of 7013
emergency medical, fire, and transportation services in matters 7014
related to adult and pediatric trauma care and the establishment 7015
and operation of the state trauma registry. In matters relating to 7016
the state trauma registry, the board and the committee shall 7017
consult with trauma registrars from adult and pediatric trauma 7018
centers in the state. The committee may appoint a subcommittee to 7019
advise and assist with the trauma registry. The subcommittee may 7020
include persons with expertise relevant to the trauma registry who 7021
are not members of the board or committee. 7022

(C)(1) The medical transportation committee of the state 7023
board of emergency medical, fire, and transportation services is 7024
hereby created. The committee shall consist of members appointed 7025
by the board in accordance with rules adopted by the board. In 7026
appointing members of the committee, the board shall attempt to 7027
include members representing urban and rural areas and various 7028

geographical areas of the state, and shall ensure the members have 7029
substantial experience in the transportation of patients, 7030
including addressing the unique issues of mobile intensive care 7031
and air medical services. The members of the committee shall be 7032
residents of this state and may be members of the board. The 7033
members of the committee shall serve without compensation but 7034
shall be reimbursed for actual and necessary expenses incurred in 7035
carrying out duties as members of the committee. The committee 7036
shall select a chairperson and vice-chairperson from among its 7037
members. A majority of all members of the committee shall 7038
constitute a quorum. No action shall be taken without the 7039
concurrence of a majority of all members of the committee. The 7040
committee shall meet at the call of the chair and at the direction 7041
of the board. The committee shall not meet at times or locations 7042
that conflict with meetings of the board. The committee shall 7043
advise and assist the board in matters related to the licensing of 7044
nonemergency medical service, emergency medical service, and air 7045
medical service organizations in this state. 7046

(2) There is hereby created the critical care subcommittee of 7047
the medical transportation committee. The membership of the 7048
subcommittee and the conduct of the subcommittee's business shall 7049
conform to rules adopted by the board. The subcommittee shall 7050
advise and assist the committee and board in matters relating to 7051
mobile intensive care and air medical service organizations in 7052
this state. 7053

(D) The state board of emergency medical, fire, and 7054
transportation services may appoint other committees and 7055
subcommittees as it considers necessary. 7056

~~(D)~~(E) The state board of emergency medical, fire, and 7057
transportation services, and any of its committees or 7058
subcommittees, may request assistance from any state agency. The 7059
board and its committees and subcommittees may permit persons who 7060

are not members of those bodies to participate in deliberations of 7061
those bodies, but no person who is not a member of the board shall 7062
vote on the board and no person who is not a member of a committee 7063
created under division (A) ~~or~~, (B), or (C) of this section shall 7064
vote on that committee. 7065

~~(E)~~(F) Sections 101.82 to 101.87 of the Revised Code do not 7066
apply to the committees established under ~~division~~ divisions (A) 7067
~~or~~, (B), and (C) of this section. 7068

Sec. 4765.05. (A) As used in this section, "prehospital 7069
emergency medical services" means an emergency medical services 7070
system that provides medical services to patients who require 7071
immediate assistance, because of illness or injury, prior to their 7072
arrival at an emergency medical facility. 7073

(B) The state board of emergency medical, fire, and 7074
transportation services shall divide the state geographically into 7075
prehospital emergency medical services regions for purposes of 7076
overseeing the delivery of adult and pediatric prehospital 7077
emergency medical services. For each prehospital emergency medical 7078
services region, the state board of emergency medical, fire, and 7079
transportation services shall appoint either a physician to serve 7080
as the regional director or a physician advisory board to serve as 7081
the regional advisory board. The state board of emergency medical, 7082
fire, and transportation services shall specify the duties of each 7083
regional director and regional advisory board. Regional directors 7084
and members of regional advisory boards shall serve without 7085
compensation, but shall be reimbursed for actual and necessary 7086
expenses incurred in carrying out duties as regional directors and 7087
members of regional advisory boards. 7088

(C) Nothing in this section shall be construed to limit in 7089
any way the ability of a hospital to determine the market area of 7090
that hospital. 7091

Sec. 4765.06. (A) The state board of emergency medical, fire, 7092
and transportation services shall establish an emergency medical 7093
services incidence reporting system for the collection of 7094
information regarding the delivery of emergency medical services 7095
in this state and the frequency at which the services are 7096
provided. All emergency medical service organizations shall submit 7097
to the board any information that the board determines is 7098
necessary for maintaining the incidence reporting system. 7099

(B) The board shall establish a state trauma registry to be 7100
used for the collection of information regarding the care of adult 7101
and pediatric trauma victims in this state. The registry shall 7102
provide for the reporting of adult and pediatric trauma-related 7103
deaths, identification of adult and pediatric trauma patients, 7104
monitoring of adult and pediatric trauma patient care data, 7105
determination of the total amount of uncompensated adult and 7106
pediatric trauma care provided annually by each facility that 7107
provides care to trauma victims, and collection of any other 7108
information specified by the board. All persons designated by the 7109
board shall submit to the board any information it determines is 7110
necessary for maintaining the state trauma registry. At the 7111
request of the board any state agency possessing information 7112
regarding adult or pediatric trauma care shall provide the 7113
information to the board. The board shall maintain the state 7114
trauma registry in accordance with rules adopted under section 7115
4765.11 of the Revised Code. 7116

Rules relating to the state trauma registry adopted under 7117
this section and section 4765.11 of the Revised Code shall not 7118
prohibit the operation of other trauma registries and may provide 7119
for the reporting of information to the state trauma registry by 7120
or through other trauma registries in a manner consistent with 7121
information otherwise reported to the state trauma registry. Other 7122
trauma registries may report aggregate information to the state 7123

trauma registry, provided the information can be matched to the 7124
person that reported it. Information maintained by another trauma 7125
registry and reported to the state trauma registry in lieu of 7126
being reported directly to the state trauma registry is a public 7127
record and shall be maintained, made available to the public, held 7128
in confidence, risk adjusted, and not subject to discovery or 7129
introduction into evidence in a civil action as provided in 7130
section 149.43 of the Revised Code and this section. Any person 7131
who provides, maintains, or risk adjusts such information shall 7132
comply with this section and rules adopted under it in performing 7133
that function and has the same immunities with respect to that 7134
function as a person who performs that function with respect to 7135
the state trauma registry. 7136

(C) The board and any employee or contractor of the board or 7137
the department of public safety shall not make public information 7138
it receives under Chapter 4765. of the Revised Code that 7139
identifies or would tend to identify a specific recipient of 7140
emergency medical services or adult or pediatric trauma care. 7141

(D) Not later than two years after November 3, 2000, the 7142
board shall adopt and implement rules under section 4765.11 of the 7143
Revised Code that provide written standards and procedures for 7144
risk adjustment of information received by the board under Chapter 7145
4765. of the Revised Code. The rules shall be developed in 7146
consultation with appropriate medical, hospital, and emergency 7147
medical service organizations and may provide for risk adjustment 7148
by a contractor of the board. Except as provided in division (G) 7149
of this section, before risk adjustment standards and procedures 7150
are implemented, no member of the board and no employee or 7151
contractor of the board or the department of public safety shall 7152
make public information received by the board under Chapter 4765. 7153
of the Revised Code that identifies or would tend to identify a 7154
specific provider of emergency medical services or adult or 7155

pediatric trauma care. Except as provided in division (G) of this section, after risk adjustment standards and procedures are implemented, the board shall make public such information only on a risk adjusted basis.

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

(F) No provider that furnishes information to the board with respect to any patient the provider examined or treated shall, because of this furnishing, be deemed liable in damages to any person or be held to answer for betrayal of a professional confidence in the absence of willful or wanton misconduct. No such information shall be subject to introduction in evidence in any civil action against the provider. No provider that furnishes information to the board shall be liable for the misuse or improper release of the information by the board or any other person.

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

(G) The board may transmit data that identifies or tends to identify a specific provider of emergency medical services care and has not been risk-adjusted from the emergency medical services

incident reporting system directly to the national emergency 7188
medical services information system, pursuant to a written 7189
contract between the board and the federal agency that administers 7190
the national emergency medical services information system, which 7191
shall ensure to the maximum extent permitted by federal law that 7192
such agency shall use such data solely for inclusion in the 7193
national emergency medical services information system and shall 7194
not disclose such data to the public, through legal discovery, a 7195
freedom of information request, or otherwise, in a manner that 7196
identifies or tends to identify a specific provider of emergency 7197
medical services care. 7198

Sec. 4765.07. (A) The state board of emergency medical, fire, 7199
and transportation services shall adopt rules under section 7200
4765.11 of the Revised Code to establish and administer a grant 7201
program under which grants are distributed according to the 7202
following priorities: 7203

(1) First priority shall be given to emergency medical 7204
service organizations for the training of personnel, for the 7205
purchase of equipment and vehicles, and to improve the 7206
availability, accessibility, and quality of emergency medical 7207
services in this state. In this category, the board shall give 7208
priority to grants that fund training and equipping of emergency 7209
medical service personnel. 7210

(2) Second priority shall be given to entities that research, 7211
test, and evaluate medical procedures and systems related to adult 7212
and pediatric trauma care. 7213

(3) Third priority shall be given to entities that research 7214
the causes, nature, and effects of traumatic injuries, educate the 7215
public about injury prevention, and implement, test, and evaluate 7216
injury prevention strategies. 7217

(4) Fourth priority shall be given to entities that research, 7218

test, and evaluate procedures that promote the rehabilitation, 7219
retraining, and reemployment of adult or pediatric trauma victims 7220
and social service support mechanisms for adult or pediatric 7221
trauma victims and their families. 7222

(5) Fifth priority shall be given to entities that conduct 7223
research on, test, or evaluate one or more of the following: 7224

(a) Procedures governing the performance of emergency medical 7225
services in this state; 7226

(b) The training of emergency medical service personnel; 7227

(c) The staffing of emergency medical service organizations. 7228

(6) For grants distributed for the grant award years 7229
occurring not later than the award year ending June 30, 2017, 7230
sixth priority shall be given to entities that operate paramedic 7231
training programs and are seeking national accreditation of the 7232
programs. 7233

(B) To be eligible for a grant distributed pursuant to 7234
division (A)(6) of this section, an applicant for the grant shall 7235
meet all of the following conditions: 7236

(1) Hold a certificate of accreditation issued by the board 7237
under section 4765.17 of the Revised Code to operate a paramedic 7238
training program; 7239

(2) Be seeking initial national accreditation of the program 7240
from an accrediting organization approved by the board; 7241

(3) Apply for the national accreditation on or after February 7242
25, 2010. 7243

(C) The grant program shall be funded from the trauma and 7244
emergency medical services fund created by section 4513.263 of the 7245
Revised Code. 7246

Sec. 4765.08. The state board of emergency medical, fire, and 7247

transportation services shall prepare a statewide emergency 7248
medical services plan and shall revise the plan as necessary. 7249

The board shall prepare a plan for the statewide regulation 7250
of emergency medical services during periods of disaster. The plan 7251
shall be consistent with the statewide emergency medical services 7252
plan required under this section and with the statewide emergency 7253
operations plan required under section 5502.22 of the Revised 7254
Code. The board shall submit the plan to the emergency management 7255
agency created under section 5502.22 of the Revised Code. The 7256
board shall cooperate with the agency in any other manner the 7257
agency considers necessary to develop and implement the statewide 7258
emergency operations plan. 7259

Sec. 4765.09. The state board of emergency medical, fire, and 7260
transportation services shall prepare recommendations for the 7261
operation of ambulance service organizations, air medical 7262
organizations, and emergency medical service organizations. Within 7263
thirty days following the preparation or modification of 7264
recommendations, the board shall notify the board of county 7265
commissioners of any county, the board of township trustees of any 7266
township, the board of trustees of any joint ambulance district, 7267
or the board of trustees of any joint emergency medical services 7268
district in which there exist ambulance service organizations, air 7269
medical organizations, or emergency medical service organizations 7270
of any board recommendations for the operation of such 7271
organizations. The recommendations shall include, but not be 7272
limited to: 7273

(A) The definition and classification of ambulances and 7274
medical aircraft; 7275

(B) The design, equipment, and supplies for ambulances and 7276
medical aircraft, including special equipment, supplies, training, 7277
and staffing required to assist pediatric and geriatric emergency 7278

victims;	7279
(C) The minimum number and type of personnel for the operation of ambulances and medical aircraft;	7280 7281
(D) The communication systems necessary for the operation of ambulances and medical aircraft;	7282 7283
(E) Reports to be made by persons holding certificates of accreditation or approval issued under section 4765.17 of the Revised Code and certificates to practice issued under section 4765.30 of the Revised Code to ascertain compliance with this chapter and the rules and recommendations adopted thereunder and to ascertain the quantity and quality of ambulance service organizations, air medical organizations, and emergency medical service organizations throughout the state.	7284 7285 7286 7287 7288 7289 7290 7291
Sec. 4765.10. (A) The state board of emergency medical, <u>fire,</u> and <u>transportation</u> services shall do all of the following:	7292 7293
(1) Administer and enforce the provisions of this chapter and the rules adopted under it;	7294 7295
(2) Approve, in accordance with procedures established in rules adopted under section 4765.11 of the Revised Code, examinations that demonstrate competence to have a certificate to practice renewed without completing a continuing education program;	7296 7297 7298 7299 7300
(3) Advise applicants for state or federal emergency medical services funds, review and comment on applications for these funds, and approve the use of all state and federal funds designated solely for emergency medical service programs unless federal law requires another state agency to approve the use of all such federal funds;	7301 7302 7303 7304 7305 7306
(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services;	7307 7308

(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services;	7309 7310
(6) Maintain a toll-free long distance telephone number through which it shall respond to questions about emergency medical services;	7311 7312 7313
(7) Work with appropriate state offices in coordinating the training of firefighters and emergency medical service personnel. Other state offices that are involved in the training of firefighters or emergency medical service personnel shall cooperate with the board and its committees and subcommittees to achieve this goal.	7314 7315 7316 7317 7318 7319
(8) Provide a liaison to the state emergency operation center during those periods when a disaster, as defined in section 5502.21 of the Revised Code, has occurred in this state and the governor has declared an emergency as defined in that section.	7320 7321 7322 7323
(B) The board may do any of the following:	7324
(1) Investigate complaints concerning emergency medical services and emergency medical service organizations as it determines necessary;	7325 7326 7327
(2) Enter into reciprocal agreements with other states that have standards for accreditation of emergency medical services training programs and for certification of first responders, EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety inspectors that are substantially similar to those established under this chapter and the rules adopted under it;	7328 7329 7330 7331 7332 7333
(3) Establish a statewide public information system and public education programs regarding emergency medical services;	7334 7335
(4) Establish an injury prevention program.	7336
<u>(C) The state board of emergency medical, fire, and transportation services shall not regulate any profession that</u>	7337 7338

otherwise is regulated by another board, commission, or similar 7339
regulatory entity. 7340

Sec. 4765.101. (A) The state board of emergency medical, 7341
fire, and transportation services shall investigate any allegation 7342
that a person has violated this chapter or a rule adopted under 7343
it. 7344

Any person may submit to the board a written complaint 7345
regarding an alleged violation of this chapter or a rule adopted 7346
under it. In the absence of fraud or bad faith, no person 7347
submitting a complaint to the board or testifying in an 7348
adjudication hearing conducted in accordance with Chapter 119. of 7349
the Revised Code with regard to such an alleged violation shall be 7350
liable to any person in damages in a civil action as a result of 7351
submitting the complaint or providing testimony. 7352

(B) In investigating an allegation, the board may do any of 7353
the following: 7354

(1) Administer oaths; 7355

(2) Order the taking of depositions; 7356

(3) Issue subpoenas; 7357

(4) Compel the attendance of witnesses and production of 7358
books, accounts, papers, records, documents, and testimony. 7359

(C) A subpoena for patient record information shall not be 7360
issued without consultation with the attorney general's office and 7361
approval of the executive director of the board. Before issuance 7362
of a subpoena for patient record information, the executive 7363
director shall determine whether there is probable cause to 7364
believe that the complaint filed alleges a violation of this 7365
chapter or any rule adopted under it and that the records sought 7366
are relevant to the alleged violation and material to the 7367
investigation. The subpoena may apply only to records that cover a 7368

reasonable period of time surrounding the alleged violation. 7369

(D) On failure to comply with any subpoena issued by the 7370
board and after reasonable notice to the person being subpoenaed, 7371
the board may move, pursuant to the Rules of Civil Procedure, for 7372
an order compelling the production of persons or records. 7373

(E) A subpoena issued by the board may be served by a 7374
sheriff, the sheriff's deputy, or an investigator for the division 7375
of emergency medical services of the department of public safety. 7376
Service of a subpoena issued by the board may be made by 7377
delivering a copy of the subpoena to the person named in it, 7378
reading it to the person, or leaving it at the person's usual 7379
place of residence. When the person being served is an individual 7380
authorized by this chapter to practice emergency medical services, 7381
service of the subpoena may be made by certified mail, restricted 7382
delivery, return receipt requested, and the subpoena shall be 7383
deemed served on the date delivery is made or on the date that the 7384
person refuses to accept delivery. 7385

Sec. 4765.102. (A) As used in this section, "licensing 7386
agency" means any entity that has the authority pursuant to Title 7387
XLVII of the Revised Code to issue a license, and any other agency 7388
of this or another state, other than the Ohio supreme court, that 7389
has the authority to issue a license that authorizes an individual 7390
to engage in an occupation or profession. "Licensing agency" 7391
includes an administrative officer that has authority to issue a 7392
license that authorizes an individual to engage in an occupation 7393
or profession. 7394

(B) Except as provided in divisions (C) and (D) of this 7395
section and section 4765.111 of the Revised Code, all information 7396
the state board of emergency medical, fire, and transportation 7397
services receives pursuant to an investigation, including 7398
information regarding an alleged violation of this chapter or 7399

rules adopted under it or a complaint submitted under division (A) 7400
of section 4765.101 of the Revised Code, is confidential, and is 7401
not subject to discovery in any civil action, during the course of 7402
the investigation and any adjudication proceedings that result 7403
from the investigation. Upon completion of the investigation and 7404
any resulting adjudication proceedings, the information is a 7405
matter of public record for purposes of section 149.43 of the 7406
Revised Code. 7407

(C) The board may release information otherwise made 7408
confidential by division (B) of this section to law enforcement 7409
officers or licensing agencies of this or another state that are 7410
prosecuting, adjudicating, or investigating the holder of a 7411
certificate issued under this chapter or a person who allegedly 7412
engaged in the unauthorized provision of emergency medical 7413
services. 7414

A law enforcement officer or licensing agency with 7415
information disclosed by the board under this division shall not 7416
divulge the information other than for the purpose of an 7417
adjudication by a court or licensing agency to which the subject 7418
of the adjudication is a party. 7419

(D) If an investigation conducted under section 4765.101 of 7420
the Revised Code requires a review of patient records, the 7421
investigation and proceedings related to it shall be conducted in 7422
such a manner as to protect patient confidentiality. The board 7423
shall not make public the name or any other identifying 7424
information about a patient unless proper consent is given in 7425
accordance with rules adopted by the board. If the patient is less 7426
than eighteen years of age, the board shall obtain consent from 7427
the patient's parent, guardian, or custodian. 7428

Sec. 4765.11. (A) The state board of emergency medical, fire, 7429
and transportation services shall adopt, and may amend and 7430

rescind, rules in accordance with Chapter 119. of the Revised Code 7431
and division (C) of this section that establish all of the 7432
following: 7433

(1) Procedures for its governance and the control of its 7434
actions and business affairs; 7435

(2) Standards for the performance of emergency medical 7436
services by first responders, emergency medical technicians-basic, 7437
emergency medical technicians-intermediate, and emergency medical 7438
technicians-paramedic; 7439

(3) Application fees for certificates of accreditation, 7440
certificates of approval, certificates to teach, and certificates 7441
to practice, which shall be deposited into the trauma and 7442
emergency medical services fund created in section 4513.263 of the 7443
Revised Code; 7444

(4) Criteria for determining when the application or renewal 7445
fee for a certificate to practice may be waived because an 7446
applicant cannot afford to pay the fee; 7447

(5) Procedures for issuance and renewal of certificates of 7448
accreditation, certificates of approval, certificates to teach, 7449
and certificates to practice, including any procedures necessary 7450
to ensure that adequate notice of renewal is provided in 7451
accordance with division (D) of section 4765.30 of the Revised 7452
Code; 7453

(6) Procedures for suspending or revoking certificates of 7454
accreditation, certificates of approval, certificates to teach, 7455
and certificates to practice; 7456

(7) Grounds for suspension or revocation of a certificate to 7457
practice issued under section 4765.30 of the Revised Code and for 7458
taking any other disciplinary action against a first responder, 7459
EMT-basic, EMT-I, or paramedic; 7460

(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	7461 7462
(9) Standards for certificates of accreditation and certificates of approval;	7463 7464
(10) Qualifications for certificates to teach;	7465
(11) Requirements for a certificate to practice;	7466
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	7467 7468 7469 7470 7471
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	7472 7473 7474 7475 7476
(14) Examinations for certificates to practice;	7477
(15) Procedures for administering examinations for certificates to practice;	7478 7479
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	7480 7481 7482 7483
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	7484 7485
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section	7486 7487 7488 7489 7490

4765.38 of the Revised Code to perform, and paramedics are 7491
authorized by division (B)(6) of section 4765.39 of the Revised 7492
Code to perform; 7493

(19) Standards and procedures for implementing the 7494
requirements of section 4765.06 of the Revised Code, including 7495
designations of the persons who are required to report information 7496
to the board and the types of information to be reported; 7497

(20) Procedures for administering the emergency medical 7498
services grant program established under section 4765.07 of the 7499
Revised Code; 7500

(21) Procedures consistent with Chapter 119. of the Revised 7501
Code for appealing decisions of the board; 7502

(22) Minimum qualifications and peer review and quality 7503
improvement requirements for persons who provide medical direction 7504
to emergency medical service personnel; 7505

(23) The manner in which a patient, or a patient's parent, 7506
guardian, or custodian may consent to the board releasing 7507
identifying information about the patient under division (D) of 7508
section 4765.102 of the Revised Code; 7509

(24) Circumstances under which a training program or 7510
continuing education program, or portion of either type of 7511
program, may be taught by a person who does not hold a certificate 7512
to teach issued under section 4765.23 of the Revised Code; 7513

(25) Certification cycles for certificates issued under 7514
sections 4765.23 and 4765.30 of the Revised Code and certificates 7515
issued by the executive director of the state board of emergency 7516
medical, fire, and transportation services under section 4765.55 7517
of the Revised Code that establish a common expiration date for 7518
all certificates. 7519

(B) The board may adopt, and may amend and rescind, rules in 7520

accordance with Chapter 119. of the Revised Code and division (C) 7521
of this section that establish the following: 7522

(1) Specifications of information that may be collected under 7523
the trauma system registry and incidence reporting system created 7524
under section 4765.06 of the Revised Code; 7525

(2) Standards and procedures for implementing any of the 7526
recommendations made by any committees of the board or under 7527
section 4765.04 of the Revised Code; 7528

(3) Requirements that a person must meet to receive a 7529
certificate to practice as a first responder pursuant to division 7530
(A)(2) of section 4765.30 of the Revised Code; 7531

(4) Any other rules necessary to implement this chapter. 7532

(C) In developing and administering rules adopted under this 7533
chapter, the state board of emergency medical, fire, and 7534
transportation services shall consult with regional directors and 7535
regional physician advisory boards created by section 4765.05 of 7536
the Revised Code and emphasize the special needs of pediatric and 7537
geriatric patients. 7538

(D) Except as otherwise provided in this division, before 7539
adopting, amending, or rescinding any rule under this chapter, the 7540
board shall submit the proposed rule to the director of public 7541
safety for review. The director may review the proposed rule for 7542
not more than sixty days after the date it is submitted. If, 7543
within this sixty-day period, the director approves the proposed 7544
rule or does not notify the board that the rule is disapproved, 7545
the board may adopt, amend, or rescind the rule as proposed. If, 7546
within this sixty-day period, the director notifies the board that 7547
the proposed rule is disapproved, the board shall not adopt, 7548
amend, or rescind the rule as proposed unless at least twelve 7549
members of the board vote to adopt, amend, or rescind it. 7550

This division does not apply to an emergency rule adopted in 7551

accordance with section 119.03 of the Revised Code. 7552

Sec. 4765.111. Except as provided in this section or sections 7553
4765.112 to 4765.116 of the Revised Code, the state board of 7554
emergency medical, fire, and transportation services shall conduct 7555
disciplinary proceedings regarding the holder of a certificate 7556
issued under this chapter in accordance with rules adopted by the 7557
board under section 4765.11 of the Revised Code. 7558

The board and a holder of a certificate are the parties to a 7559
hearing conducted under this chapter. Either party may submit a 7560
written request to the other party for a list of witnesses and 7561
copies of documents intended to be introduced at the hearing. The 7562
request shall be in writing and shall be served not less than 7563
thirty-seven days prior to the commencement of the hearing, unless 7564
the hearing officer or presiding board member grants an extension 7565
of time to make the request. Not later than thirty days before the 7566
hearing, the responding party shall provide the requested list of 7567
witnesses and copies of documents to the requesting party, unless 7568
the hearing officer or presiding board member grants an extension 7569
of time to provide the list and copies. 7570

Failure to timely provide a list or copies requested in 7571
accordance with this section shall result in exclusion from the 7572
hearing of the witnesses, testimony, or documents. 7573

Sec. 4765.112. (A) The state board of emergency medical, 7574
fire, and transportation services, by an affirmative vote of the 7575
majority of its members, may suspend without a prior hearing a 7576
certificate to practice issued under this chapter if the board 7577
determines that there is clear and convincing evidence that 7578
continued practice by the certificate holder presents a danger of 7579
immediate and serious harm to the public and that the certificate 7580
holder has done any of the following: 7581

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

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

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

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

Sec. 4765.113. If the state board of emergency medical, fire, and transportation services imposes a suspension on the basis of a conviction, judicial finding, or plea as described in division (A)(3) of section 4765.112 of the Revised Code that is overturned on appeal, the certificate holder, on exhaustion of the criminal appeal process, may file with the board a petition for reconsideration of the suspension along with appropriate court documents. On receipt of the petition and documents, the board shall reinstate the certificate holder's certificate to practice.

Sec. 4765.114. (A) A certificate to practice emergency medical services issued under this chapter is automatically suspended on the certificate holder's conviction of, plea of

guilty to, or judicial finding of guilt of any of the following: 7612
aggravated murder, murder, voluntary manslaughter, felonious 7613
assault, kidnapping, rape, sexual battery, gross sexual 7614
imposition, aggravated arson, aggravated burglary, aggravated 7615
robbery, or a substantially equivalent offense committed in this 7616
or another jurisdiction. Continued practice after the suspension 7617
is practicing without a certificate. 7618

(B) If the state board of emergency medical, fire, and 7619
transportation services has knowledge that an automatic suspension 7620
has occurred, it shall notify, in accordance with section 119.07 7621
of the Revised Code, the certificate holder of the suspension and 7622
of the opportunity for a hearing. If timely requested by the 7623
certificate holder, a hearing shall be conducted in accordance 7624
with section 4765.115 of the Revised Code. 7625

Sec. 4765.115. (A) A suspension order issued under section 7626
4765.112 or automatic suspension under section 4765.114 of the 7627
Revised Code is not subject to suspension by a court prior to a 7628
hearing under this section or during the pendency of any appeal 7629
filed under section 119.12 of the Revised Code. 7630

(B) A suspension order issued under section 4765.112 or 7631
automatic suspension under section 4765.114 of the Revised Code 7632
remains in effect, unless reversed by the state board of emergency 7633
medical, fire, and transportation services, until a final 7634
adjudication order issued by the board pursuant to this section 7635
becomes effective. 7636

(C) Hearings requested pursuant to section 4765.112 or 7637
4765.114 of the Revised Code shall be conducted under this section 7638
in accordance with Chapter 119. of the Revised Code. 7639

(D) A hearing under this section shall be held not later than 7640
forty-five days but not earlier than forty days after the 7641

certificate holder requests it, unless another date is agreed to 7642
by the certificate holder and the board. 7643

(E) After completion of an adjudication hearing, the board 7644
may adopt, by an affirmative vote of the majority of its members, 7645
a final adjudication order that imposes any of the following 7646
sanctions: 7647

(1) Suspension of the holder's certificate to practice; 7648

(2) Revocation of the holder's certificate to practice; 7649

(3) Issuance of a written reprimand; 7650

(4) A refusal to renew or a limitation on the holder's 7651
certificate to practice. 7652

The board shall issue its final adjudication order not later 7653
than forty-five days after completion of an adjudication hearing. 7654
If the board does not issue a final order within that time period, 7655
the suspension order is void, but any final adjudication order 7656
subsequently issued is not affected. 7657

(F) Any action taken by the board under this section 7658
resulting in a suspension from practice shall be accompanied by a 7659
written statement of the conditions under which the certificate to 7660
practice may be reinstated. Reinstatement of a certificate 7661
suspended under this section requires an affirmative vote by the 7662
majority of the members of the board. 7663

(G) When the board revokes or refuses to reinstate a 7664
certificate to practice, the board may specify that its action is 7665
permanent. An individual subject to permanent action taken by the 7666
board is forever ineligible to hold a certificate of the type 7667
revoked or refused, and the board shall not accept from the 7668
individual an application for reinstatement of the certificate or 7669
for a new certificate. 7670

Sec. 4765.116. If a certificate holder subject to a 7671

suspension order issued by the state board of emergency medical, fire, and transportation services under section 4765.112 or an automatic suspension order under section 4765.114 of the Revised Code fails to make a timely request for a hearing, the following apply:

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

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

Sec. 4765.12. (A) Not later than two years after ~~the effective date of this section~~ November 3, 2000, the state board of emergency medical, fire, and transportation services shall develop and distribute guidelines for the care of trauma victims by emergency medical service personnel and for the conduct of peer review and quality assurance programs by emergency medical service organizations. The guidelines shall be consistent with the state trauma triage protocols adopted in rules under sections 4765.11 and 4765.40 of the Revised Code and shall place emphasis on the special needs of pediatric and geriatric trauma victims. In developing the guidelines, the board shall consult with entities with interests in trauma and emergency medical services and shall consider any relevant guidelines adopted by national organizations, including the American college of surgeons, American college of emergency physicians, and American academy of pediatrics. The board shall distribute the guidelines, and

amendments to the guidelines, to each emergency medical service 7703
organization, regional director, regional physician advisory 7704
board, certified emergency medical service instructor, and person 7705
who regularly provides medical direction to emergency medical 7706
service personnel in this state. 7707

(B) Not later than three years after ~~the effective date of~~ 7708
~~this section~~ November 3, 2000, each emergency medical service 7709
organization in this state shall implement ongoing peer review and 7710
quality assurance programs designed to improve the availability 7711
and quality of the emergency medical services it provides. The 7712
form and content of the programs shall be determined by each 7713
emergency medical service organization. In implementing the 7714
programs, each emergency medical service organization shall 7715
consider how to improve its ability to provide effective trauma 7716
care, particularly for pediatric and geriatric trauma victims, and 7717
shall take into account the trauma care guidelines developed by 7718
the state board of emergency medical, fire, and transportation 7719
services under this section. 7720

Information generated solely for use in a peer review or 7721
quality assurance program conducted on behalf of an emergency 7722
medical service organization is not a public record under section 7723
149.43 of the Revised Code. Such information, and any discussion 7724
conducted in the course of a peer review or quality assurance 7725
program conducted on behalf of an emergency medical service 7726
organization, is not subject to discovery in a civil action and 7727
shall not be introduced into evidence in a civil action against 7728
the emergency medical service organization on whose behalf the 7729
information was generated or the discussion occurred. 7730

No emergency medical service organization on whose behalf a 7731
peer review or quality assurance program is conducted, and no 7732
person who conducts such a program, because of performing such 7733
functions, shall be liable in a civil action for betrayal of 7734

professional confidence or otherwise in the absence of willful or 7735
wanton misconduct. 7736

Sec. 4765.15. A person seeking to operate an emergency 7737
medical services training program shall submit a completed 7738
application for accreditation to the state board of emergency 7739
medical, fire, and transportation services on a form the board 7740
shall prescribe and furnish. The application shall be accompanied 7741
by the appropriate application fee established in rules adopted 7742
under section 4765.11 of the Revised Code. 7743

A person seeking to operate an emergency medical services 7744
continuing education program shall submit a completed application 7745
for approval to the board on a form the board shall prescribe and 7746
furnish. The application shall be accompanied by the appropriate 7747
application fee established in rules adopted under section 4765.11 7748
of the Revised Code. 7749

The board shall administer the accreditation and approval 7750
processes pursuant to rules adopted under section 4765.11 of the 7751
Revised Code. In administering these processes, the board may 7752
authorize other persons to evaluate applications for accreditation 7753
or approval and may accept the recommendations made by those 7754
persons. 7755

The board may cause an investigation to be made into the 7756
accuracy of the information submitted in any application for 7757
accreditation or approval. If an investigation indicates that 7758
false, misleading, or incomplete information has been submitted to 7759
the board in connection with any application for accreditation or 7760
approval, the board shall conduct a hearing on the matter in 7761
accordance with Chapter 119. of the Revised Code. 7762

Sec. 4765.16. (A) All courses offered through an emergency 7763
medical services training program or an emergency medical services 7764

continuing education program, other than ambulance driving, shall 7765
be developed under the direction of a physician who specializes in 7766
emergency medicine. Each course that deals with trauma care shall 7767
be developed in consultation with a physician who specializes in 7768
trauma surgery. Except as specified by the state board of 7769
emergency medical, fire, and transportation services pursuant to 7770
rules adopted under section 4765.11 of the Revised Code, each 7771
course offered through a training program or continuing education 7772
program shall be taught by a person who holds the appropriate 7773
certificate to teach issued under section 4765.23 of the Revised 7774
Code. 7775

(B) A training program for first responders shall meet the 7776
standards established in rules adopted by the board under section 7777
4765.11 of the Revised Code. The program shall include courses in 7778
both of the following areas for at least the number of hours 7779
established by the board's rules: 7780

(1) Emergency victim care; 7781

(2) Reading and interpreting a trauma victim's vital signs. 7782

(C) A training program for emergency medical 7783
technicians-basic shall meet the standards established in rules 7784
adopted by the board under section 4765.11 of the Revised Code. 7785
The program shall include courses in each of the following areas 7786
for at least the number of hours established by the board's rules: 7787

(1) Emergency victim care; 7788

(2) Reading and interpreting a trauma victim's vital signs; 7789

(3) Triage protocols for adult and pediatric trauma victims; 7790

(4) In-hospital training; 7791

(5) Clinical training; 7792

(6) Training as an ambulance driver. 7793

Each operator of a training program for emergency medical 7794

technicians-basic shall allow any pupil in the twelfth grade in a 7795
secondary school who is at least seventeen years old and who 7796
otherwise meets the requirements for admission into such a 7797
training program to be admitted to and complete the program and, 7798
as part of the training, to ride in an ambulance with emergency 7799
medical technicians-basic, emergency medical 7800
technicians-intermediate, and emergency medical 7801
technicians-paramedic. Each emergency medical service organization 7802
shall allow pupils participating in training programs to ride in 7803
an ambulance with emergency medical technicians-basic, advanced 7804
emergency medical technicians-intermediate, and emergency medical 7805
technicians-paramedic. 7806

(D) A training program for emergency medical 7807
technicians-intermediate shall meet the standards established in 7808
rules adopted by the board under section 4765.11 of the Revised 7809
Code. The program shall include, or require as a prerequisite, the 7810
training specified in division (C) of this section and courses in 7811
each of the following areas for at least the number of hours 7812
established by the board's rules: 7813

(1) Recognizing symptoms of life-threatening allergic 7814
reactions and in calculating proper dosage levels and 7815
administering injections of epinephrine to persons who suffer 7816
life-threatening allergic reactions, conducted in accordance with 7817
rules adopted by the board under section 4765.11 of the Revised 7818
Code; 7819

(2) Venous access procedures; 7820

(3) Cardiac monitoring and electrical interventions to 7821
support or correct the cardiac function. 7822

(E) A training program for emergency medical 7823
technicians-paramedic shall meet the standards established in 7824
rules adopted by the board under section 4765.11 of the Revised 7825

Code. The program shall include, or require as a prerequisite, the training specified in divisions (C) and (D) of this section and courses in each of the following areas for at least the number of hours established by the board's rules:

(1) Medical terminology;

(2) Venous access procedures;

(3) Airway procedures;

(4) Patient assessment and triage;

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

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

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

(F) A continuing education program for first responders, EMTs-basic, EMTs-I, or paramedics shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. A continuing education program shall include instruction and training in subjects established by the board's rules for at least the number of hours established by the board's rules.

Sec. 4765.17. (A) The state board of emergency medical, fire, and transportation services shall issue the appropriate certificate of accreditation or certificate of approval to an applicant who is of good reputation and meets the requirements of section 4765.16 of the Revised Code. The board shall grant or deny a certificate of accreditation or certificate of approval within one hundred twenty days of receipt of the application. The board may issue or renew a certificate of accreditation or certificate

of approval on a provisional basis to an applicant who is of good 7856
reputation and is in substantial compliance with the requirements 7857
of section 4765.16 of the Revised Code. The board shall inform an 7858
applicant receiving such a certificate of the conditions that must 7859
be met to complete compliance with section 4765.16 of the Revised 7860
Code. 7861

(B) Except as provided in division (C) of this section, a 7862
certificate of accreditation or certificate of approval is valid 7863
for up to five years and may be renewed by the board pursuant to 7864
procedures and standards established in rules adopted under 7865
section 4765.11 of the Revised Code. An application for renewal 7866
shall be accompanied by the appropriate renewal fee established in 7867
rules adopted under section 4765.11 of the Revised Code. 7868

(C) A certificate of accreditation or certificate of approval 7869
issued on a provisional basis is valid for the length of time 7870
established by the board. If the board finds that the holder of 7871
such a certificate has met the conditions it specifies under 7872
division (A) of this section, the board shall issue the 7873
appropriate certificate of accreditation or certificate of 7874
approval. 7875

(D) A certificate of accreditation is valid only for the 7876
emergency medical services training program or programs for which 7877
it is issued. The holder of a certificate of accreditation may 7878
apply to operate additional training programs in accordance with 7879
rules adopted by the board under section 4765.11 of the Revised 7880
Code. Any additional training programs shall expire on the 7881
expiration date of the applicant's current certificate. A 7882
certificate of approval is valid only for the emergency medical 7883
services continuing education program for which it is issued. 7884
Neither is transferable. 7885

(E) The holder of a certificate of accreditation or a 7886
certificate of approval may offer courses at more than one 7887

location in accordance with rules adopted under section 4765.11 of 7888
the Revised Code. 7889

Sec. 4765.18. The state board of emergency medical, fire, and 7890
transportation services may suspend or revoke a certificate of 7891
accreditation or a certificate of approval issued under section 7892
4765.17 of the Revised Code for any of the following reasons: 7893

(A) Violation of this chapter or any rule adopted under it; 7894

(B) Furnishing of false, misleading, or incomplete 7895
information to the board; 7896

(C) The signing of an application or the holding of a 7897
certificate of accreditation by a person who has pleaded guilty to 7898
or has been convicted of a felony, or has pleaded guilty to or 7899
been convicted of a crime involving moral turpitude; 7900

(D) The signing of an application or the holding of a 7901
certificate of accreditation by a person who is addicted to the 7902
use of any controlled substance or has been adjudicated 7903
incompetent for that purpose by a court, as provided in section 7904
5122.301 of the Revised Code; 7905

(E) Violation of any commitment made in an application for a 7906
certificate of accreditation or certificate of approval; 7907

(F) Presentation to prospective students of misleading, 7908
false, or fraudulent information relating to the emergency medical 7909
services training program or emergency medical services continuing 7910
education program, employment opportunities, or opportunities for 7911
enrollment in accredited institutions of higher education after 7912
entering or completing courses offered by the operator of a 7913
program; 7914

(G) Failure to maintain in a safe and sanitary condition 7915
premises and equipment used in conducting courses of study; 7916

(H) Failure to maintain financial resources adequate for the 7917

satisfactory conduct of courses of study or to retain a sufficient 7918
number of certified instructors; 7919

(I) Discrimination in the acceptance of students upon the 7920
basis of race, color, religion, sex, or national origin. 7921

Sec. 4765.22. A person seeking a certificate to teach in an 7922
emergency medical services training program or an emergency 7923
medical services continuing education program shall submit a 7924
completed application for certification to the state board of 7925
emergency medical, fire, and transportation services on a form the 7926
board shall prescribe and furnish. The application shall be 7927
accompanied by the appropriate application fee established in 7928
rules adopted under section 4765.11 of the Revised Code. 7929

Sec. 4765.23. The state board of emergency medical, fire, and 7930
transportation services shall issue a certificate to teach in an 7931
emergency medical services training program or an emergency 7932
medical services continuing education program to any applicant who 7933
it determines meets the qualifications established in rules 7934
adopted under section 4765.11 of the Revised Code. The certificate 7935
shall indicate each type of instruction and training the 7936
certificate holder may teach under the certificate. 7937

A certificate to teach shall have a certification cycle 7938
established by the board and may be renewed by the board pursuant 7939
to rules adopted under section 4765.11 of the Revised Code. An 7940
application for renewal shall be accompanied by the appropriate 7941
renewal fee established in rules adopted under section 4765.11 of 7942
the Revised Code. 7943

The board may suspend or revoke a certificate to teach 7944
pursuant to rules adopted under section 4765.11 of the Revised 7945
Code. 7946

Sec. 4765.28. A person seeking a certificate to practice as a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic 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. Except as provided in division (B) of section 4765.29 of the Revised Code, the application shall include evidence that the applicant received the appropriate certificate of completion pursuant to section 4765.24 of the Revised Code. The application shall be accompanied by the appropriate application 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.

Sec. 4765.29. (A) The state board of emergency medical, fire, and transportation services shall provide for the examination of applicants for certification to practice as first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. The examinations shall be established by the board in rules adopted under section 4765.11 of the Revised Code. The board may administer the examinations or contract with other persons to administer the examinations. In either case, the examinations shall be administered pursuant to procedures established in rules adopted under section 4765.11 of the Revised Code and shall be offered at various locations in the state selected by the board.

Except as provided in division (B) of this section, an applicant shall not be permitted to take an examination for the same certificate to practice more than three times since last receiving the certificate of completion pursuant to section

4765.24 of the Revised Code that qualifies the applicant to take 7978
the examination unless the applicant receives another certificate 7979
of completion that qualifies the applicant to take the 7980
examination. 7981

(B) On request of an applicant who fails three examinations 7982
for the same certificate to practice, the board may direct the 7983
applicant to complete a specific portion of an accredited 7984
emergency medical services training program. If the applicant 7985
provides satisfactory proof to the board that the applicant has 7986
successfully completed that portion of the program, the applicant 7987
shall be permitted to take the examination. 7988

Sec. 4765.30. (A)(1) The state board of emergency medical, 7989
fire, and transportation services shall issue a certificate to 7990
practice as a first responder to an applicant who meets all of the 7991
following conditions: 7992

(a) Except as provided in division (A)(2) of this section, is 7993
a volunteer for a nonprofit emergency medical service organization 7994
or a nonprofit fire department; 7995

(b) Holds the appropriate certificate of completion issued in 7996
accordance with section 4765.24 of the Revised Code; 7997

(c) Passes the appropriate examination conducted under 7998
section 4765.29 of the Revised Code; 7999

(d) Is not in violation of any provision of this chapter or 8000
the rules adopted under it; 8001

(e) Meets any other certification requirements established in 8002
rules adopted under section 4765.11 of the Revised Code. 8003

(2) The board may waive the requirement to be a volunteer for 8004
a nonprofit entity if the applicant meets other requirements 8005
established in rules adopted under division (B)(3) of section 8006
4765.11 of the Revised Code relative to a person's eligibility to 8007

practice as a first responder. 8008

(B) The state board of emergency medical, fire, and 8009
transportation services shall issue a certificate to practice as 8010
an emergency medical technician-basic to an applicant who meets 8011
all of the following conditions: 8012

(1) Holds a certificate of completion in emergency medical 8013
services training-basic issued in accordance with section 4765.24 8014
of the Revised Code; 8015

(2) Passes the examination for emergency medical 8016
technicians-basic conducted under section 4765.29 of the Revised 8017
Code; 8018

(3) Is not in violation of any provision of this chapter or 8019
the rules adopted under it; 8020

(4) Meets any other certification requirements established in 8021
rules adopted under section 4765.11 of the Revised Code. 8022

(C) The state board of emergency medical, fire, and 8023
transportation services shall issue a certificate to practice as 8024
an emergency medical technician-intermediate or emergency medical 8025
technician-paramedic to an applicant who meets all of the 8026
following conditions: 8027

(1) Holds a certificate to practice as an emergency medical 8028
technician-basic; 8029

(2) Holds the appropriate certificate of completion issued in 8030
accordance with section 4765.24 of the Revised Code; 8031

(3) Passes the appropriate examination conducted under 8032
section 4765.29 of the Revised Code; 8033

(4) Is not in violation of any provision of this chapter or 8034
the rules adopted under it; 8035

(5) Meets any other certification requirements established in 8036
rules adopted under section 4765.11 of the Revised Code. 8037

(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.

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:

(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;

(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 education program. The board shall approve such examinations in accordance with rules adopted under section 4765.11 of the Revised Code.

(E) The board shall not require an applicant for renewal of a certificate to practice to take an examination as a condition of renewing the certificate. This division does not preclude the use of examinations by operators of approved emergency medical services continuing education programs as a condition for issuance of a certificate of completion in emergency medical services continuing education.

Sec. 4765.31. (A) Except as provided in division (B) of this section, a first responder, emergency medical technician-basic,

emergency medical technician-intermediate, and emergency medical 8069
technician-paramedic shall complete an emergency medical services 8070
continuing education program or pass an examination approved by 8071
the state board of emergency medical, fire, and transportation 8072
services under division (A) of section 4765.10 of the Revised Code 8073
prior to the expiration of the individual's certificate to 8074
practice. Completion of the continuing education requirements for 8075
EMTs-I or paramedics satisfies the continuing education 8076
requirements for renewing the certificate to practice as an 8077
EMT-basic held by an EMT-I or paramedic. 8078

(B)(1) An applicant for renewal of a certificate to practice 8079
may apply to the board, in writing, for an extension to complete 8080
the continuing education requirements established under division 8081
(A) of this section. The board may grant such an extension and 8082
determine the length of the extension. The board may authorize the 8083
applicant to continue to practice during the extension as if the 8084
certificate to practice had not expired. 8085

(2) An applicant for renewal of a certificate to practice may 8086
apply to the board, in writing, for an exemption from the 8087
continuing education requirements established under division (A) 8088
of this section. The board may exempt an individual or a group of 8089
individuals from all or any part of the continuing education 8090
requirements due to active military service, unusual circumstance, 8091
emergency, special hardship, or any other cause considered 8092
reasonable by the board. 8093

(C) Decisions of whether to grant an extension or exemption 8094
under division (B) of this section shall be made by the board 8095
pursuant to procedures established in rules adopted under section 8096
4765.11 of the Revised Code. 8097

Sec. 4765.32. A current, valid certificate of accreditation 8098
issued under the provisions of former section 3303.11 or 3303.23 8099

of the Revised Code shall remain valid until one year after the 8100
expiration date of the certificate as determined by the provisions 8101
of those sections and shall confer the same privileges and impose 8102
the same responsibilities and requirements as a certificate of 8103
accreditation issued by the state board of emergency medical, 8104
fire, and transportation services under section 4765.17 of the 8105
Revised Code. 8106

A certificate to practice as an emergency medical 8107
technician-ambulance that is valid on November 24, 1995, shall be 8108
considered a certificate to practice as an emergency medical 8109
technician-basic. A certificate to practice as an advanced 8110
emergency medical technician-ambulance that is valid on November 8111
24, 1995, shall be considered a certificate to practice as an 8112
emergency medical technician-intermediate. 8113

Sec. 4765.33. The state board of emergency medical, fire, and 8114
transportation services may suspend or revoke certificates to 8115
practice issued under section 4765.30 of the Revised Code, and may 8116
take other disciplinary action against first responders, emergency 8117
medical technicians-basic, emergency medical 8118
technicians-intermediate, and emergency medical 8119
technicians-paramedic pursuant to rules adopted under section 8120
4765.11 of the Revised Code. 8121

Sec. 4765.37. (A) An emergency medical technician-basic shall 8122
perform the emergency medical services described in this section 8123
in accordance with this chapter and any rules adopted under it by 8124
the state board of emergency medical, fire, and transportation 8125
services. 8126

(B) An emergency medical technician-basic may operate, or be 8127
responsible for operation of, an ambulance and may provide 8128
emergency medical services to patients. In an emergency, an 8129

EMT-basic may determine the nature and extent of illness or injury 8130
and establish priority for required emergency medical services. An 8131
EMT-basic may render emergency medical services such as opening 8132
and maintaining an airway, giving positive pressure ventilation, 8133
cardiac resuscitation, electrical interventions with automated 8134
defibrillators to support or correct the cardiac function and 8135
other methods determined by the board, controlling of hemorrhage, 8136
treatment of shock, immobilization of fractures, bandaging, 8137
assisting in childbirth, management of mentally disturbed 8138
patients, initial care of poison and burn patients, and 8139
determining triage of adult and pediatric trauma victims. Where 8140
patients must in an emergency be extricated from entrapment, an 8141
EMT-basic may assess the extent of injury and render all possible 8142
emergency medical services and protection to the entrapped 8143
patient; provide light rescue services if an ambulance has not 8144
been accompanied by a specialized unit; and after extrication, 8145
provide additional care in sorting of the injured in accordance 8146
with standard emergency procedures. 8147

(C) An EMT-basic may perform any other emergency medical 8148
services approved pursuant to rules adopted under section 4765.11 8149
of the Revised Code. The board shall determine whether the nature 8150
of any such service requires that an EMT-basic receive 8151
authorization prior to performing the service. 8152

(D)(1) Except as provided in division (D)(2) of this section, 8153
if the board determines under division (C) of this section that a 8154
service requires prior authorization, the service shall be 8155
performed only pursuant to the written or verbal authorization of 8156
a physician or of the cooperating physician advisory board, or 8157
pursuant to an authorization transmitted through a direct 8158
communication device by a physician, physician assistant 8159
designated by a physician, or registered nurse designated by a 8160
physician. 8161

(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-basic may perform services subject to this division, if, in the judgment of the EMT-basic, 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-basic is affiliated.

Sec. 4765.38. (A) An emergency medical technician-intermediate shall perform the emergency medical services described in this section in accordance with this chapter and any rules adopted under it.

(B) An EMT-I may do any of the following:

(1) Establish and maintain an intravenous lifeline that has been approved by a cooperating physician or physician advisory board;

(2) Perform cardiac monitoring;

(3) Perform electrical interventions to support or correct the cardiac function;

(4) Administer epinephrine;

(5) Determine triage of adult and pediatric trauma victims;

(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code.

(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 8192
through a direct communication device by a physician, physician 8193
assistant designated by a physician, or registered nurse 8194
designated by a physician. 8195

(2) If communications fail during an emergency situation or 8196
the required response time prohibits communication, an EMT-I may 8197
perform any of the services described in division (B) of this 8198
section, if, in the judgment of the EMT-I, the life of the patient 8199
is in immediate danger. Services performed under these 8200
circumstances shall be performed in accordance with the protocols 8201
for triage of adult and pediatric trauma victims established in 8202
rules adopted under sections 4765.11 and 4765.40 of the Revised 8203
Code and any applicable protocols adopted by the emergency medical 8204
service organization with which the EMT-I is affiliated. 8205

(D) In addition to, and in the course of, providing emergency 8206
medical treatment, an emergency medical technician-intermediate 8207
may withdraw blood as provided under sections 1547.11, 4506.17, 8208
and 4511.19 of the Revised Code. An emergency medical 8209
technician-intermediate shall withdraw blood in accordance with 8210
this chapter and any rules adopted under it by the state board of 8211
emergency medical, fire, and transportation services. 8212

Sec. 4765.39. (A) An emergency medical technician-paramedic 8213
shall perform the emergency medical services described in this 8214
section in accordance with this chapter and any rules adopted 8215
under it. 8216

(B) A paramedic may do any of the following: 8217

(1) Perform cardiac monitoring; 8218

(2) Perform electrical interventions to support or correct 8219
the cardiac function; 8220

(3) Perform airway procedures; 8221

(4) Perform relief of pneumothorax; 8222

(5) Administer appropriate drugs and intravenous fluids; 8223

(6) Determine triage of adult and pediatric trauma victims; 8224

(7) Perform any other emergency medical services, including 8225
life support or intensive care techniques, approved pursuant to 8226
rules adopted under section 4765.11 of the Revised Code. 8227

(C)(1) Except as provided in division (C)(2) of this section, 8228
the services described in division (B) of this section shall be 8229
performed by a paramedic only pursuant to the written or verbal 8230
authorization of a physician or of the cooperating physician 8231
advisory board, or pursuant to an authorization transmitted 8232
through a direct communication device by a physician, physician 8233
assistant designated by a physician, or registered nurse 8234
designated by a physician. 8235

(2) If communications fail during an emergency situation or 8236
the required response time prohibits communication, a paramedic 8237
may perform any of the services described in division (B) of this 8238
section, if, in the paramedic's judgment, the life of the patient 8239
is in immediate danger. Services performed under these 8240
circumstances shall be performed in accordance with the protocols 8241
for triage of adult and pediatric trauma victims established in 8242
rules adopted under sections 4765.11 and 4765.40 of the Revised 8243
Code and any applicable protocols adopted by the emergency medical 8244
service organization with which the paramedic is affiliated. 8245

(D) In addition to, and in the course of, providing emergency 8246
medical treatment, an emergency medical technician-paramedic may 8247
withdraw blood as provided under sections 1547.11, 4506.17, and 8248
4511.19 of the Revised Code. An emergency medical 8249
technician-paramedic shall withdraw blood in accordance with this 8250
chapter and any rules adopted under it by the state board of 8251
emergency medical, fire, and transportation services. 8252

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 8253
~~effective date of this amendment~~ November 3, 2000, the state board 8254
of emergency medical, fire, and transportation services shall 8255
adopt rules under section 4765.11 of the Revised Code establishing 8256
written protocols for the triage of adult and pediatric trauma 8257
victims. The rules shall define adult and pediatric trauma in a 8258
manner that is consistent with section 4765.01 of the Revised 8259
Code, minimizes overtriage and undertriage, and emphasizes the 8260
special needs of pediatric and geriatric trauma patients. 8261

(2) The state triage protocols adopted under division (A) of 8262
this section shall require a trauma victim to be transported 8263
directly to an adult or pediatric trauma center that is qualified 8264
to provide appropriate adult or pediatric trauma care, unless one 8265
or more of the following exceptions applies: 8266

(a) It is medically necessary to transport the victim to 8267
another hospital for initial assessment and stabilization before 8268
transfer to an adult or pediatric trauma center; 8269

(b) It is unsafe or medically inappropriate to transport the 8270
victim directly to an adult or pediatric trauma center due to 8271
adverse weather or ground conditions or excessive transport time; 8272

(c) Transporting the victim to an adult or pediatric trauma 8273
center would cause a shortage of local emergency medical service 8274
resources; 8275

(d) No appropriate adult or pediatric trauma center is able 8276
to receive and provide adult or pediatric trauma care to the 8277
trauma victim without undue delay; 8278

(e) Before transport of a patient begins, the patient 8279
requests to be taken to a particular hospital that is not a trauma 8280
center or, if the patient is less than eighteen years of age or is 8281
not able to communicate, such a request is made by an adult member 8282

of the patient's family or a legal representative of the patient. 8283

(3)(a) The state triage protocols adopted under division (A) 8284
of this section shall require trauma patients to be transported to 8285
an adult or pediatric trauma center that is able to provide 8286
appropriate adult or pediatric trauma care, but shall not require 8287
a trauma patient to be transported to a particular trauma center. 8288
The state triage protocols shall establish one or more procedures 8289
for evaluating whether an injury victim requires or would benefit 8290
from adult or pediatric trauma care, which procedures shall be 8291
applied by emergency medical service personnel based on the 8292
patient's medical needs. In developing state trauma triage 8293
protocols, the board shall consider relevant model triage rules 8294
and shall consult with the commission on minority health, regional 8295
directors, regional physician advisory boards, and appropriate 8296
medical, hospital, and emergency medical service organizations. 8297

(b) Before the joint committee on agency rule review 8298
considers state triage protocols for trauma victims proposed by 8299
the state board of emergency medical, fire, and transportation 8300
services, or amendments thereto, the board shall send a copy of 8301
the proposal to the Ohio chapter of the American college of 8302
emergency physicians, the Ohio chapter of the American college of 8303
surgeons, the Ohio chapter of the American academy of pediatrics, 8304
OHA: the association for hospitals and health systems, the Ohio 8305
osteopathic association, and the association of Ohio children's 8306
hospitals and shall hold a public hearing at which it must 8307
consider the appropriateness of the protocols to minimize 8308
overtriage and undertriage of trauma victims. 8309

(c) The board shall provide copies of the state triage 8310
protocols, and amendments to the protocols, to each emergency 8311
medical service organization, regional director, regional 8312
physician advisory board, certified emergency medical service 8313
instructor, and person who regularly provides medical direction to 8314

emergency medical service personnel in the state; to each medical 8315
service organization in other jurisdictions that regularly provide 8316
emergency medical services in this state; and to others upon 8317
request. 8318

(B)(1) The state board of emergency medical, fire, and 8319
transportation services shall approve regional protocols for the 8320
triage of adult and pediatric trauma victims, and amendments to 8321
such protocols, that are submitted to the board as provided in 8322
division (B)(2) of this section and provide a level of adult and 8323
pediatric trauma care comparable to the state triage protocols 8324
adopted under division (A) of this section. The board shall not 8325
otherwise approve regional triage protocols for trauma victims. 8326
The board shall not approve regional triage protocols for regions 8327
that overlap and shall resolve any such disputes by apportioning 8328
the overlapping territory among appropriate regions in a manner 8329
that best serves the medical needs of the residents of that 8330
territory. The trauma committee of the board shall have reasonable 8331
opportunity to review and comment on regional triage protocols and 8332
amendments to such protocols before the board approves or 8333
disapproves them. 8334

(2) Regional protocols for the triage of adult and pediatric 8335
trauma victims, and amendments to such protocols, shall be 8336
submitted in writing to the state board of emergency medical, 8337
fire, and transportation services by the regional physician 8338
advisory board or regional director, as appropriate, that serves a 8339
majority of the population in the region in which the protocols 8340
apply. Prior to submitting regional triage protocols, or an 8341
amendment to such protocols, to the state board of emergency 8342
medical, fire, and transportation services, a regional physician 8343
advisory board or regional director shall consult with each of the 8344
following that regularly serves the region in which the protocols 8345
apply: 8346

(a) Other regional physician advisory boards and regional directors;	8347 8348
(b) Hospitals that operate an emergency facility;	8349
(c) Adult and pediatric trauma centers;	8350
(d) Professional societies of physicians who specialize in adult or pediatric emergency medicine or adult or pediatric trauma surgery;	8351 8352 8353
(e) Professional societies of nurses who specialize in adult or pediatric emergency nursing or adult or pediatric trauma surgery;	8354 8355 8356
(f) Professional associations or labor organizations of emergency medical service personnel;	8357 8358
(g) Emergency medical service organizations and medical directors of such organizations;	8359 8360
(h) Certified emergency medical service instructors.	8361
(3) Regional protocols for the triage of adult and pediatric trauma victims approved under division (B)(2) of this section shall require patients to be transported to a trauma center that is able to provide an appropriate level of adult or pediatric trauma care; shall not discriminate among trauma centers for reasons not related to a patient's medical needs; shall seek to minimize undertriage and overtriage; may include any of the exceptions in division (A)(2) of this section; and supersede the state triage protocols adopted under division (A) of this section in the region in which the regional protocols apply.	8362 8363 8364 8365 8366 8367 8368 8369 8370 8371
(4) Upon approval of regional protocols for the triage of adult and pediatric trauma victims under division (B)(2) of this section, or an amendment to such protocols, the state board of emergency medical, <u>fire, and transportation</u> services shall provide written notice of the approval and a copy of the protocols or	8372 8373 8374 8375 8376

amendment to each entity in the region in which the protocols 8377
apply to which the board is required to send a copy of the state 8378
triage protocols adopted under division (A) of this section. 8379

(C)(1) The state board of emergency medical, fire, and 8380
transportation services shall review the state triage protocols 8381
adopted under division (A) of this section at least every three 8382
years to determine if they are causing overtriage or undertriage 8383
of trauma patients, and shall modify them as necessary to minimize 8384
overtriage and undertriage. 8385

(2) Each regional physician advisory board or regional 8386
director that has had regional triage protocols approved under 8387
division (B)(2) of this section shall review the protocols at 8388
least every three years to determine if they are causing 8389
overtriage or undertriage of trauma patients and shall submit an 8390
appropriate amendment to the state board, as provided in division 8391
(B) of this section, as necessary to minimize overtriage and 8392
undertriage. The state board shall approve the amendment if it 8393
will reduce overtriage or undertriage while complying with 8394
division (B) of this section, and shall not otherwise approve the 8395
amendment. 8396

(D) No provider of emergency medical services or person who 8397
provides medical direction to emergency medical service personnel 8398
in this state shall fail to comply with the state triage protocols 8399
adopted under division (A) of this section or applicable regional 8400
triage protocols approved under division (B)(2) of this section. 8401

(E) The state board of emergency medical, fire, and 8402
transportation services shall adopt rules under section 4765.11 of 8403
the Revised Code that provide for enforcement of the state triage 8404
protocols adopted under division (A) of this section and regional 8405
triage protocols approved under division (B)(2) of this section, 8406
and for education regarding those protocols for emergency medical 8407
service organizations and personnel, regional directors and 8408

regional physician advisory boards, emergency medical service 8409
instructors, and persons who regularly provide medical direction 8410
to emergency medical service personnel in this state. 8411

Sec. 4765.42. Each emergency medical service organization 8412
shall give notice of the name of its medical director or the names 8413
of the members of its cooperating physician advisory board to the 8414
state board of emergency medical, fire, and transportation 8415
services. The notice shall be made in writing. 8416

Sec. 4765.48. The attorney general, the prosecuting attorney 8417
of the county, or the city director of law shall, upon complaint 8418
of the state board of emergency medical, fire, and transportation 8419
services, prosecute to termination or bring an action for 8420
injunction against any person violating this chapter or the rules 8421
adopted under it. The common pleas court in which an action for 8422
injunction is filed has the jurisdiction to grant injunctive 8423
relief upon a showing that the respondent named in the complaint 8424
is in violation of this chapter or the rules adopted under it. 8425

Sec. 4765.49. (A) A first responder, emergency medical 8426
technician-basic, emergency medical technician-intermediate, or 8427
emergency medical technician-paramedic is not liable in damages in 8428
a civil action for injury, death, or loss to person or property 8429
resulting from the individual's administration of emergency 8430
medical services, unless the services are administered in a manner 8431
that constitutes willful or wanton misconduct. A physician, 8432
physician assistant designated by a physician, or registered nurse 8433
designated by a physician, any of whom is advising or assisting in 8434
the emergency medical services by means of any communication 8435
device or telemetering system, is not liable in damages in a civil 8436
action for injury, death, or loss to person or property resulting 8437
from the individual's advisory communication or assistance, unless 8438

the advisory communication or assistance is provided in a manner 8439
that constitutes willful or wanton misconduct. Medical directors 8440
and members of cooperating physician advisory boards of emergency 8441
medical service organizations are not liable in damages in a civil 8442
action for injury, death, or loss to person or property resulting 8443
from their acts or omissions in the performance of their duties, 8444
unless the act or omission constitutes willful or wanton 8445
misconduct. 8446

(B) A political subdivision, joint ambulance district, joint 8447
emergency medical services district, or other public agency, and 8448
any officer or employee of a public agency or of a private 8449
organization operating under contract or in joint agreement with 8450
one or more political subdivisions, that provides emergency 8451
medical services, or that enters into a joint agreement or a 8452
contract with the state, any political subdivision, joint 8453
ambulance district, or joint emergency medical services district 8454
for the provision of emergency medical services, is not liable in 8455
damages in a civil action for injury, death, or loss to person or 8456
property arising out of any actions taken by a first responder, 8457
EMT-basic, EMT-I, or paramedic working under the officer's or 8458
employee's jurisdiction, or for injury, death, or loss to person 8459
or property arising out of any actions of licensed medical 8460
personnel advising or assisting the first responder, EMT-basic, 8461
EMT-I, or paramedic, unless the services are provided in a manner 8462
that constitutes willful or wanton misconduct. 8463

(C) A student who is enrolled in an emergency medical 8464
services training program accredited under section 4765.17 of the 8465
Revised Code or an emergency medical services continuing education 8466
program approved under that section is not liable in damages in a 8467
civil action for injury, death, or loss to person or property 8468
resulting from either of the following: 8469

(1) The student's administration of emergency medical 8470

services or patient care or treatment, if the services, care, or 8471
treatment is administered while the student is under the direct 8472
supervision and in the immediate presence of an EMT-basic, EMT-I, 8473
paramedic, registered nurse, physician assistant, or physician and 8474
while the student is receiving clinical training that is required 8475
by the program, unless the services, care, or treatment is 8476
provided in a manner that constitutes willful or wanton 8477
misconduct; 8478

(2) The student's training as an ambulance driver, unless the 8479
driving is done in a manner that constitutes willful or wanton 8480
misconduct. 8481

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 8482
holds a valid commercial driver's license issued pursuant to 8483
Chapter 4506. of the Revised Code or driver's license issued 8484
pursuant to Chapter 4507. of the Revised Code and who is employed 8485
by an emergency medical service organization that is not owned or 8486
operated by a political subdivision as defined in section 2744.01 8487
of the Revised Code, is not liable in damages in a civil action 8488
for injury, death, or loss to person or property that is caused by 8489
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 8490
or other operator while responding to or completing a call for 8491
emergency medical services, unless the operation constitutes 8492
willful or wanton misconduct or does not comply with the 8493
precautions of section 4511.03 of the Revised Code. An emergency 8494
medical service organization is not liable in damages in a civil 8495
action for any injury, death, or loss to person or property that 8496
is caused by the operation of an ambulance by its employee or 8497
agent, if this division grants the employee or agent immunity from 8498
civil liability for the injury, death, or loss. 8499

(E) An employee or agent of an emergency medical service 8500
organization who receives requests for emergency medical services 8501
that are directed to the organization, dispatches first 8502

responders, EMTs-basic, EMTs-I, or paramedics in response to those 8503
requests, communicates those requests to those employees or agents 8504
of the organization who are authorized to dispatch first 8505
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 8506
combination of these functions for the organization, is not liable 8507
in damages in a civil action for injury, death, or loss to person 8508
or property resulting from the individual's acts or omissions in 8509
the performance of those duties for the organization, unless an 8510
act or omission constitutes willful or wanton misconduct. 8511

(F) A person who is performing the functions of a first 8512
responder, EMT-basic, EMT-I, or paramedic under the authority of 8513
the laws of a state that borders this state and who provides 8514
emergency medical services to or transportation of a patient in 8515
this state is not liable in damages in a civil action for injury, 8516
death, or loss to person or property resulting from the person's 8517
administration of emergency medical services, unless the services 8518
are administered in a manner that constitutes willful or wanton 8519
misconduct. A physician, physician assistant designated by a 8520
physician, or registered nurse designated by a physician, any of 8521
whom is licensed to practice in the adjoining state and who is 8522
advising or assisting in the emergency medical services by means 8523
of any communication device or telemetering system, is not liable 8524
in damages in a civil action for injury, death, or loss to person 8525
or property resulting from the person's advisory communication or 8526
assistance, unless the advisory communication or assistance is 8527
provided in a manner that constitutes willful or wanton 8528
misconduct. 8529

(G) A person certified under section 4765.23 of the Revised 8530
Code to teach in an emergency medical services training program or 8531
emergency medical services continuing education program, and a 8532
person who teaches at the Ohio fire academy established under 8533
section 3737.33 of the Revised Code or in a fire service training 8534

program described in division (A) of section 4765.55 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's acts or omissions in the performance of the person's duties, unless an act or omission constitutes willful or wanton misconduct.

(H) In the accreditation of emergency medical services training programs or approval of emergency medical services continuing education programs, the state board of emergency medical, fire, and transportation services and any person or entity authorized by the board to evaluate applications for accreditation or approval are not liable in damages in a civil action for injury, death, or loss to person or property resulting from their acts or omissions in the performance of their duties, unless an act or omission constitutes willful or wanton misconduct.

(I) A person authorized by an emergency medical service organization to review the performance of first responders, EMTs-basic, EMTs-I, and paramedics or to administer quality assurance programs is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's acts or omissions in the performance of the person's duties, unless an act or omission constitutes willful or wanton misconduct.

Sec. 4765.55. (A) The executive director of the state board of emergency medical, fire, and transportation services, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall assist in the establishment and maintenance by any state agency, or any county, township, city, village, school district, or educational service center of a fire

service training program for the training of all persons in 8566
positions of any fire training certification level approved by the 8567
executive director, including full-time paid firefighters, 8568
part-time paid firefighters, volunteer firefighters, and fire 8569
safety inspectors in this state. The executive director, with the 8570
advice and counsel of the committee, shall adopt rules to regulate 8571
those firefighter and fire safety inspector training programs, and 8572
other training programs approved by the executive director. The 8573
rules may include, but need not be limited to, training 8574
curriculum, certification examinations, training schedules, 8575
minimum hours of instruction, attendance requirements, required 8576
equipment and facilities, basic physical requirements, and methods 8577
of training for all persons in positions of any fire training 8578
certification level approved by the executive director, including 8579
full-time paid firefighters, part-time paid firefighters, 8580
volunteer firefighters, and fire safety inspectors. The rules 8581
adopted to regulate training programs for volunteer firefighters 8582
shall not require more than thirty-six hours of training. 8583

The executive director, with the advice and counsel of the 8584
committee, shall provide for the classification and chartering of 8585
fire service training programs in accordance with rules adopted 8586
under division (B) of this section, and may take action against 8587
any chartered training program or applicant, in accordance with 8588
rules adopted under divisions (B)(4) and (5) of this section, for 8589
failure to meet standards set by the adopted rules. 8590

(B) The executive director, with the advice and counsel of 8591
the firefighter and fire safety inspector training committee of 8592
the state board of emergency medical, fire, and transportation 8593
services, shall adopt, and may amend or rescind, rules under 8594
Chapter 119. of the Revised Code that establish all of the 8595
following: 8596

(1) Requirements for, and procedures for chartering, the 8597

training programs regulated by this section;	8598
(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;	8599 8600 8601 8602
(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;	8603 8604 8605
(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:	8606 8607 8608 8609
(a) Failure to satisfy the education or training requirements of this section;	8610 8611
(b) Conviction of a felony offense;	8612
(c) Conviction of a misdemeanor involving moral turpitude;	8613
(d) Conviction of a misdemeanor committed in the course of practice;	8614 8615
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	8616 8617 8618
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	8619 8620 8621 8622 8623 8624
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	8625 8626 8627

(7) Procedures for considering the granting of an extension 8628
or exemption of fire service continuing education requirements; 8629

(8) Certification cycles for which the certificates and 8630
charters regulated by this section are valid. 8631

(C) The executive director, with the advice and counsel of 8632
the firefighter and fire safety inspector training committee of 8633
the state board of emergency medical, fire, and transportation 8634
services, shall issue or renew an instructor certificate to teach 8635
the training programs and continuing education classes regulated 8636
by this section to any applicant that the executive director 8637
determines meets the qualifications established in rules adopted 8638
under division (B) of this section, and may take disciplinary 8639
action against an instructor certificate holder or applicant in 8640
accordance with rules adopted under division (B) of this section. 8641
The executive director, with the advice and counsel of the 8642
committee, shall charter or renew the charter of any training 8643
program that the executive director determines meets the 8644
qualifications established in rules adopted under division (B) of 8645
this section, and may take disciplinary action against the holder 8646
of a charter in accordance with rules adopted under division (B) 8647
of this section. 8648

(D) The executive director shall issue or renew a fire 8649
training certificate for a firefighter, a fire safety inspector, 8650
or another position of any fire training certification level 8651
approved by the executive director, to any applicant that the 8652
executive director determines meets the qualifications established 8653
in rules adopted under division (B) of this section and may take 8654
disciplinary actions against a certificate holder or applicant in 8655
accordance with rules adopted under division (B) of this section. 8656

(E) Certificates issued under this section shall be on a form 8657
prescribed by the executive director, with the advice and counsel 8658
of the firefighter and fire safety inspector training committee of 8659

the state board of emergency medical, fire, and transportation 8660
services. 8661

(F)(1) The executive director, with the advice and counsel of 8662
the firefighter and fire safety inspector training committee of 8663
the state board of emergency medical, fire, and transportation 8664
services, shall establish criteria for evaluating the standards 8665
maintained by other states and the branches of the United States 8666
military for firefighter, fire safety inspector, and fire 8667
instructor training programs, and other training programs 8668
recognized by the executive director, to determine whether the 8669
standards are equivalent to those established under this section 8670
and shall establish requirements and procedures for issuing a 8671
certificate to each person who presents proof to the executive 8672
director of having satisfactorily completed a training program 8673
that meets those standards. 8674

(2) The executive director, with the committee's advice and 8675
counsel, shall adopt rules establishing requirements and 8676
procedures for issuing a fire training certificate in lieu of 8677
completing a chartered training program. 8678

(G) Nothing in this section invalidates any other section of 8679
the Revised Code relating to the fire training academy. Section 8680
4765.11 of the Revised Code does not affect any powers and duties 8681
granted to the executive director under this section. 8682

Sec. 4765.56. On receipt of a notice pursuant to section 8683
3123.43 of the Revised Code, the state board of emergency medical, 8684
fire, and transportation services shall comply with sections 8685
3123.41 to 3123.50 of the Revised Code and any applicable rules 8686
adopted under section 3123.63 of the Revised Code with respect to 8687
a certificate to practice issued pursuant to this chapter. 8688

Sec. 4765.59. The state board of emergency medical, fire, and 8689

transportation services shall not administer laws and rules 8690
exceeding the statutory authority provided to the board under 8691
Chapters 4765. and 4766. of the Revised Code. 8692

Sec. 4766.01. As used in this chapter: 8693

(A) "Advanced life support" means treatment described in 8694
section 4765.39 of the Revised Code that a paramedic is certified 8695
to perform. 8696

(B) "Air medical service organization" means an organization 8697
that furnishes, conducts, maintains, advertises, promotes, or 8698
otherwise engages in providing medical services with a rotorcraft 8699
air ambulance or fixed wing air ambulance. 8700

(C) "Air medical transportation" means the transporting of a 8701
patient by rotorcraft air ambulance or fixed wing air ambulance 8702
with appropriately licensed and certified medical personnel. 8703

(D) "Ambulance" means any motor vehicle that is specifically 8704
designed, constructed, or modified and equipped and is intended to 8705
be used to provide basic life support, intermediate life support, 8706
advanced life support, or mobile intensive care unit services and 8707
transportation upon the streets or highways of this state of 8708
persons who are seriously ill, injured, wounded, or otherwise 8709
incapacitated or helpless. "Ambulance" does not include air 8710
medical transportation or a vehicle designed and used solely for 8711
the transportation of nonstretcher-bound persons, whether 8712
hospitalized or handicapped or whether ambulatory or confined to a 8713
wheelchair. 8714

(E) "Ambulette" means a motor vehicle that is specifically 8715
designed, constructed, or modified and equipped and is intended to 8716
be used for transportation upon the streets or highways of this 8717
state of persons who require use of a wheelchair. 8718

(F) "Basic life support" means treatment described in section 8719

4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to perform. 8720
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(G) "Disaster situation" means any condition or situation 8722
described by rule of the ~~Ohio~~ state board of emergency medical, 8723
fire, and transportation ~~board~~ services as a mass casualty, major 8724
emergency, natural disaster, or national emergency. 8725

(H) "Emergency medical service organization" means an 8726
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, or 8727
paramedics, or a combination of ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, and 8728
paramedics, to provide medical care to victims of illness or 8729
injury. An emergency medical service organization includes, but is 8730
not limited to, a commercial ambulance service organization, a 8731
hospital, and a funeral home. 8732

(I) "~~EMT-basic~~ EMT," "~~EMT-I~~ AEMT," and "paramedic" have the 8733
same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the 8734
Revised Code. 8735

(J) "Fixed wing air ambulance" means a fixed wing aircraft 8736
that is specifically designed, constructed, or modified and 8737
equipped and is intended to be used as a means of air medical 8738
transportation. 8739

(K) "Intermediate life support" means treatment described in 8740
section 4765.38 of the Revised Code that an ~~EMT-I~~ AEMT is 8741
certified to perform. 8742

(L) "Major emergency" means any emergency event that cannot 8743
be resolved through the use of locally available emergency 8744
resources. 8745

(M) "Mass casualty" means an emergency event that results in 8746
ten or more persons being injured, incapacitated, made ill, or 8747
killed. 8748

(N) "Medical emergency" means an unforeseen event affecting 8749

an individual in such a manner that a need for immediate care is created. 8750
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(O) "Mobile intensive care unit" means an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports of patients whose conditions require care beyond the scope of a paramedic as provided in section 4765.39 of the Revised Code. 8752
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(P)(1) "Nonemergency medical service organization" means a person that does both of the following: 8757
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(a) Provides services to the public on a regular basis for the purpose of transporting individuals who require the use of a wheelchair or are confined to a wheelchair to receive health care services at health care facilities or health care practitioners' offices in nonemergency circumstances; 8759
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(b) Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, as defined in section 3702.51 of the Revised Code, or any other person or government entity. 8764
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(2) "Nonemergency medical service organization" does not include a health care facility, as defined in section 1751.01 of the Revised Code, that provides ambulette services only to patients of that facility. 8768
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(Q) "Nontransport vehicle" means a motor vehicle operated by a licensed emergency medical service organization not as an ambulance, but as a vehicle for providing services in conjunction with the ambulances operated by the organization or other emergency medical service organizations. 8772
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(R) "Patient" means any individual who as a result of illness or injury needs medical attention, whose physical or mental condition is such that there is imminent danger of loss of life or significant health impairment, who may be otherwise incapacitated 8777
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or helpless as a result of a physical or mental condition, or 8781
whose physical condition requires the use of a wheelchair. 8782

(S) "Rotorcraft air ambulance" means a helicopter or other 8783
aircraft capable of vertical takeoffs, vertical landings, and 8784
hovering that is specifically designed, constructed, or modified 8785
and equipped and is intended to be used as a means of air medical 8786
transportation. 8787

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical, 8788
fire, and transportation board services shall adopt rules, in 8789
accordance with Chapter 119. of the Revised Code, implementing the 8790
requirements of this chapter. The rules shall include provisions 8791
relating to the following: 8792

(1) Requirements for an emergency medical service 8793
organization to receive a permit for an ambulance or nontransport 8794
vehicle; 8795

(2) Requirements for an emergency medical service 8796
organization to receive a license as a basic life-support, 8797
intermediate life-support, advanced life-support, or mobile 8798
intensive care unit organization; 8799

(3) Requirements for a nonemergency medical service 8800
organization to receive a permit for an ambulette vehicle; 8801

(4) Requirements for a nonemergency medical service 8802
organization to receive a license for an ambulette service; 8803

(5) Requirements for an air medical service organization to 8804
receive a permit for a rotorcraft air ambulance or fixed wing air 8805
ambulance; 8806

(6) Requirements for licensure of air medical service 8807
organizations; 8808

(7) Forms for applications and renewals of licenses and 8809
permits; 8810

(8) Requirements for record keeping of service responses made	8811
by licensed emergency medical service organizations;	8812
(9) Fee amounts for licenses and permits, and their renewals;	8813
(10) Inspection requirements for licensees' vehicles or	8814
aircraft, records, and physical facilities;	8815
(11) Fee amounts for inspections of ambulances, ambulettes,	8816
rotorcraft air ambulances, fixed wing air ambulances, and	8817
nontransport vehicles;	8818
(12) Requirements for ambulances and nontransport vehicles	8819
used by licensed emergency medical service organizations, for	8820
ambulette vehicles used by licensed nonemergency medical service	8821
organizations, and for rotorcraft air ambulances or fixed wing air	8822
ambulances used by licensed air medical service organizations that	8823
specify for each type of vehicle or aircraft the types of	8824
equipment that must be carried, the communication systems that	8825
must be maintained, and the personnel who must staff the vehicle	8826
or aircraft;	8827
(13) The level of care each type of emergency medical service	8828
organization, nonemergency medical service organization, and air	8829
medical service organization is authorized to provide;	8830
(14) Eligibility requirements for employment as an ambulette	8831
driver, including grounds for disqualification due to the results	8832
of a motor vehicle law violation check, chemical test, or criminal	8833
records check. The rule may require that an applicant for	8834
employment as an ambulette driver provide a set of fingerprints to	8835
law enforcement authorities if the applicant comes under final	8836
consideration for employment.	8837
(15) Any other rules that the board determines necessary for	8838
the implementation and enforcement of this chapter.	8839
(B) In the rules for ambulances and nontransport vehicles	8840

adopted under division (A)(12) of this section, the board may 8841
establish requirements that vary according to whether the 8842
emergency medical service organization using the vehicles is 8843
licensed as a basic life-support, intermediate life-support, 8844
advanced life-support, or mobile intensive care unit organization. 8845

(C) A mobile intensive care unit that is not dually certified 8846
to provide advanced life-support and meets the requirements of the 8847
rules adopted under this section is not required to carry 8848
immobilization equipment, including board splint kits, traction 8849
splints, backboards, backboard straps, cervical immobilization 8850
devices, cervical collars, stair chairs, folding cots, or other 8851
types of immobilization equipment determined by the board to be 8852
unnecessary for mobile intensive care units. 8853

A mobile intensive care unit is exempt from the emergency 8854
medical technician staffing requirements of section 4765.43 of the 8855
Revised Code when it is staffed by at least one physician or 8856
registered nurse and another person, designated by a physician, 8857
who holds a valid license or certificate to practice in a health 8858
care profession, and when at least one of the persons staffing the 8859
mobile intensive care unit is a registered nurse whose training 8860
meets or exceeds the training required for a paramedic. 8861

Sec. 4766.04. (A) Except as otherwise provided in this 8862
chapter, no person shall furnish, operate, conduct, maintain, 8863
advertise, engage in, or propose or profess to engage in the 8864
business or service in this state of transporting persons who are 8865
seriously ill, injured, or otherwise incapacitated or who require 8866
the use of a wheelchair or are confined to a wheelchair unless the 8867
person is licensed pursuant to this section. 8868

(B) To qualify for a license as a basic life-support, 8869
intermediate life-support, advanced life-support, or mobile 8870
intensive care unit organization, an emergency medical service 8871

organization shall do all of the following: 8872

(1) Apply for a permit for each ambulance and nontransport 8873
vehicle owned or leased as provided in section 4766.07 of the 8874
Revised Code; 8875

(2) Meet all requirements established in rules adopted by the 8876
~~Ohio~~ state board of emergency medical, fire, and transportation 8877
~~board services~~ regarding ambulances and nontransport vehicles, 8878
including requirements pertaining to equipment, communications 8879
systems, staffing, and level of care the particular organization 8880
is permitted to render; 8881

(3) Maintain the appropriate type and amount of insurance as 8882
specified in section 4766.06 of the Revised Code; 8883

(4) Meet all other requirements established under rules 8884
adopted by the board for the particular license. 8885

(C) To qualify for a license to provide ambulette service, a 8886
nonemergency medical service organization shall do all of the 8887
following: 8888

(1) Apply for a permit for each ambulette owned or leased as 8889
provided in section 4766.07 of the Revised Code; 8890

(2) Meet all requirements established in rules adopted by the 8891
~~Ohio~~ state board of emergency medical, fire, and transportation 8892
~~board services~~ regarding ambulettes, including requirements 8893
pertaining to equipment, communication systems, staffing, and 8894
level of care the organization is permitted to render; 8895

(3) Maintain the appropriate type and amount of insurance as 8896
specified in section 4766.06 of the Revised Code; 8897

(4) Meet all other requirements established under rules 8898
adopted by the board for the license. 8899

(D) To qualify for a license to provide air medical 8900
transportation, an air medical service organization shall do all 8901

of the following: 8902

(1) Apply for a permit for each rotorcraft air ambulance and 8903
fixed wing air ambulance owned or leased as provided in section 8904
4766.07 of the Revised Code; 8905

(2) Meet all requirements established in rules adopted by the 8906
~~Ohio~~ state board of emergency medical, fire, and transportation 8907
~~board~~ services regarding rotorcraft air ambulances and fixed wing 8908
air ambulances, including requirements pertaining to equipment, 8909
communication systems, staffing, and level of care the 8910
organization is permitted to render; 8911

(3) Maintain the appropriate type and amount of insurance as 8912
specified in section 4766.06 of the Revised Code; 8913

(4) Meet all other requirements established under rules 8914
adopted by the board for the license. 8915

(E) An emergency medical service organization that applies 8916
for a license as a basic life-support, intermediate life-support, 8917
advanced life-support, or mobile intensive care unit organization; 8918
a nonemergency medical service organization that applies for a 8919
license to provide ambulance service; or an air medical service 8920
organization that applies for a license to provide air medical 8921
transportation shall submit a completed application to the board, 8922
on a form provided by the board for each particular license, 8923
together with the appropriate fees established under section 8924
4766.05 of the Revised Code. The application form shall include 8925
all of the following: 8926

(1) The name and business address of the operator of the 8927
organization for which licensure is sought; 8928

(2) The name under which the applicant will operate the 8929
organization; 8930

(3) A list of the names and addresses of all officers and 8931

directors of the organization; 8932

(4) For emergency medical service organizations and 8933
nonemergency medical service organizations, a description of each 8934
vehicle to be used, including the make, model, year of 8935
manufacture, mileage, vehicle identification number, and the color 8936
scheme, insignia, name, monogram, or other distinguishing 8937
characteristics to be used to designate the applicant's vehicle; 8938

(5) For air medical service organizations using fixed wing 8939
air ambulances, a description of each aircraft to be used, 8940
including the make, model, year of manufacture, and aircraft hours 8941
on airframe; 8942

(6) For air medical service organizations using rotorcraft 8943
air ambulances, a description of each aircraft to be used, 8944
including the make, model, year of manufacture, aircraft hours on 8945
airframe, aircraft identification number, and the color scheme, 8946
insignia, name, monogram, or other distinguishing characteristics 8947
to be used to designate the applicant's rotorcraft air ambulance; 8948

(7) The location and description of each place from which the 8949
organization will operate; 8950

(8) A description of the geographic area to be served by the 8951
applicant; 8952

(9) Any other information the board, by rule, determines 8953
necessary. 8954

(F) Within sixty days after receiving a completed application 8955
for licensure as a basic life-support, intermediate life-support, 8956
advanced life-support, or mobile intensive care unit organization; 8957
an ambulette service; or an air medical service organization, the 8958
board shall approve or deny the application. The board shall deny 8959
an application if it determines that the applicant does not meet 8960
the requirements of this chapter or any rules adopted under it. 8961
The board shall send notice of the denial of an application by 8962

certified mail to the applicant. The applicant may request a 8963
hearing within ten days after receipt of the notice. If the board 8964
receives a timely request, it shall hold a hearing in accordance 8965
with Chapter 119. of the Revised Code. 8966

(G) If an applicant or licensee operates or plans to operate 8967
an organization in more than one location under the same or 8968
different identities, the applicant or licensee shall apply for 8969
and meet all requirements for licensure or renewal of a license, 8970
other than payment of a license fee or renewal fee, for operating 8971
the organization at each separate location. An applicant or 8972
licensee that operates or plans to operate under the same 8973
organization identity in separate locations shall pay only a 8974
single license fee. 8975

(H) An emergency medical service organization that wishes to 8976
provide ambulance services to the public must apply for a separate 8977
license under division (C) of this section. 8978

(I) Each license issued under this section and each permit 8979
issued under section 4766.07 of the Revised Code expires one year 8980
after the date of issuance and may be renewed in accordance with 8981
the standard renewal procedures of Chapter 4745. of the Revised 8982
Code. An application for renewal shall include the license or 8983
permit renewal fee established under section 4766.05 of the 8984
Revised Code. An applicant for renewal of a permit also shall 8985
submit to the board proof of an annual inspection of the vehicle 8986
or aircraft for which permit renewal is sought. The board shall 8987
renew a license if the applicant meets the requirements for 8988
licensure and shall renew a permit if the applicant and vehicle or 8989
aircraft meet the requirements to maintain a permit for that 8990
vehicle or aircraft. 8991

(J) Each licensee shall maintain accurate records of all 8992
service responses conducted. The records shall be maintained on 8993
forms prescribed by the board and shall contain information as 8994

specified by rule by the board. 8995

Sec. 4766.05. (A) The Ohio ~~state board of emergency medical,~~ 8996
~~fire, and transportation board~~ services shall establish by rule a 8997
license fee, a permit fee for each ambulance, ambulette, 8998
rotorcraft air ambulance, fixed wing air ambulance, and 8999
nontransport vehicle owned or leased by the licensee that is or 9000
will be used as provided in section 4766.07 of the Revised Code, 9001
and fees for renewals of licenses and permits, taking into 9002
consideration the actual costs incurred by the board in carrying 9003
out its duties under this chapter. However, the fee for each 9004
license and each renewal of a license shall not exceed one hundred 9005
dollars, and the fee for each permit and each renewal of a permit 9006
shall not exceed one hundred dollars for each ambulance, 9007
rotorcraft air ambulance, fixed wing air ambulance, and 9008
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 9009
~~a permit shall be twenty five dollars for each ambulette for one~~ 9010
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 9011
rule the fee, which shall not exceed fifty dollars, for each 9012
permit and each renewal of a permit for each ambulette. For 9013
purposes of establishing fees, "actual costs" includes the costs 9014
of salaries, expenses, inspection equipment, supervision, and 9015
program administration. 9016

(B) The board shall deposit all fees and other moneys 9017
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 9018
the Revised Code in the state treasury to the credit of the 9019
~~occupational licensing trauma and regulatory emergency medical~~ 9020
services fund, which is created by section ~~4743.05~~ 4513.263 of the 9021
Revised Code. ~~All moneys from the fund shall be used solely for~~ 9022
~~the salaries and expenses of the board incurred in implementing~~ 9023
~~and enforcing this chapter.~~ 9024

(C) The board, subject to the approval of the controlling 9025

board, may establish fees in excess of the maximum amounts allowed 9026
under division (A) of this section, but such fees shall not exceed 9027
those maximum amounts by more than fifty per cent. 9028

Sec. 4766.07. (A) Except as otherwise provided by rule of the 9029
~~Ohio~~ state board of emergency medical, fire, and transportation 9030
~~board~~ services, each emergency medical service organization, 9031
nonemergency medical service organization, and air medical service 9032
organization subject to licensure under this chapter shall possess 9033
a valid permit for each ambulance, ambulette, rotorcraft air 9034
ambulance, fixed wing air ambulance, and nontransport vehicle it 9035
owns or leases that is or will be used by the licensee to perform 9036
the services permitted by the license. Each licensee and license 9037
applicant shall submit the appropriate fee and an application for 9038
a permit for each ambulance, ambulette, rotorcraft air ambulance, 9039
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 9040
state board of emergency medical, fire, and transportation board 9041
services on forms provided by the board. The application shall 9042
include documentation that the vehicle or aircraft meets the 9043
appropriate standards set by the board, that the vehicle or 9044
aircraft has been inspected pursuant to division (C) of this 9045
section, that the permit applicant maintains insurance as provided 9046
in section 4766.06 of the Revised Code, and that the vehicle or 9047
aircraft and permit applicant meet any other requirements 9048
established under rules adopted by the board. 9049

The ~~Ohio~~ state board of emergency medical, fire, and 9050
transportation ~~board~~ services may adopt rules in accordance with 9051
Chapter 119. of the Revised Code to authorize the temporary use of 9052
a vehicle or aircraft for which a permit is not possessed under 9053
this section in back-up or disaster situations. 9054

(B)(1) Within sixty days after receiving a completed 9055
application for a permit, the board shall issue or deny the 9056

permit. The board shall deny an application if it determines that 9057
the permit applicant, vehicle, or aircraft does not meet the 9058
requirements of this chapter and the rules adopted under it that 9059
apply to permits for ambulances, ambulettes, rotorcraft air 9060
ambulances, fixed wing air ambulances, and nontransport vehicles. 9061
The board shall send notice of the denial of an application by 9062
certified mail to the permit applicant. The permit applicant may 9063
request a hearing within ten days after receipt of the notice. If 9064
the board receives a timely request, it shall hold a hearing in 9065
accordance with Chapter 119. of the Revised Code. 9066

(2) If the board issues the vehicle permit for an ambulance, 9067
ambulette, or nontransport vehicle, it also shall issue a decal, 9068
in a form prescribed by rule, to be displayed on the rear window 9069
of the vehicle. The board shall not issue a decal until all of the 9070
requirements for licensure and permit issuance have been met. 9071

(3) If the board issues the aircraft permit for a rotorcraft 9072
air ambulance or fixed wing air ambulance, it also shall issue a 9073
decal, in a form prescribed by rule, to be displayed on the left 9074
fuselage aircraft window in a manner that complies with all 9075
applicable federal aviation regulations. The board shall not issue 9076
a decal until all of the requirements for licensure and permit 9077
issuance have been met. 9078

(C) In addition to any other requirements that the board 9079
establishes by rule, a licensee or license applicant applying for 9080
an initial vehicle or aircraft permit under division (A) of this 9081
section shall submit to the board the vehicle or aircraft for 9082
which the permit is sought. Thereafter, a licensee shall annually 9083
submit to the board each vehicle or aircraft for which a permit 9084
has been issued. 9085

(1) The board shall conduct a physical inspection of an 9086
ambulance, ambulette, or nontransport vehicle to determine its 9087
roadworthiness and compliance with standard motor vehicle 9088

requirements. 9089

(2) The board shall conduct a physical inspection of the 9090
medical equipment, communication system, and interior of an 9091
ambulance to determine the operational condition and safety of the 9092
equipment and the ambulance's interior and to determine whether 9093
the ambulance is in compliance with the federal requirements for 9094
ambulance construction that were in effect at the time the 9095
ambulance was manufactured, as specified by the general services 9096
administration in the various versions of its publication titled 9097
"federal specification for the star-of-life ambulance, 9098
KKK-A-1822." 9099

(3) The board shall conduct a physical inspection of the 9100
equipment, communication system, and interior of an ambulette to 9101
determine the operational condition and safety of the equipment 9102
and the ambulette's interior and to determine whether the 9103
ambulette is in compliance with state requirements for ambulette 9104
construction. The board shall determine by rule requirements for 9105
the equipment, communication system, interior, and construction of 9106
an ambulette. 9107

(4) The board shall conduct a physical inspection of the 9108
medical equipment, communication system, and interior of a 9109
rotorcraft air ambulance or fixed wing air ambulance to determine 9110
the operational condition and safety of the equipment and the 9111
aircraft's interior. 9112

(5) The board shall issue a certificate to the applicant for 9113
each vehicle or aircraft that passes the inspection and may assess 9114
a fee for each inspection, as established by the board. 9115

(6) The board shall adopt rules regarding the implementation 9116
and coordination of inspections. The rules may permit the board to 9117
contract with a third party to conduct the inspections required of 9118
the board under this section. 9119

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical, 9120
fire, and transportation board ~~may~~ services, pursuant to an 9121
adjudication conducted in accordance with Chapter 119. of the 9122
Revised Code, may suspend or revoke any license or permit or 9123
renewal thereof issued under this chapter for any one or 9124
combination of the following causes: 9125

(1) Violation of this chapter or any rule adopted thereunder; 9126

(2) Refusal to permit the board to inspect a vehicle or 9127
aircraft used under the terms of a permit or to inspect the 9128
records or physical facilities of a licensee; 9129

(3) Failure to meet the ambulance, ambulette, rotorcraft air 9130
ambulance, fixed wing air ambulance, and nontransport vehicle 9131
requirements specified in this chapter or the rules adopted 9132
thereunder; 9133

(4) Violation of an order issued by the board; 9134

(5) Failure to comply with any of the terms of an agreement 9135
entered into with the board regarding the suspension or revocation 9136
of a license or permit or the imposition of a penalty under this 9137
section. 9138

(B) If the board determines that the records, record-keeping 9139
procedures, or physical facilities of a licensee, or an ambulance, 9140
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 9141
nontransport vehicle for which a valid permit has been issued, do 9142
not meet the standards specified in this chapter and the rules 9143
adopted thereunder, the board shall notify the licensee of any 9144
deficiencies within thirty days of finding the deficiencies. If 9145
the board determines that the deficiencies exist and they remain 9146
uncorrected after thirty days, the board may suspend the license, 9147
vehicle permit, or aircraft permit. The licensee, notwithstanding 9148
the suspension under this division, may operate until all appeals 9149

have been exhausted. 9150

(C) At the discretion of the board, a licensee whose license 9151
has been suspended or revoked under this section may be ineligible 9152
to be licensed under this chapter for a period of not more than 9153
three years from the date of the violation, provided that the 9154
board shall make no determination on a period of ineligibility 9155
until all the licensee's appeals relating to the suspension or 9156
revocation have been exhausted. 9157

(D) The board may, in addition to any other action taken 9158
under this section and after a hearing conducted pursuant to 9159
Chapter 119. of the Revised Code, impose a penalty of not more 9160
than fifteen hundred dollars for any violation specified in this 9161
section. The attorney general shall institute a civil action for 9162
the collection of any such penalty imposed. 9163

Sec. 4766.09. This chapter does not apply to any of the 9164
following: 9165

(A) A person rendering services with an ambulance in the 9166
event of a disaster situation when licensees' vehicles based in 9167
the locality of the disaster situation are incapacitated or 9168
insufficient in number to render the services needed; 9169

(B) Any person operating an ambulance, ambulette, rotorcraft 9170
air ambulance, or fixed wing air ambulance outside this state 9171
unless receiving a person within this state for transport to a 9172
location within this state; 9173

(C) A publicly owned or operated emergency medical service 9174
organization and the vehicles it owns or leases and operates, 9175
except as provided in section 307.051, division (G) of section 9176
307.055, division (F) of section 505.37, division (B) of section 9177
505.375, and division (B)(3) of section 505.72 of the Revised 9178
Code; 9179

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;	9180 9181 9182
(E) A publicly owned and operated fire department vehicle;	9183
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	9184 9185 9186
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	9187 9188 9189
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	9190 9191 9192
(I) A public emergency medical service organization;	9193
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	9194 9195 9196 9197
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	9198 9199 9200
(L) Emergency medical service personnel who are regulated by the state board of emergency medical, <u>fire, and transportation</u> services under Chapter 4765. of the Revised Code;	9201 9202 9203
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:	9204 9205 9206 9207
(1) A public nonemergency medical service organization;	9208
(2) An urban or rural public transit system;	9209

(3) A private nonprofit organization that receives grants	9210
under section 5501.07 of the Revised Code.	9211
(N)(1) An entity, to the extent it provides ambulette	9212
services, if the entity meets all of the following conditions:	9213
(a) The entity is certified by the department of aging or the	9214
department's designee in accordance with section 173.391 of the	9215
Revised Code or operates under a contract or grant agreement with	9216
the department or the department's designee in accordance with	9217
section 173.392 of the Revised Code.	9218
(b) The entity meets the requirements of section 4766.14 of	9219
the Revised Code.	9220
(c) The entity does not provide ambulette services that are	9221
reimbursed under the state medicaid plan.	9222
(2) A vehicle, to the extent it is used to provide ambulette	9223
services, if the vehicle meets both of the following conditions:	9224
(a) The vehicle is owned by an entity that meets the	9225
conditions specified in division (N)(1) of this section.	9226
(b) The vehicle does not provide ambulette services that are	9227
reimbursed under the state medicaid plan.	9228
(O) A vehicle that meets both of the following criteria,	9229
unless the vehicle provides services that are reimbursed under the	9230
state medicaid plan:	9231
(1) The vehicle was purchased with funds from a grant made by	9232
the United States secretary of transportation under 49 U.S.C.	9233
5310;	9234
(2) The department of transportation holds a lien on the	9235
vehicle.	9236
Sec. 4766.10. This chapter does not invalidate any ordinance	9237
or resolution adopted by a municipal corporation that establishes	9238

standards for the licensure of emergency medical service 9239
organizations as basic life-support, intermediate life-support, or 9240
advanced life-support service organizations that have their 9241
principal places of business located within the limits of the 9242
municipal corporation, as long as the licensure standards meet or 9243
exceed the standards established in this chapter and the rules 9244
adopted thereunder. 9245

Emergency medical service organizations licensed by a 9246
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 9247
state board of emergency medical, fire, and transportation board 9248
services, but the fees they pay to the board for licenses, 9249
permits, and renewals thereof shall not exceed fifty per cent of 9250
the fee amounts established by the board pursuant to section 9251
4766.03 of the Revised Code. The board may choose to waive the 9252
vehicle inspection requirements and inspection fees, but not the 9253
permit fees, for the vehicles of organizations licensed by a 9254
municipal corporation. 9255

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical, 9256
fire, and transportation board services may investigate alleged 9257
violations of this chapter or the rules adopted under it and may 9258
investigate any complaints received regarding alleged violations. 9259

In addition to any other remedies available and regardless of 9260
whether an adequate remedy at law exists, the board may apply to 9261
the court of common pleas in the county where a violation of any 9262
provision of this chapter or any rule adopted pursuant thereto is 9263
occurring for a temporary or permanent injunction restraining a 9264
person from continuing to commit that violation. On a showing that 9265
a person has committed a violation, the court shall grant the 9266
injunction. 9267

In conducting an investigation under this section, the board 9268

may issue subpoenas compelling the attendance and testimony of 9269
witnesses and the production of books, records, and other 9270
documents pertaining to the investigation. If a person fails to 9271
obey a subpoena from the board, the board may apply to the court 9272
of common pleas in the county where the investigation is being 9273
conducted for an order compelling the person to comply with the 9274
subpoena. On application by the board, the court shall compel 9275
obedience by attachment proceedings for contempt, as in the case 9276
of disobedience of the requirements of a subpoena from the court 9277
or a refusal to testify therein. 9278

(B) The ~~medical-transportation~~ board may suspend a license 9279
issued under this chapter without a prior hearing if it determines 9280
that there is evidence that the license holder is subject to 9281
action under this section and that there is clear and convincing 9282
evidence that continued operation by the license holder presents a 9283
danger of immediate and serious harm to the public. The 9284
chairperson and executive director of the board shall make a 9285
preliminary determination and describe the evidence on which they 9286
made their determination to the board members. The board by 9287
resolution may designate another board member to act in place of 9288
the chairperson or another employee to act in place of the 9289
executive director in the event that the chairperson or executive 9290
director is unavailable or unable to act. Upon review of the 9291
allegations, the board, by the affirmative vote of ~~at least four~~ a 9292
majority of its members, may suspend the license without a 9293
hearing. 9294

~~Any method of communication, including a telephone conference 9295
call, may be utilized for describing the evidence to the board 9296
members, for reviewing the allegations, and for voting on the 9297
suspension.~~ 9298

Immediately following the decision by the board to suspend a 9299
license under this division, the board shall issue a written order 9300

of suspension and cause it to be delivered in accordance with 9301
section 119.07 of the Revised Code. If the license holder subject 9302
to the suspension requests an adjudication hearing by the board, 9303
the date set for the adjudication shall be within fifteen days but 9304
not earlier than seven days after the request unless another date 9305
is agreed to by the license holder and the board. 9306

Any summary suspension imposed under this division remains in 9307
effect, unless reversed by the board, until a final adjudicative 9308
order issued by the board pursuant to this section and Chapter 9309
119. of the Revised Code becomes effective. The board shall issue 9310
its final adjudicative order not less than ninety days after 9311
completion of its adjudication hearing. Failure to issue the order 9312
by that day shall cause the summary suspension order to end, but 9313
such failure shall not affect the validity of any subsequent final 9314
adjudication order. 9315

Sec. 4766.12. If a county, township, joint ambulance 9316
district, or joint emergency medical services district chooses to 9317
have the ~~Ohio~~ state board of emergency medical, fire, and 9318
transportation board services license its emergency medical 9319
service organizations and issue permits for its vehicles pursuant 9320
to this chapter, except as may be otherwise provided, all 9321
provisions of this chapter and all rules adopted by the board 9322
thereunder are fully applicable. However, a county, township, 9323
joint ambulance district, or joint emergency medical services 9324
district is not required to obtain any type of permit from the 9325
board for any of its nontransport vehicles. 9326

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical, 9327
fire, and transportation board services, by endorsement, may 9328
license and issue vehicle permits to an emergency medical service 9329
organization or a nonemergency medical service organization that 9330
is regulated by another state. To qualify for a license and 9331

vehicle permits by endorsement, an organization must submit 9332
evidence satisfactory to the board that it has met standards in 9333
another state that are equal to or more stringent than the 9334
standards established by this chapter and the rules adopted under 9335
it. 9336

Sec. 4766.15. (A) An applicant for employment as an ambulette 9337
driver with an organization licensed pursuant to this chapter 9338
shall submit proof to the organization of, or give consent to the 9339
employer to obtain, all of the following: 9340

(1)(a) A valid driver's license issued pursuant to Chapter 9341
4506. or 4507. of the Revised Code, or its equivalent, if the 9342
applicant is a resident of another state; 9343

(b) A recent certified abstract of the applicant's record of 9344
convictions for violations of motor vehicle laws provided by the 9345
registrar of motor vehicles pursuant to section 4509.05 of the 9346
Revised Code, or its equivalent, if the applicant is a resident of 9347
another state. 9348

(2)(a) A certificate of completion of a course in first aid 9349
techniques offered by the American red cross or an equivalent 9350
organization; 9351

(b) A certificate of completion of a course in 9352
cardiopulmonary resuscitation, or its equivalent, offered by an 9353
organization approved by the Ohio state board of emergency 9354
medical, fire, and transportation board services. 9355

(3) The result of a chemical test or tests of the applicant's 9356
blood, breath, or urine conducted at a hospital or other 9357
institution approved by the board for the purpose of determining 9358
the alcohol, drug of abuse, controlled substance, or metabolite of 9359
a controlled substance content of the applicant's whole blood, 9360
blood serum or plasma, breath, or urine; 9361

(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation. 9362
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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. 9364
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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. 9368
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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. 9374
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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 medical, fire, and transportation board services shall submit a report to the governor and general assembly that provides all of the following information for that fiscal year: 9378
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(1) The number of each of the following the board issued: 9383

(a) Basic life-support organization licenses; 9384

(b) Intermediate life-support organization licenses; 9385

(c) Advanced life-support organization licenses; 9386

(d) Mobile intensive care unit organization licenses; 9387

(e) Ambulette service licenses; 9388

(f) Air medical service organization licenses; 9389

(g) Ambulance permits; 9390

(h) Nontransport vehicle permits;	9391
(i) Ambulette vehicle permits;	9392
(j) Rotorcraft air ambulance permits;	9393
(k) Fixed wing air ambulance permits.	9394
(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;	9395 9396 9397
(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;	9398 9399 9400 9401
(4) The number of complaints that were submitted to the board;	9402 9403
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	9404 9405
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	9406 9407
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	9408 9409
(8) Other information the board determines reflects the board's operations.	9410 9411
(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.	9412 9413 9414
Sec. 5501.03. (A) The department of transportation shall:	9415
(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	9416 9417 9418

of the department;	9419
(2) Coordinate and develop, in cooperation with local,	9420
regional, state, and federal planning agencies and authorities,	9421
comprehensive and balanced state policy and planning to meet	9422
present and future needs for adequate transportation facilities in	9423
this state, including recommendations for adequate funding of the	9424
implementation of such planning;	9425
(3) Coordinate its activities with those of other appropriate	9426
state departments, public agencies, and authorities, and enter	9427
into any contracts with such departments, agencies, and	9428
authorities as may be necessary to carry out its duties, powers,	9429
and functions;	9430
(4) Cooperate with and assist the public utilities commission	9431
in the commission's administration of sections 4907.47 to 4907.476	9432
of the Revised Code, particularly with respect to the federal	9433
highway administration;	9434
(5) Cooperate with and assist the Ohio power siting board in	9435
the board's administration of Chapter 4906. of the Revised Code;	9436
(6) Give particular consideration to the development of	9437
policy and planning for public transportation facilities, and to	9438
the coordination of associated activities relating thereto, as	9439
prescribed under divisions (A)(2) and (3) of this section;	9440
(7) Conduct, in cooperation with the Ohio legislative service	9441
commission, any studies or comparisons of state traffic laws and	9442
local traffic ordinances with model laws and ordinances that may	9443
be required to meet program standards adopted by the United States	9444
department of transportation pursuant to the "Highway Safety Act	9445
of 1966," 80 Stat. 731, U.S.C.A. 401;	9446
(8) Prepare, print, distribute, and advertise books, maps,	9447
pamphlets, and other information that, in the judgment of the	9448
director, will inform the public and other governmental	9449

departments, agencies, and authorities as to the duties, powers, 9450
and functions of the department; 9451

(9) In its research and development program, consider 9452
technologies for improving safety, mobility, aviation and aviation 9453
education, transportation facilities, roadways, including 9454
construction techniques and materials to prolong project life, 9455
being used or developed by other states that have geographic, 9456
geologic, or climatic features similar to this state's, and 9457
collaborate with those states in that development. 9458

(B) Nothing contained in ~~division (A)(1)~~ of this section 9459
shall be held to in any manner affect, limit, restrict, or 9460
otherwise interfere with the exercise of powers relating to 9461
transportation facilities by appropriate agencies of the federal 9462
government, or by counties, municipal corporations, or other 9463
political subdivisions or special districts in this state 9464
authorized by law to exercise such powers. 9465

(C) The department may use all appropriate sources of revenue 9466
to assist in the development and implementation of rail service as 9467
defined by division (C) of section 4981.01 of the Revised Code. 9468

(D) The director of transportation may enter into contracts 9469
with public agencies including political subdivisions, other state 9470
agencies, boards, commissions, regional transit authorities, 9471
county transit boards, and port authorities, to administer the 9472
design, qualification of bidders, competitive bid letting, 9473
construction inspection, research, and acceptance of any projects 9474
or transportation facilities administered by the department, 9475
provided the administration of such projects or transportation 9476
facilities is performed in accordance with all applicable state 9477
and federal laws and regulations with oversight by the department. 9478

Sec. 5501.17. The director of transportation may employ such 9479
assistants as are necessary to prepare plans and surveys. 9480

Compensation paid for the preparation of plans, surveys, and 9481
specifications shall be regarded as a part of the cost and expense 9482
of the improvement for which they were made and shall be paid from 9483
funds set aside for the improvement. 9484

The director may appoint additional clerks and stenographers, 9485
and such other engineers, inspectors, technicians, and other 9486
employees as are necessary to carry out Chapters 4561., 5501., 9487
5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 9488
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 9489
Code. All such technicians employed under the authority of this 9490
section shall be eligible to receive pay during periods of on the 9491
job training or while attending special training schools conducted 9492
by the department of transportation. Such employees and 9493
appointees, in addition to their salaries, shall receive their 9494
actual necessary traveling expenses when on official business. 9495

The director may contract with regional, county, or municipal 9496
planning commissions or county engineers having adequate staffs, 9497
and with planning agencies of adjacent states, for the preparation 9498
of comprehensive transportation and land use studies and major 9499
thoroughfare reports, or parts thereof, and pay the commissions, 9500
county engineers, or planning agencies of adjacent states for such 9501
work from funds available to the department. 9502

Sec. 5501.31. The director of transportation shall have 9503
general supervision of all roads comprising the state highway 9504
system. The director may alter, widen, straighten, realign, 9505
relocate, establish, construct, reconstruct, improve, maintain, 9506
repair, and preserve any road or highway on the state highway 9507
system, and, in connection therewith, relocate, alter, widen, 9508
deepen, clean out, or straighten the channel of any watercourse as 9509
the director considers necessary, and purchase or appropriate 9510
property for the disposal of surplus materials or borrow pits, 9511

and, where an established road has been relocated, establish, 9512
construct, and maintain such connecting roads between the old and 9513
new location as will provide reasonable access thereto. 9514

The director may purchase or appropriate property necessary 9515
for the location or construction of any culvert, bridge, or 9516
viaduct, or the approaches thereto, including any property needed 9517
to extend, widen, or alter any feeder or outlet road, street, or 9518
way adjacent to or under the bridge or viaduct when the extension, 9519
widening, or alteration of the feeder road, street, or way is 9520
necessary for the full utilization of the bridge or viaduct, or 9521
for any other highway improvement. The director may purchase or 9522
appropriate, for such length of time as is necessary and 9523
desirable, any additional property required for the construction 9524
and maintenance of slopes, detour roads, sewers, roadside parks, 9525
rest areas, recreational park areas, park and ride facilities, and 9526
park and carpool or vanpool facilities, scenic view areas, 9527
drainage systems, or land to replace wetlands, incident to any 9528
highway improvement, that the director is or may be authorized to 9529
locate or construct. Also incident to any authorized highway 9530
improvement, the director may purchase property from a willing 9531
seller as required for the construction and maintenance of 9532
bikeways and bicycle paths or to replace, preserve, or conserve 9533
any environmental resource if the replacement, preservation, or 9534
conservation is required by state or federal law. 9535

Title to property purchased or appropriated by the director 9536
shall be taken in the name of the state either in fee simple or in 9537
any lesser estate or interest that the director considers 9538
necessary or proper, in accordance with forms to be prescribed by 9539
the attorney general. The deed shall contain a description of the 9540
property and be recorded in the county where the property is 9541
situated and, when recorded, shall be kept on file in the 9542
department of transportation. The property may be described by 9543

metes and bounds or by the department of transportation parcel 9544
number as shown on a right of way plan recorded in the county 9545
where the property is located. 9546

Provided that when property, other than property used by a 9547
railroad for operating purposes, is acquired in connection with 9548
improvements involving projects affecting railroads wherein the 9549
department is obligated to acquire property under grade separation 9550
statutes, or on other improvements wherein the department is 9551
obligated to acquire lands under agreements with railroads, or 9552
with a public utility, political subdivision, public corporation, 9553
or private corporation owning transportation facilities for the 9554
readjustment, relocation, or improvement of their facilities, a 9555
fee simple title or an easement may be acquired by purchase or 9556
appropriation in the name of the railroad, public utility, 9557
political subdivision, public corporation, or private corporation 9558
in the discretion of the director. When the title to lands, which 9559
are required to adjust, relocate, or improve such facilities 9560
pursuant to agreements with the director, is taken in the name of 9561
the state, then, in the discretion of the director, the title to 9562
such lands may be conveyed to the railroad, public utility, 9563
political subdivision, or public corporation for which they were 9564
acquired. The conveyance shall be prepared by the attorney general 9565
and executed by the governor and bear the great seal of the state 9566
of Ohio. 9567

The director, in the maintenance or repair of state highways, 9568
is not limited to the use of the materials with which the 9569
highways, including the bridges and culverts thereon, were 9570
originally constructed, but may use any material that is proper or 9571
suitable. The director may aid any board of county commissioners 9572
in establishing, creating, and repairing suitable systems of 9573
drainage for all highways within the jurisdiction or control of 9574
the board and advise with it as to the establishment, 9575

construction, improvement, maintenance, and repair of the 9576
highways. 9577

Chapters 4561., 5501., 5503., 5511., 5513., 5515., 5516., 9578
5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 9579
5533., and 5535. of the Revised Code do not prohibit the federal 9580
government, any government agency, or any individual or 9581
corporation, from contributing a portion of the cost of the 9582
establishment, construction, reconstruction, relocating, widening, 9583
resurfacing, maintenance, and repair of the highways or 9584
transportation facilities. 9585

Except in the case of maintaining, repairing, erecting 9586
traffic signs on, or pavement marking of state highways within 9587
villages, which is mandatory as required by section 5521.01 of the 9588
Revised Code, and except as provided in section 5501.49 of the 9589
Revised Code, no duty of constructing, reconstructing, widening, 9590
resurfacing, maintaining, or repairing state highways within 9591
municipal corporations, or the culverts thereon, shall attach to 9592
or rest upon the director, but the director may construct, 9593
reconstruct, widen, resurface, maintain, and repair the same with 9594
or without the cooperation of any municipal corporation, or with 9595
or without the cooperation of boards of county commissioners upon 9596
each municipal corporation consenting thereto. 9597

Sec. 5501.73. (A) After selecting a solicited or unsolicited 9598
proposal for a public-private initiative, the department of 9599
transportation shall enter into a public-private agreement for a 9600
transportation facility with the selected private entity or any 9601
configuration of private entities. An affected jurisdiction may be 9602
a party to a public-private agreement entered into by the 9603
department and a selected private entity or combination of private 9604
entities. 9605

(B) A public-private agreement under this section shall 9606

provide for all of the following:	9607
(1) Planning, acquisition, financing, development, design,	9608
construction, reconstruction, replacement, improvement,	9609
maintenance, management, repair, leasing, or operation of a	9610
transportation facility;	9611
(2) Term of the public-private agreement;	9612
(3) Type of property interest, if any, the private entity	9613
will have in the transportation facility;	9614
(4) A specific plan to ensure proper maintenance of the	9615
transportation facility throughout the term of the agreement and a	9616
return of the facility to the department, if applicable, in good	9617
condition and repair;	9618
(5) Whether user fees will be collected on the transportation	9619
facility and the basis by which such user fees shall be determined	9620
and modified;	9621
(6) Compliance with applicable federal, state, and local	9622
laws;	9623
(7) Grounds for termination of the public-private agreement	9624
by the department or operator;	9625
(8) Disposition of the facility upon completion of the	9626
agreement;	9627
(9) Procedures for amendment of the agreement.	9628
(C) A public-private agreement under this section may provide	9629
for any of the following:	9630
(1) Review and approval by the department of the operator's	9631
plans for the development and operation of the transportation	9632
facility;	9633
(2) Inspection by the department of construction of or	9634
improvements to the transportation facility;	9635

(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	9636 9637
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	9638 9639 9640
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	9641 9642
(6) Financing obligations of the operator and the department;	9643
(7) Apportionment of expenses between the operator and the department;	9644 9645
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	9646 9647 9648
(9) Rights and remedies available in the event of default or delay;	9649 9650
(10) Terms and conditions of indemnification of the operator by the department;	9651 9652
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	9653 9654 9655 9656
(12) Sale or lease to the operator of private property related to the transportation facility;	9657 9658
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	9659 9660
<u>(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only</u>	9661 9662 9663 9664 9665

upon agreement of all parties to the controversy. If all parties do not agree to proceed to a binding dispute resolution, a party having a claim against the department shall exhaust its administrative remedies specified in the public-private agreement prior to filing any action against the department in the court of claims. 9666
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No appeal from the determination of a technical expert lies to any court, except that the court of common pleas of Franklin County may issue an order vacating such a determination upon the application of any party to the binding dispute resolution if any of the following applies: 9672
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(a) The determination was procured by corruption, fraud, or undue means. 9677
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(b) There was evidence of partiality or corruption on the part of the technical expert. 9679
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(c) The technical expert was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced. 9681
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(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. 9686
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(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. 9693
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Sec. 5501.77. (A) For the purposes of carrying out sections 9697
5501.70 to 5501.83 of the Revised Code, the department of 9698
transportation may do all of the following: 9699

(1) Accept, subject to applicable terms and conditions, 9700
available funds from the United States or any of its agencies, 9701
whether the funds are made available by grant, loan, or other 9702
financial assistance; 9703

(2) Enter into agreements or other arrangements with the 9704
United States or any of its agencies as may be necessary; 9705

(3) For the purpose of completing a transportation facility 9706
under an agreement, accept from any source any grant, donation, 9707
gift, or other form of conveyance of land, money, other real or 9708
personal property, or other item of value made to the state or the 9709
department. 9710

(B) Any transportation facility may be financed in whole or 9711
in part by contribution of any funds or property made by any 9712
private entity or affected jurisdiction that is party to a 9713
public-private agreement under sections 5501.70 to 5501.83 of the 9714
Revised Code. 9715

(C) The department may use federal, state, local, and private 9716
funds to finance a transportation facility under sections 5501.70 9717
to 5501.83 of the Revised Code and shall comply with any 9718
requirements and restrictions governing the use of the funds, 9719
including maintaining the funds separately when necessary. 9720

(D) The director of transportation, in accordance with 9721
Chapter 119. of the Revised Code, may adopt such rules as the 9722
director considers advisable for the control and regulation of 9723
traffic on any transportation facility subject to a public-private 9724
agreement, for the protection and preservation of the 9725
transportation facility, for the maintenance and preservation of 9726

good order within the transportation facility, and for the purpose 9727
of establishing vehicle owner or operator liability for avoidance 9728
of user fees. The rules shall provide that public police officers 9729
shall be afforded ready access, while in the performance of their 9730
official duties, to the transportation facility without the 9731
payment of user fees. 9732

(1) No person shall violate any rules of the department of 9733
transportation adopted under this division. 9734

(2)(a) All fines collected for the violation of applicable 9735
laws of the state and the rules of the department of 9736
transportation or money arising from bonds forfeited for such 9737
violation shall be disposed of in accordance with section 5503.04 9738
of the Revised Code. 9739

(b) All fees or charges assessed by the department of 9740
transportation or a public-private operator in accordance with 9741
this section against an owner or operator of a vehicle as a civil 9742
violation for failure to comply with toll collection rules shall 9743
be revenues of the department or public-private operator as set 9744
forth in the public-private agreement. 9745

(E)(1) Except as provided in division (E)(2) of this section, 9746
whoever violates division (D)(1) of this section is guilty of a 9747
minor misdemeanor on a first offense; on each subsequent offense 9748
such person is guilty of a misdemeanor of the fourth degree. 9749

(2) Whoever violates division (D)(1) of this section when the 9750
violation is a civil violation for failure to comply with toll 9751
collection rules is subject to a fee or charge established by the 9752
department by rule. 9753

Sec. 5502.01. (A) The department of public safety shall 9754
administer and enforce the laws relating to the registration, 9755
licensing, sale, and operation of motor vehicles and the laws 9756

pertaining to the licensing of drivers of motor vehicles. 9757

The department shall compile, analyze, and publish statistics 9758
relative to motor vehicle accidents and the causes of them, 9759
prepare and conduct educational programs for the purpose of 9760
promoting safety in the operation of motor vehicles on the 9761
highways, and conduct research and studies for the purpose of 9762
promoting safety on the highways of this state. 9763

(B) The department shall administer the laws and rules 9764
relative to trauma and emergency medical services specified in 9765
Chapter 4765. of the Revised Code and any laws and rules relative 9766
to medical transportation services specified in Chapter 4766. of 9767
the Revised Code. 9768

(C) The department shall administer and enforce the laws 9769
contained in Chapters 4301. and 4303. of the Revised Code and 9770
enforce the rules and orders of the liquor control commission 9771
pertaining to retail liquor permit holders. 9772

(D) The department shall administer the laws governing the 9773
state emergency management agency and shall enforce all additional 9774
duties and responsibilities as prescribed in the Revised Code 9775
related to emergency management services. 9776

(E) The department shall conduct investigations pursuant to 9777
Chapter 5101. of the Revised Code in support of the duty of the 9778
department of job and family services to administer the 9779
supplemental nutrition assistance program throughout this state. 9780
The department of public safety shall conduct investigations 9781
necessary to protect the state's property rights and interests in 9782
the supplemental nutrition assistance program. 9783

(F) The department of public safety shall enforce compliance 9784
with orders and rules of the public utilities commission and 9785
applicable laws in accordance with Chapters 4905., 4921., and 9786
4923. of the Revised Code regarding commercial motor vehicle 9787

transportation safety, economic, and hazardous materials 9788
requirements. 9789

(G) Notwithstanding Chapter 4117. of the Revised Code, the 9790
department of public safety may establish requirements for its 9791
enforcement personnel, including its enforcement agents described 9792
in section 5502.14 of the Revised Code, that include standards of 9793
conduct, work rules and procedures, and criteria for eligibility 9794
as law enforcement personnel. 9795

(H) The department shall administer, maintain, and operate 9796
the Ohio criminal justice network. The Ohio criminal justice 9797
network shall be a computer network that supports state and local 9798
criminal justice activities. The network shall be an electronic 9799
repository for various data, which may include arrest warrants, 9800
notices of persons wanted by law enforcement agencies, criminal 9801
records, prison inmate records, stolen vehicle records, vehicle 9802
operator's licenses, and vehicle registrations and titles. 9803

(I) The department shall coordinate all homeland security 9804
activities of all state agencies and shall be a liaison between 9805
state agencies and local entities for those activities and related 9806
purposes. 9807

(J) Beginning July 1, 2004, the department shall administer 9808
and enforce the laws relative to private investigators and 9809
security service providers specified in Chapter 4749. of the 9810
Revised Code. 9811

(K) The department shall administer criminal justice services 9812
in accordance with sections 5502.61 to 5502.66 of the Revised 9813
Code. 9814

Sec. 5503.01. There is hereby created in the department of 9815
public safety a division of state highway patrol which shall be 9816
administered by a superintendent of the state highway patrol. 9817

The superintendent shall be appointed by the director of public safety, and shall serve at the director's pleasure. The superintendent shall hold the rank of colonel and be appointed from within the eligible ranks of the patrol. The superintendent shall give bond for the faithful performance of the superintendent's official duties in such amount and with such security as the director approves.

The superintendent, with the approval of the director, may appoint any number of state highway patrol troopers and radio operators as are necessary to carry out sections 5503.01 to 5503.06 of the Revised Code, but the number of troopers shall not be less than eight hundred eighty. The number of radio operators shall not exceed eighty in number. Except as provided in this section, at the time of appointment, troopers shall be not less than twenty-one years of age, nor have reached thirty-five years of age. A person who is attending a training school for prospective state highway patrol troopers established under section 5503.05 of the Revised Code and attains the age of thirty-five years during the person's period of attendance at that training school shall not be disqualified as over age and shall be permitted to continue to attend the training school as long as the person otherwise is eligible to do so. Such a person also remains eligible to be appointed a trooper. Any other person who attains or will attain the age of thirty-five years prior to the time of appointment shall be disqualified as over age.

At the time of appointment, troopers shall have been legal residents of Ohio for at least one year, except that this residence requirement may be waived by the superintendent.

If any state highway patrol troopers become disabled through accident or illness, the superintendent, with the approval of the director, shall fill any vacancies through the appointment of other troopers from a qualified list to serve during the period of

the disability. 9850

The superintendent and state highway patrol troopers shall be 9851
vested with the authority of peace officers for the purpose of 9852
enforcing the laws of the state that it is the duty of the patrol 9853
to enforce and may arrest, without warrant, any person who, in the 9854
presence of the superintendent or any trooper, is engaged in the 9855
violation of any such laws. The state highway patrol troopers 9856
shall never be used as peace officers in connection with any 9857
strike or labor dispute. 9858

Each state highway patrol trooper and radio operator, upon 9859
appointment and before entering upon official duties, shall take 9860
an oath of office for faithful performance of the trooper's or 9861
radio operator's official duties and execute a bond in the sum of 9862
twenty-five hundred dollars, payable to the state and for the use 9863
and benefit of any aggrieved party who may have a cause of action 9864
against any trooper or radio operator for misconduct while in the 9865
performance of official duties. In no event shall the bond include 9866
any claim arising out of negligent operation of a motorcycle or 9867
motor vehicle used by a trooper or radio operator in the 9868
performance of official duties. 9869

The superintendent shall prescribe a distinguishing uniform 9870
and badge which shall be worn by each state highway patrol trooper 9871
and radio operator while on duty, unless otherwise designated by 9872
the superintendent. No person shall wear the distinguishing 9873
uniform of the state highway patrol or the badge or any 9874
distinctive part of that uniform, except on order of the 9875
superintendent. 9876

The superintendent, with the approval of the director, may 9877
appoint necessary clerks, stenographers, and employees. 9878

Sec. 5503.03. The state highway patrol and the superintendent 9879
of the state highway patrol shall be furnished by the state with 9880

such vehicles, equipment, and supplies as the director of public 9881
safety deems necessary, all of which shall remain the property of 9882
the state and be strictly accounted for by each member of the 9883
patrol. 9884

The patrol may be equipped with standardized and tested 9885
devices for weighing vehicles, and may stop and weigh any vehicle 9886
which appears to weigh in excess of the amounts permitted by 9887
sections 5577.01 to 5577.14 of the Revised Code. 9888

The superintendent, with the approval of the director, shall 9889
prescribe rules for instruction and discipline, make all 9890
administrative rules, and fix the hours of duty for patrol 9891
officers. ~~He~~ The superintendent shall divide the state into 9892
districts and assign members of the patrol to such districts in a 9893
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 9894
superintendent may transfer members of the patrol from one 9895
district to another, ~~and classify~~ and rank members of the patrol. 9896
All ranks below the level of superintendent shall be classified. 9897
All promotions to a higher grade shall be made from the next lower 9898
grade. When a patrol officer is promoted by the superintendent, 9899
the officer's salary shall be increased to that of the lowest step 9900
in the pay range for the new grade which shall increase the 9901
officer's salary or wage by at least nine per cent of the base pay 9902
wherever possible. 9903

Sec. 5503.04. Forty-five per cent of the fines collected from 9904
or moneys arising from bail forfeited by persons apprehended or 9905
arrested by state highway patrol troopers shall be paid into the 9906
state treasury to be credited to the general revenue fund, five 9907
per cent shall be paid into the state treasury to be credited to 9908
the trauma and emergency medical services fund created by section 9909
4513.263 of the Revised Code, and fifty per cent shall be paid 9910
into the treasury of the municipal corporation where the case is 9911

prosecuted, if in a mayor's court. If the prosecution is in a 9912
trial court outside a municipal corporation, or outside the 9913
territorial jurisdiction of a municipal court, the fifty per cent 9914
of the fines and moneys that is not paid into the state treasury 9915
shall be paid into the treasury of the county where the case is 9916
prosecuted. The fines and moneys paid into a county treasury and 9917
the fines and moneys paid into the treasury of a municipal 9918
corporation shall be deposited one-half to the same fund and 9919
expended in the same manner as is the revenue received from the 9920
registration of motor vehicles, and one-half to the general fund 9921
of such county or municipal corporation. 9922

If the prosecution is in a municipal court, forty-five per 9923
cent of the fines and moneys shall be paid into the state treasury 9924
to be credited to the general revenue fund, five per cent shall be 9925
paid into the state treasury to be credited to the trauma and 9926
emergency medical services ~~grants~~ fund created by division (E) of 9927
section 4513.263 of the Revised Code, ten per cent shall be paid 9928
into the county treasury to be credited to the general fund of the 9929
county, and forty per cent shall be paid into the municipal 9930
treasury to be credited to the general fund of the municipal 9931
corporation. In the Auglaize county, Clermont county, Crawford 9932
county, Hocking county, Jackson county, Lawrence county, Madison 9933
county, Miami county, Ottawa county, Portage county, and Wayne 9934
county municipal courts, that portion of money otherwise paid into 9935
the municipal treasury shall be paid into the county treasury. 9936

The trial court shall make remittance of the fines and moneys 9937
as prescribed in this section, and at the same time as the 9938
remittance is made of the state's portion to the state treasury, 9939
the trial court shall notify the superintendent of the state 9940
highway patrol of the case and the amount covered by the 9941
remittance. 9942

This section does not apply to fines for violations of 9943

division (B) of section 4513.263 of the Revised Code, or for 9944
violations of any municipal ordinance that is substantively 9945
comparable to that division, all of which shall be delivered to 9946
the treasurer of state as provided in division (E) of section 9947
4513.263 of the Revised Code. 9948

Sec. 5503.31. The state highway patrol shall have the same 9949
authority as is conferred upon it by section 5503.02 of the 9950
Revised Code with respect to the enforcement of state laws on 9951
other roads and highways and on other state properties, to enforce 9952
on all turnpike projects the laws of the state and the bylaws, 9953
rules, and regulations of the Ohio turnpike and infrastructure 9954
commission. The patrol, the superintendent of the patrol, and all 9955
state highway patrol troopers shall have the same authority to 9956
make arrests on all turnpike projects for violations of state laws 9957
and of bylaws, rules, and regulations of the Ohio turnpike and 9958
infrastructure commission as is conferred upon them by section 9959
5503.02 of the Revised Code to make arrests on, and in connection 9960
with offenses committed on, other roads and highways and on other 9961
state properties. 9962

Sec. 5503.32. The director of public safety may from time to 9963
time enter into contracts with the Ohio turnpike and 9964
infrastructure commission with respect to the policing of turnpike 9965
projects by the state highway patrol. The contracts shall provide 9966
for the reimbursement of the state by the commission for the costs 9967
incurred by the patrol in policing turnpike projects, including, 9968
but not limited to, the salaries of employees of the patrol 9969
assigned to the policing, the current costs of funding retirement 9970
pensions for the employees of the patrol and of providing workers' 9971
compensation for them, the cost of training state highway patrol 9972
troopers and radio operators assigned to turnpike projects, and 9973
the cost of equipment and supplies used by the patrol in such 9974

9975 policing, and of housing for such troopers and radio operators, to
9976 the extent that the equipment, supplies, and housing are not
9977 directly furnished by the commission. Each contract may provide
9978 for the ascertainment of such costs, and shall be of any duration,
9979 not in excess of five years, and may contain any other terms, that
9980 the director and the commission may agree upon. The patrol shall
9981 not be obligated to furnish policing services on any turnpike
9982 project beyond the extent required by the contract. All payments
9983 pursuant to any contract in reimbursement of the costs of the
9984 policing shall be deposited in the state treasury to the credit of
9985 the turnpike policing fund, which is hereby created. All
9986 investment earnings of the fund shall be credited to the fund.

9987 **Sec. 5513.01.** (A) All purchases of machinery, materials,
9988 supplies, or other articles that the director of transportation
9989 makes shall be in the manner provided in this section. In all
9990 cases except those in which the director provides written
9991 authorization for purchases by district deputy directors of
9992 transportation, all such purchases shall be made at the central
9993 office of the department of transportation in Columbus. Before
9994 making any purchase at that office, the director, as provided in
9995 this section, shall give notice to bidders of the director's
9996 intention to purchase. Where the expenditure does not exceed the
9997 amount applicable to the purchase of supplies specified in
9998 division (B) of section 125.05 of the Revised Code, as adjusted
9999 pursuant to division (D) of that section, the director shall give
10000 such notice as the director considers proper, or the director may
10001 make the purchase without notice. Where the expenditure exceeds
10002 the amount applicable to the purchase of supplies specified in
10003 division (B) of section 125.05 of the Revised Code, as adjusted
10004 pursuant to division (D) of that section, the director shall give
10005 notice by posting for not less than ten days a written, typed, or
10006 printed invitation to bidders on a bulletin board, which shall be

located in a place in the offices assigned to the department and 10007
open to the public during business hours. Producers or 10008
distributors of any product may notify the director, in writing, 10009
of the class of articles for the furnishing of which they desire 10010
to bid and their post-office addresses, in which case copies of 10011
all invitations to bidders relating to the purchase of such 10012
articles shall be mailed to such persons by the director by 10013
regular first class mail at least ten days prior to the time fixed 10014
for taking bids. The director also may mail copies of all 10015
invitations to bidders to news agencies or other agencies or 10016
organizations distributing information of this character. Requests 10017
for invitations shall not be valid nor require action by the 10018
director unless renewed, either annually or after such shorter 10019
period as the director may prescribe by a general rule. The 10020
invitation to bidders shall contain a brief statement of the 10021
general character of the article that it is intended to purchase, 10022
the approximate quantity desired, and a statement of the time and 10023
place where bids will be received, and may relate to and describe 10024
as many different articles as the director thinks proper, it being 10025
the intent and purpose of this section to authorize the inclusion 10026
in a single invitation of as many different articles as the 10027
director desires to invite bids upon at any given time. 10028
Invitations issued during each calendar year shall be given 10029
consecutive numbers, and the number assigned to each invitation 10030
shall appear on all copies thereof. In all cases where notice is 10031
required by this section, sealed bids shall be taken, on forms 10032
prescribed and furnished by the director, and modification of bids 10033
after they have been opened shall not be permitted. 10034

(B) The director may permit the Ohio turnpike and 10035
infrastructure commission, any political subdivision, and any 10036
state university or college to participate in contracts into which 10037
the director has entered for the purchase of machinery, materials, 10038
supplies, or other articles. The turnpike and infrastructure 10039

commission and any political subdivision or state university or 10040
college desiring to participate in such purchase contracts shall 10041
file with the director a certified copy of the bylaws or rules of 10042
the turnpike and infrastructure commission or the ordinance or 10043
resolution of the legislative authority, board of trustees, or 10044
other governing board requesting authorization to participate in 10045
such contracts and agreeing to be bound by such terms and 10046
conditions as the director prescribes. Purchases made by the 10047
turnpike and infrastructure commission, political subdivisions, or 10048
state universities or colleges under this division are exempt from 10049
any competitive bidding required by law for the purchase of 10050
machinery, materials, supplies, or other articles. 10051

(C) As used in this section: 10052

(1) "Political subdivision" means any county, township, 10053
municipal corporation, conservancy district, township park 10054
district, park district created under Chapter 1545. of the Revised 10055
Code, port authority, regional transit authority, regional airport 10056
authority, regional water and sewer district, county transit 10057
board, or school district as defined in section 5513.04 of the 10058
Revised Code. 10059

(2) "State university or college" has the same meaning as in 10060
division (A)(1) of section 3345.32 of the Revised Code. 10061

(3) "Ohio turnpike and infrastructure commission" means the 10062
commission created by section 5537.02 of the Revised Code. 10063

Sec. 5517.02. (A) Before undertaking the construction, 10064
reconstruction by widening or resurfacing, or improvement of a 10065
state highway, or a bridge or culvert thereon, or the installation 10066
of a traffic control signal on a state highway, the director of 10067
transportation, except as provided in section 5517.021 of the 10068
Revised Code, shall make an estimate of the cost of the work using 10069
the force account project assessment form developed by the auditor 10070

of state under section 117.16 of the Revised Code. ~~In~~ 10071
~~constructing, or reconstructing by widening or resurfacing,~~ 10072
~~improving, maintaining, and repairing state highways, and the~~ 10073
~~bridges and culverts thereon, and in installing, maintaining, and~~ 10074
~~repairing traffic control signals on state highways, the director,~~ 10075
~~except as provided in division (B) of this section, shall proceed~~ 10076
~~by contract let to the lowest competent and responsible bidder,~~ 10077
~~after advertisement as provided in section 5525.01 of the Revised~~ 10078
Code When a force account project assessment form is required, the 10079
estimate shall include costs for subcontracted work and any 10080
competitively bid component costs. 10081

(B)(1) ~~Where the work contemplated is the construction of a~~ 10082
~~bridge or culvert, or the installation of a traffic control~~ 10083
~~signal, estimated to cost not more than fifty thousand dollars,~~ 10084
~~the director may proceed by employing labor, purchasing materials,~~ 10085
~~and furnishing equipment.~~ 10086

~~(2) The~~ After complying with division (A) of this section, 10087
the director may ~~also~~ proceed without competitive bidding with 10088
maintenance or repair work by employing labor, purchasing 10089
materials, and furnishing equipment, ~~provided if~~ the total 10090
estimated cost of the completed operation, or series of connected 10091
operations, does not exceed ~~twenty-five~~ the following, as adjusted 10092
under division (B)(2) of this section: 10093

(a) Thirty thousand dollars per centerline mile of highway, 10094
exclusive of structures and traffic control signals, ~~or fifty;~~ 10095

(b) Sixty thousand dollars for any single ~~structure or~~ 10096
traffic control signal or any other single project. 10097

~~(3)(2)~~ On the first day of July of every odd-numbered year 10098
beginning in 2015, the director shall increase the amounts 10099
established in division (B)(1) of this section by an amount not to 10100
exceed the lesser of three per cent, or the percentage amount of 10101

any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director shall publish the applicable amounts on the department's internet web site. 10102
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(C) The director may proceed by furnishing equipment, purchasing materials, and employing labor in the erection of temporary bridges or the making of temporary repairs to a highway or bridge rendered necessary by flood, landslide, or other extraordinary emergency. If the director determines inability to complete such emergency work by force account, the director may contract for any part of the work, with or without advertising for bids, as the director considers for the best interest of the department of transportation. 10106
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(D) When a project proceeds by force account under this section or section 5517.021 of the Revised Code, the department of transportation shall perform the work in compliance with any project requirements and specifications that would have applied if a contract for the work had been let by competitive bidding. The department shall retain in the project record all records documenting materials testing compliance, materials placement compliance, actual personnel and equipment hours usage, and all other documentation that would have been required if a contract for the work had been let by competitive bidding. 10115
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(E) The director shall proceed by competitive bidding to let work to the lowest competent and responsible bidder after advertisement as provided in section 5525.01 of the Revised Code in both of the following situations: 10125
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(1) When the scope of work exceeds the limits established in section 5517.021 of the Revised Code; 10129
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(2) When the estimated cost for a project, other than work described in section 5517.021 of the Revised Code, exceeds the 10131
10132

amounts established in division (B) of this section, as adjusted. 10133

Sec. 5517.021. (A)(1) The director of transportation may 10134
proceed without competitive bidding by employing labor, purchasing 10135
materials, and furnishing equipment to do any of the following 10136
work: 10137

(a) Replace any single span bridge in its substantial 10138
entirety or widen any single span bridge, including necessary 10139
modifications to accommodate widening the existing substructure 10140
and wing walls. The director shall proceed under division 10141
(A)(1)(a) of this section only if the deck area of the new or 10142
widened bridge does not exceed seven hundred square feet as 10143
measured around the outside perimeter of the deck. 10144

(b) Replace the bearings, beams, and deck of any bridge on 10145
that bridge's existing foundation if the deck area of the 10146
rehabilitated structure does not exceed eight hundred square feet; 10147

(c) Construct or replace any single cell or multi-cell 10148
culvert whose total waterway opening does not exceed fifty-two 10149
square feet; 10150

(d) Pave or patch an asphalt surface if the operation does 10151
not exceed one hundred twenty tons of asphalt per lane-mile of 10152
roadway length, except that the department shall not perform a 10153
continuous resurfacing operation under this section if the cost of 10154
the work exceeds the amount established in division (B)(1)(a) of 10155
section 5517.02 of the Revised Code, as adjusted. 10156

(2) Work performed in accordance with division (A)(1) of this 10157
section may include approach roadway work, extending not more than 10158
one hundred fifty feet as measured from the back side of the 10159
bridge abutment wall or outside edge of the culvert, as 10160
applicable. The length of an approach guardrail shall be in 10161
accordance with department of transportation design requirements 10162

and shall not be included in the approach work size limitation. 10163

(B) The requirements of section 117.16 of the Revised Code 10164
shall not apply to work described in division (A) of this section 10165
and the work shall be exempt from audit for force account purposes 10166
except to determine compliance with the applicable size or tonnage 10167
restrictions. 10168

Sec. 5525.01. Before entering into a contract, the director 10169
of transportation shall advertise for bids for two consecutive 10170
weeks in one newspaper of general circulation published in the 10171
county in which the improvement or part thereof is located, but if 10172
there is no such newspaper then in one newspaper having general 10173
circulation in an adjacent county. In the alternative, the 10174
director may advertise for bids as provided in section 7.16 of the 10175
Revised Code. The director may advertise for bids in such other 10176
publications as the director considers advisable. Such notices 10177
shall state that plans and specifications for the improvement are 10178
on file in the office of the director and the district deputy 10179
director of the district in which the improvement or part thereof 10180
is located and the time within which bids therefor will be 10181
received. 10182

Each bidder shall be required to file with the bidder's bid a 10183
bid guaranty in the form of a certified check, a cashier's check, 10184
or an electronic funds transfer to the treasurer of state that is 10185
evidenced by a receipt or by a certification to the director of 10186
transportation in a form prescribed by the director that an 10187
electronic funds transfer has been made to the treasurer of state, 10188
for an amount equal to five per cent of the bidder's bid, but in 10189
no event more than fifty thousand dollars, or a bid bond for ten 10190
per cent of the bidder's bid, payable to the director, which 10191
check, transferred sum, or bond shall be forthwith returned to the 10192
bidder in case the contract is awarded to another bidder, or, in 10193

case of a successful bidder, when the bidder has entered into a contract and furnished the bonds required by section 5525.16 of the Revised Code. In the event the contract is awarded to a bidder, and the bidder fails or refuses to furnish the bonds as required by section 5525.16 of the Revised Code, the check, transferred sum, or bid bond filed with the bidder's bid shall be forfeited as liquidated damages. No bidder shall be required either to file a signed contract with the bidder's bid, to enter into a contract, or to furnish the contract performance bond and the payment bond required by that section until the bids have been opened and the bidder has been notified by the director that the bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's bid from consideration, without forfeiture of the check, transferred sum, or bid bond filed with the bid, providing a written request together with a sworn statement of the grounds for such withdrawal is delivered within forty-eight hours after the time established for the receipt of bids, and if the price bid was substantially lower than the other bids, providing the bid was submitted in good faith, and the reason for the price bid being substantially lower was a clerical mistake evident on the face of the bid, as opposed to a judgment mistake, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, or material made directly in the compilation of the bid. In the event the director decides the conditions for withdrawal have not been met, the director may award the contract to such bidder. If such bidder does not then enter into a contract and furnish the contract bond as required by law, the director may declare forfeited the check, transferred sum, or bid bond as liquidated damages and award the contract to the next higher bidder or reject the remaining bids and readvertise the project for bids. Such bidder ~~may~~, within thirty days, may appeal the decision of the

director to the court of common pleas of Franklin county and the 10227
court may affirm or reverse the decision of the director and may 10228
order the director to refund the amount of the forfeiture. At the 10229
hearing before the common pleas court evidence may be introduced 10230
for and against the decision of the director. The decision of the 10231
common pleas court may be appealed as in other cases. 10232

There is hereby created the ODOT letting fund, which shall be 10233
in the custody of the treasurer of state but shall not be part of 10234
the state treasury. All certified checks and cashiers' checks 10235
received with bidders' bids, and all sums transferred to the 10236
treasurer of state by electronic funds transfer in connection with 10237
bidders' bids, under this section shall be credited to the fund. 10238
All such bid guaranties shall be held in the fund until a 10239
determination is made as to the final disposition of the money. If 10240
the department determines that any such bid guaranty is no longer 10241
required to be held, the amount of the bid guaranty shall be 10242
returned to the appropriate bidder. If the department determines 10243
that a bid guaranty under this section shall be forfeited, the 10244
amount of the bid guaranty shall be transferred or, in the case of 10245
money paid on a forfeited bond, deposited into the state treasury, 10246
to the credit of the highway operating fund. Any investment 10247
earnings of the ODOT letting fund shall be distributed as the 10248
treasurer of state considers appropriate. 10249

The director shall require all bidders to furnish the 10250
director, upon such forms as the director may prescribe, detailed 10251
information with respect to all pending work of the bidder, 10252
whether with the department of transportation or otherwise, 10253
together with such other information as the director considers 10254
necessary. 10255

In the event a bidder fails to submit anything required to be 10256
submitted with the bid and then fails or refuses to so submit such 10257
at the request of the director, the failure or refusal constitutes 10258

grounds for the director, in the director's discretion, to declare 10259
as forfeited the bid guaranty submitted with the bid. 10260

The director may reject any or all bids. Except in regard to 10261
contracts for environmental remediation and specialty work for 10262
which there are no classes of work set out in the rules adopted by 10263
the director, if the director awards the contract, the director 10264
shall award it to the lowest competent and responsible bidder as 10265
defined by rules adopted by the director under section 5525.05 of 10266
the Revised Code, who is qualified to bid under sections 5525.02 10267
to 5525.09 of the Revised Code. In regard to contracts for 10268
environmental remediation and specialty work for which there are 10269
no classes of work set out in the rules adopted by the director, 10270
the director shall competitively bid the projects in accordance 10271
with this chapter and shall award the contracts to the lowest and 10272
best bidder. 10273

The award for all projects competitively let by the director 10274
under this section shall be made within ten days after the date on 10275
which the bids are opened, and the successful bidder shall enter 10276
into a contract and furnish a contract performance bond and a 10277
payment bond, as provided for in section 5525.16 of the Revised 10278
Code, within ten days after the bidder is notified that the bidder 10279
has been awarded the contract. 10280

The director may insert in any contract awarded under this 10281
chapter a clause providing for value engineering change proposals, 10282
under which a contractor who has been awarded a contract may 10283
propose a change in the plans and specifications of the project 10284
that saves the department time or money on the project without 10285
impairing any of the essential functions and characteristics of 10286
the project such as service life, reliability, economy of 10287
operation, ease of maintenance, safety, and necessary standardized 10288
features. If the director adopts the value engineering proposal, 10289
the savings from the proposal shall be divided between the 10290

department and the contractor according to guidelines established 10291
by the director, provided that the contractor shall receive at 10292
least fifty per cent of the savings from the proposal. The 10293
adoption of a value engineering proposal does not invalidate the 10294
award of the contract or require the director to rebid the 10295
project. 10296

Sec. 5525.16. (A) Before entering into a contract, the 10297
director of transportation shall require a contract performance 10298
bond and a payment bond with sufficient sureties, as follows: 10299

(1) A contract performance bond in an amount equal to one 10300
hundred per cent of the ~~estimated cost of the work~~ contract 10301
amount, conditioned, among other things, that the contractor will 10302
perform the work upon the terms proposed, within the time 10303
prescribed, and in accordance with the plans and specifications, 10304
will indemnify the state against any damage that may result from 10305
any failure of the contractor to so perform, and, further, in case 10306
of a grade separation will indemnify any railroad company involved 10307
against any damage that may result by reason of the negligence of 10308
the contractor in making the improvement. 10309

(2) A payment bond in an amount equal to one hundred per cent 10310
of the ~~estimated cost of the work~~ contract amount, conditioned for 10311
the payment by the contractor and all subcontractors for labor or 10312
work performed or materials furnished in connection with the work, 10313
improvement, or project involved. 10314

(B) In no case is the state liable for damages sustained in 10315
the construction of any work, improvement, or project under this 10316
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 10317
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 10318
5535. of the Revised Code. 10319

This section does not require the director to take bonds as 10320
described in division (A) of this section in connection with any 10321

force account work, but the director may require those bonds in 10322
connection with force account work. 10323

If any bonds taken under this section are executed by a 10324
surety company, the director may not approve such bonds unless 10325
there is attached a certificate of the superintendent of insurance 10326
that the company is authorized to transact business in this state, 10327
and a copy of the power of attorney of the agent of the company. 10328
The superintendent, upon request, shall issue to any licensed 10329
agent of such company the certificate without charge. 10330

The bonds required to be taken under this section shall be 10331
executed by the same surety, approved by the director as to 10332
sufficiency of the sureties, and be in the form prescribed by the 10333
attorney general. 10334

(C) Any person to whom any money is due for labor or work 10335
performed or materials furnished in connection with a work, 10336
improvement, or project, at any time after performing the labor or 10337
furnishing the materials but not later than ninety days after the 10338
acceptance of the work, improvement, or project by the director, 10339
may furnish to the sureties on the payment bond a statement of the 10340
amount due the person. If the indebtedness is not paid in full at 10341
the expiration of sixty days after the statement is furnished, the 10342
person may commence an action in the person's own name upon the 10343
bond as provided in sections 2307.06 and 2307.07 of the Revised 10344
Code. 10345

An action shall not be commenced against the sureties on a 10346
payment bond until sixty days after the furnishing of the 10347
statement described in this section or, notwithstanding section 10348
2305.12 of the Revised Code, later than one year after the date of 10349
the acceptance of the work, improvement, or project. 10350

(D) As used in this section, "improvement," "subcontractor," 10351
"material supplier," and "materials" have the same meanings as in 10352

section 1311.01 of the Revised Code, and "contractor" has the same 10353
meaning as "original contractor" as defined in that section. 10354

Sec. 5526.01. As used in this chapter: 10355

(A) "Firm" means any person or limited liability company that 10356
is legally engaged in rendering professional services. 10357

(B) "Federal Water Pollution Control Act" has the same 10358
meaning as in section 6111.01 of the Revised Code. 10359

(C) "Professional services" means any of the following: 10360

(1) The practice of engineering as defined in section 4733.01 10361
of the Revised Code; 10362

(2) The practice of surveying as defined in section 4733.01 10363
of the Revised Code; 10364

(3) The practice of landscape architecture as defined in 10365
section 4703.30 of the Revised Code; 10366

(4) The evaluation of environmental impacts performed in 10367
accordance with the "National Environmental Policy Act of 1969," 10368
83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water 10369
Pollution Control Act, or any other applicable law or regulation; 10370

(5) Right-of-way acquisition services such as right-of-way 10371
project management, title searches, property valuations, 10372
appraisals, appraisal reviews, negotiations, relocation services, 10373
appropriation activities, real estate closings, and property 10374
management activities that are performed for the purpose of 10375
properly acquiring private and public property rights in 10376
conjunction with public highway projects and that conform to 10377
Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to 10378
5501:2-5-06 of the Ohio Administrative Code; the "Uniform 10379
Relocation Assistance and Real Property Acquisition Policies Act 10380
of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the 10381
"Surface Transportation and Uniform Relocation Assistance Act of 10382

1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions 10383
of Titles 23 and 49 of the Code of Federal Regulations; and any 10384
applicable policies and procedures established by the department 10385
of transportation; 10386

(6) Services related to the department's administration of 10387
construction contract claims, including, but not limited to, the 10388
analysis of claims, assistance in negotiations, and assistance 10389
during litigation; 10390

(7) Architectural services related to bridges; 10391

(8) Any other professional service that is determined by the 10392
director of transportation or any other designated officials of 10393
the department to be necessary for the provision of transportation 10394
services or to provide assistance to the department in futherance 10395
of its statutory duties and powers. 10396

"Professional services" does not mean the practice of 10397
architecture as regulated under Chapter 4703. of the Revised Code, 10398
except landscape architecture and architectural services related 10399
to bridges as provided in divisions (C)(3) and (7) of this 10400
section. 10401

(D) "Qualifications" means all of the following: 10402

(1) The competence of a firm to perform required professional 10403
services as indicated by the technical training, education, and 10404
experience of the firm's personnel, in particular the technical 10405
training, education, and experience of the firm's personnel 10406
assigned to perform professional services for the department; 10407

(2) The ability of a firm in terms of its workload and the 10408
availability of qualified personnel, equipment, and facilities to 10409
perform the required professional services competently and 10410
expeditiously; 10411

(3) The past performance of a firm as indicated by 10412

evaluations of previous clients of the firm with respect to such 10413
factors as control of costs, quality of work, and meeting of 10414
deadlines; 10415

(4) Any other relevant factors as determined by the director. 10416

Sec. 5533.31. The road known as interstate route eighty, 10417
extending across Ohio from the Pennsylvania border in Trumbull 10418
county to the Indiana border in Williams county, shall be known as 10419
the "Christopher Columbus highway." 10420

The director of transportation may erect suitable markers 10421
upon the portions of such highway under ~~his~~ the director's 10422
jurisdiction indicating its name, and the Ohio turnpike and 10423
infrastructure commission may erect suitable markers on the 10424
portions of such highway under its jurisdiction indicating its 10425
name. 10426

Sec. 5537.01. As used in this chapter: 10427

(A) "Commission" means the Ohio turnpike and infrastructure 10428
commission created by section 5537.02 of the Revised Code or, if 10429
that commission is abolished, the board, body, officer, or 10430
commission succeeding to the principal functions thereof or to 10431
which the powers given by this chapter to the commission are given 10432
by law. 10433

(B) "~~Project~~ or "~~turnpike~~ Turnpike project" means any 10434
express or limited access highway, super highway, or motorway 10435
constructed, operated, or improved, under the jurisdiction of the 10436
commission and pursuant to this chapter, at a location or 10437
locations reviewed by the turnpike legislative review committee 10438
and approved by the governor, including all bridges, tunnels, 10439
overpasses, underpasses, interchanges, entrance plazas, 10440
approaches, those portions of connecting public roads that serve 10441
interchanges and are determined by the commission and the director 10442

of transportation to be necessary for the safe merging of traffic 10443
between the turnpike project and those public roads, toll booths, 10444
service facilities, and administration, storage, and other 10445
buildings, property, and facilities that the commission considers 10446
necessary for the operation or policing of the turnpike project, 10447
together with all property and rights which may be acquired by the 10448
commission for the construction, maintenance, or operation of the 10449
turnpike project, and includes any sections or extensions of a 10450
turnpike project designated by the commission as such for the 10451
particular purpose. Each turnpike project shall be separately 10452
designated, by name or number, and may be constructed, improved, 10453
or extended in such sections as the commission may from time to 10454
time determine. Construction includes the improvement and 10455
renovation of a previously constructed turnpike project, including 10456
additional interchanges, whether or not the turnpike project was 10457
initially constructed by the commission. 10458

(C) "Infrastructure project" means any public express or 10459
limited access highway, super highway, or motorway, including all 10460
bridges, tunnels, overpasses, underpasses, interchanges, entrance 10461
plazas, approaches, and those portions of connecting public roads 10462
that serve interchanges, that is constructed or improved, in whole 10463
or in part, with infrastructure funding approved pursuant to 10464
criteria established under section 5537.18 of the Revised Code. 10465

(D) "Cost," as applied to construction of a turnpike project 10466
or an infrastructure project, includes the cost of construction, 10467
including bridges over or under existing highways and railroads, 10468
acquisition of all property acquired either by the commission or 10469
by the owner of the infrastructure project for the construction, 10470
demolishing or removing any buildings or structures on land so 10471
acquired, including the cost of acquiring any lands to which the 10472
buildings or structures may be moved, site clearance, improvement, 10473
and preparation, diverting public roads, interchanges with public 10474

roads, access roads to private property, including the cost of 10475
land or easements therefor, all machinery, furnishings, and 10476
equipment, communications facilities, financing expenses, interest 10477
prior to and during construction and for one year after completion 10478
of construction, traffic estimates, indemnity and surety bonds and 10479
premiums on insurance, title work and title commitments, 10480
insurance, and guarantees, engineering, feasibility studies, and 10481
legal expenses, plans, specifications, surveys, estimates of cost 10482
and revenues, other expenses necessary or incident to determining 10483
the feasibility or practicability of constructing or operating a 10484
turnpike project or an infrastructure project, administrative 10485
expenses, and any other expense that may be necessary or incident 10486
to the construction of the turnpike project or an infrastructure 10487
project, the financing of the construction, and the placing of the 10488
turnpike project or an infrastructure project in operation. Any 10489
obligation or expense incurred by the department of transportation 10490
with the approval of the commission for surveys, borings, 10491
preparation of plans and specifications, and other engineering 10492
services in connection with the construction of a turnpike project 10493
or an infrastructure project, or by the federal government with 10494
the approval of the commission for any public road projects which 10495
must be reimbursed as a condition to the exercise of any of the 10496
powers of the commission under this chapter, shall be regarded as 10497
a part of the cost of the turnpike project or an infrastructure 10498
project and shall be reimbursed to the state or the federal 10499
government, as the case may be, from revenues, state taxes, or the 10500
proceeds of bonds as authorized by this chapter. 10501

~~(D)~~(E) "Owner" includes all persons having any title or 10502
interest in any property authorized to be acquired by the 10503
commission for turnpike projects under this chapter, or the public 10504
entity for whom an infrastructure project is funded, in whole or 10505
in part, by the commission under this chapter. 10506

~~(E)~~(F) "Revenues" means all tolls, service revenues, 10507
investment income on special funds, rentals, gifts, grants, and 10508
all other moneys coming into the possession of or under the 10509
control of the commission by virtue of this chapter, except the 10510
proceeds from the sale of bonds. "Revenues" does not include state 10511
taxes. 10512

~~(F)~~(G) "Public roads" means all public highways, roads, and 10513
streets in the state, whether maintained by a state agency or any 10514
other governmental agency. 10515

~~(G)~~(H) "Public utility facilities" means tracks, pipes, 10516
mains, conduits, cables, wires, towers, poles, and other equipment 10517
and appliances of any public utility. 10518

~~(H)~~(I) "Financing expenses" means all costs and expenses 10519
relating to the authorization, issuance, sale, delivery, 10520
authentication, deposit, custody, clearing, registration, 10521
transfer, exchange, fractionalization, replacement, payment, and 10522
servicing of bonds including, without limitation, costs and 10523
expenses for or relating to publication and printing, postage, 10524
delivery, preliminary and final official statements, offering 10525
circulars, and informational statements, travel and 10526
transportation, underwriters, placement agents, investment 10527
bankers, paying agents, registrars, authenticating agents, 10528
remarketing agents, custodians, clearing agencies or corporations, 10529
securities depositories, financial advisory services, 10530
certifications, audits, federal or state regulatory agencies, 10531
accounting and computation services, legal services and obtaining 10532
approving legal opinions and other legal opinions, credit ratings, 10533
redemption premiums, and credit enhancement facilities. 10534

~~(I)~~(J) "Bond proceedings" means the resolutions, trust 10535
agreements, certifications, notices, sale proceedings, leases, 10536
lease-purchase agreements, assignments, credit enhancement 10537
facility agreements, and other agreements, instruments, and 10538

documents, as amended and supplemented, or any one or more or any combination thereof, authorizing, or authorizing or providing for the terms and conditions applicable to, or providing for the security or sale or award or liquidity of, bonds, and includes the provisions set forth or incorporated in those bonds and bond proceedings.

~~(J)~~(K) "Bond service charges" means principal, including any mandatory sinking fund or mandatory redemption requirements for the retirement of bonds, and interest and any redemption premium payable on bonds, as those payments come due and are payable to the bondholder or to a person making payment under a credit enhancement facility of those bond service charges to a bondholder.

~~(K)~~(L) "Bond service fund" means the applicable fund created by the bond proceedings for and pledged to the payment of bond service charges on bonds provided for by those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings.

~~(L)~~(M) "Bonds" means bonds, notes, including notes anticipating bonds or other notes, commercial paper, certificates of participation, or other evidences of obligation, including any interest coupons pertaining thereto, issued by the commission pursuant to this chapter.

~~(M)~~(N) "Infrastructure fund" means the applicable fund or funds created by the bond proceedings, which shall be used to pay or defray the cost of infrastructure projects recommended by the director of transportation and evaluated and approved by the commission.

(O) "Net revenues" means revenues lawfully available to pay both current operating expenses of the commission and bond service

charges in any fiscal year or other specified period, less current 10570
operating expenses of the commission and any amount necessary to 10571
maintain a working capital reserve for that period. 10572

~~(N)~~(P) "Pledged revenues" means net revenues, moneys and 10573
investments, and earnings on those investments, in the applicable 10574
bond service fund and any other special funds, and the proceeds of 10575
any bonds issued for the purpose of refunding prior bonds, all as 10576
lawfully available and by resolution of the commission committed 10577
for application as pledged revenues to the payment of bond service 10578
charges on particular issues of bonds. 10579

~~(O)~~(Q) "Service facilities" means service stations, 10580
restaurants, and other facilities for food service, roadside parks 10581
and rest areas, parking, camping, tenting, rest, and sleeping 10582
facilities, hotels or motels, and all similar and other facilities 10583
providing services to the traveling public in connection with the 10584
use of a turnpike project and owned, leased, licensed, or operated 10585
by the commission. 10586

~~(P)~~(R) "Service revenues" means those revenues of the 10587
commission derived from its ownership, leasing, licensing, or 10588
operation of service facilities. 10589

~~(Q)~~(S) "Special funds" means the applicable bond service fund 10590
and any accounts and subaccounts in that fund, any other funds or 10591
accounts permitted by and established under, and identified as a 10592
"special fund" or "special account" in, the bond proceedings, 10593
including any special fund or account established for purposes of 10594
rebate or other requirements under federal income tax laws. 10595

~~(R)~~(T) "State agencies" means the state, officers of the 10596
state, and boards, departments, branches, divisions, or other 10597
units or agencies of the state. 10598

~~(S)~~(U) "State taxes" means receipts of the commission from 10599
the proceeds of state taxes or excises levied and collected, or 10600

appropriated by the general assembly to the commission, for the 10601
purposes and functions of the commission. State taxes do not 10602
include tolls, or investment earnings on state taxes except on 10603
those state taxes referred to in Section 5a of Article XII, Ohio 10604
Constitution. 10605

~~(T)~~(V) "Tolls" means tolls, special fees or permit fees, or 10606
other charges by the commission to the owners, lessors, lessees, 10607
or operators of motor vehicles for the operation of or the right 10608
to operate those vehicles on a turnpike project. 10609

~~(U)~~(W) "Credit enhancement facilities" means letters of 10610
credit, lines of credit, standby, contingent, or firm securities 10611
purchase agreements, insurance, or surety arrangements, 10612
guarantees, and other arrangements that provide for direct or 10613
contingent payment of bond service charges, for security or 10614
additional security in the event of nonpayment or default in 10615
respect of bonds, or for making payment of bond service charges 10616
and at the option and on demand of bondholders or at the option of 10617
the commission or upon certain conditions occurring under put or 10618
similar arrangements, or for otherwise supporting the credit or 10619
liquidity of the bonds, and includes credit, reimbursement, 10620
marketing, remarketing, indexing, carrying, interest rate hedge, 10621
and subrogation agreements, and other agreements and arrangements 10622
for payment and reimbursement of the person providing the credit 10623
enhancement facility and the security for that payment and 10624
reimbursement. 10625

~~(V)~~(X) "Person" has the same meaning as in section 1.59 of 10626
the Revised Code and, unless the context otherwise provides, also 10627
includes any governmental agency and any combination of those 10628
persons. 10629

~~(W)~~(Y) "Refund" means to fund and retire outstanding bonds, 10630
including advance refunding with or without payment or redemption 10631
prior to stated maturity. 10632

~~(X)~~(Z) "Governmental agency" means any state agency, federal 10633
agency, political subdivision, or other local, interstate, or 10634
regional governmental agency, and any combination of those 10635
agencies. 10636

~~(Y)~~(AA) "Property" has the same meaning as in section 1.59 of 10637
the Revised Code, and includes interests in property. 10638

~~(Z)~~(BB) "Administrative agent," "agent," "commercial paper," 10639
"floating rate interest structure," "indexing agent," "interest 10640
rate hedge," "interest rate period," "put arrangement," and 10641
"remarketing agent" have the same meanings as in section 9.98 of 10642
the Revised Code. 10643

~~(AA)~~(CC) "Outstanding," as applied to bonds, means 10644
outstanding in accordance with the terms of the bonds and the 10645
applicable bond proceedings. 10646

~~(BB)~~(DD) "Ohio turnpike system" or "system" means all 10647
existing and future turnpike projects constructed, operated, and 10648
maintained under the jurisdiction of the commission. 10649

(EE) "Ohio turnpike and infrastructure system" means turnpike 10650
projects and infrastructure projects funded by the commission 10651
existing on and after July 1, 2013. 10652

Sec. 5537.02. (A) There is hereby created a commission to be 10653
known on and after July 1, 2013, as the "Ohio turnpike and 10654
infrastructure commission." The commission is a body both 10655
corporate and politic, constituting an instrumentality of the 10656
state, and the exercise by it of the powers conferred by this 10657
chapter in the construction, operation, and maintenance of the 10658
Ohio turnpike system, and also in entering into agreements with 10659
the department of transportation to pay the cost or a portion of 10660
the costs of infrastructure projects, are and shall be held to be 10661
essential governmental functions of the state, but the commission 10662

shall not be immune from liability by reason thereof. Chapter 10663
2744. of the Revised Code applies to the commission and the 10664
commission is a political subdivision of the state for purposes of 10665
that chapter. The commission is subject to all provisions of law 10666
generally applicable to state agencies which do not conflict with 10667
this chapter. 10668

(B)(1) The commission shall consist of ~~nine~~ ten members as 10669
follows: 10670

(a) ~~Four~~ Six members appointed by the governor with the 10671
advice and consent of the senate, no more than ~~two~~ three of whom 10672
shall be members of the same political party; 10673

(b) The director of transportation, who shall be a voting 10674
member, and the director of budget and management, ~~and the~~ 10675
~~director of development,~~ each both of whom shall ~~be a member~~ serve 10676
as ex officio members, without compensation; 10677

(c) One member of the senate, appointed by the president of 10678
the senate, who shall represent either a district in which is 10679
located or through which passes a portion of a turnpike project 10680
that is part of the Ohio turnpike system or a district located in 10681
the vicinity of a turnpike project that is part of the Ohio 10682
turnpike system; 10683

(d) One member of the house of representatives, appointed by 10684
the speaker of the house of representatives, who shall represent 10685
either a district in which is located or through which passes a 10686
portion of a turnpike project that is part of the Ohio turnpike 10687
system or a district located in the vicinity of a turnpike project 10688
that is part of the Ohio turnpike system. 10689

(2) The members appointed by the governor shall be residents 10690
of the state, shall have been qualified electors therein for a 10691
period of at least five years next preceding their appointment, 10692
~~and.~~ In making the appointments, the governor may appoint persons 10693

who reside in different geographic areas of the state, taking into 10694
consideration the various turnpike and infrastructure projects in 10695
the state. Members appointed to the commission prior to July 1, 10696
2013, shall serve terms of eight years commencing on the first day 10697
of July and ending on the thirtieth day of June. Thereafter, 10698
members appointed by the governor shall serve terms of three years 10699
commencing on the first day of July and ending on the thirtieth 10700
day of June. Those members appointed by the president of the 10701
senate or the speaker of the house of representatives shall serve 10702
a term of the remainder of the general assembly during which the 10703
senator or representative is appointed. Each appointed member 10704
shall hold office from the date of appointment until the end of 10705
the term for which the member was appointed. If a commission 10706
member dies or resigns, or if a senator or representative who is a 10707
member of the commission ceases to be a senator or representative, 10708
or if an ex officio member ceases to hold the applicable office, 10709
the vacancy shall be filled in the same manner as provided in 10710
division (B)(1) of this section. Any member who fills a vacancy 10711
occurring prior to the end of the term for which the member's 10712
predecessor was appointed shall, if appointed by the governor, 10713
hold office for the remainder of such term or, if appointed by the 10714
president of the senate or the speaker of the house of 10715
representatives, shall hold office for the remainder of the term 10716
or for a shorter period of time as determined by the president or 10717
the speaker. Any member appointed by the governor shall continue 10718
in office subsequent to the expiration date of the member's term 10719
until the member's successor takes office, or until a period of 10720
sixty days has elapsed, whichever occurs first. A member of the 10721
commission is eligible for reappointment. Each member of the 10722
commission appointed by the governor, before entering upon the 10723
member's duties, shall take an oath as provided by Section 7 of 10724
Article XV, Ohio Constitution. The governor, the president of the 10725
senate, or the speaker of the house of representatives, may at any 10726

time remove their respective appointees to the commission for 10727
misfeasance, nonfeasance, or malfeasance in office. 10728

(3)(a) A member of the commission who is appointed by the 10729
president of the senate or the speaker of the house of 10730
representatives shall not participate in any vote of the 10731
commission. Serving as an appointed member of the commission under 10732
divisions (B)(1)(c), (1)(d), or (2) of this section does not 10733
constitute grounds for resignation from the senate or the house of 10734
representatives under section 101.26 of the Revised Code. 10735

(b) The director of budget and management ~~and the director of~~ 10736
~~development~~ shall not participate in any vote of the commission. 10737

(C) The voting members of the commission shall elect one of 10738
the ~~appointed~~ voting members as chairperson and another as 10739
vice-chairperson, and shall appoint a secretary-treasurer who need 10740
not be a member of the commission. ~~Three~~ Four of the voting 10741
members of the commission constitute a quorum, and the affirmative 10742
vote of ~~three~~ four voting members is necessary for any action 10743
taken by the commission. No vacancy in the membership of the 10744
commission impairs the rights of a quorum to exercise all the 10745
rights and perform all the duties of the commission. 10746

(D) Each member of the commission appointed by the governor 10747
shall give a surety bond to the commission in the penal sum of 10748
twenty-five thousand dollars and the secretary-treasurer shall 10749
give such a bond in at least the penal sum of fifty thousand 10750
dollars. The commission may require any of its officers or 10751
employees to file surety bonds including a blanket bond as 10752
provided in section 3.06 of the Revised Code. Each such bond shall 10753
be in favor of the commission and shall be conditioned upon the 10754
faithful performance of the duties of the office, executed by a 10755
surety company authorized to transact business in this state, 10756
approved by the governor, and filed in the office of the secretary 10757
of state. The costs of the surety bonds shall be paid or 10758

reimbursed by the commission from revenues. Each member of the 10759
commission appointed by the governor shall receive an annual 10760
salary of five thousand dollars, payable in monthly installments. 10761
Each member shall be reimbursed for the member's actual expenses 10762
necessarily incurred in the performance of the member's duties. 10763
All costs and expenses incurred by the commission in carrying out 10764
this chapter shall be payable solely from revenues and state 10765
taxes, and no liability or obligation shall be incurred by the 10766
commission beyond the extent to which revenues have been provided 10767
for pursuant to this chapter. 10768

Sec. 5537.03. In order to remove present and anticipated 10769
handicaps and potential hazards on the congested highways in this 10770
state, to facilitate vehicular traffic throughout the state, to 10771
finance infrastructure projects that enhance mobility and economic 10772
development in Ohio, to promote the agricultural, commercial, 10773
recreational, tourism, and industrial development of the state, 10774
and to provide for the general welfare by the construction, 10775
improvement, and maintenance of modern express highways embodying 10776
safety devices, including without limitation center divisions, 10777
ample shoulder widths, long sight distances, multiple lanes in each 10778
direction, and grade separations at intersections with other 10779
public roads and railroads, the Ohio turnpike and infrastructure 10780
~~commission,~~ subject may do the following: 10781

(A) Subject to section 5537.26 of the Revised Code, ~~may~~ 10782
construct, maintain, repair, and operate a system of turnpike 10783
projects at locations that are reviewed by the turnpike 10784
legislative review committee and approved by the governor, and in 10785
accordance with alignment and design standards that are approved 10786
by the director of transportation, and issue revenue bonds of this 10787
state, payable solely from pledged revenues, to pay the cost of 10788
those projects. The turnpikes and turnpike projects authorized by 10789
this chapter are hereby or shall be made part of the Ohio turnpike 10790

system. 10791

(B) Provide the infrastructure funds to pay the cost or a 10792
portion of the cost of infrastructure projects as recommended by 10793
the director of transportation pursuant to a determination made by 10794
the commission based on criteria set forth in rules adopted by the 10795
commission under section 5537.18 of the Revised Code. A 10796
determination by the commission to provide infrastructure funds 10797
for an infrastructure project shall be conclusive and 10798
incontestable. 10799

Sec. 5537.04. (A) The Ohio turnpike and infrastructure 10800
commission may do any of the following: 10801

(1) Adopt bylaws for the regulation of its affairs and the 10802
conduct of its business; 10803

(2) Adopt an official seal, which shall not be the great seal 10804
of the state and which need not be in compliance with section 5.10 10805
of the Revised Code; 10806

(3) Maintain a principal office and suboffices at such places 10807
within the state as it designates; 10808

(4) Sue With respect to the Ohio turnpike system and turnpike 10809
projects, sue and be sued in its own name, plead and be impleaded, 10810
provided any actions against the commission shall be brought in 10811
the court of common pleas of the county in which the principal 10812
office of the commission is located, or in the court of common 10813
pleas of the county in which the cause of action arose if that 10814
county is located within this state, and all summonses, 10815
exceptions, and notices of every kind shall be served on the 10816
commission by leaving a copy thereof at its principal office with 10817
the secretary-treasurer or executive director of the commission; 10818

(5) With respect to infrastructure projects only, sue and be 10819
sued in its own name, plead and be impleaded, provided any actions 10820

against the commission shall be brought in the court of common 10821
pleas of Franklin county, and all summonses, exceptions, and 10822
notices of every kind shall be served on the commission by leaving 10823
a copy thereof at its principal office with the 10824
secretary-treasurer or executive director of the commission. 10825

(6) Construct, maintain, repair, police, and operate the 10826
turnpike system, and establish rules for the use of any turnpike 10827
project; 10828

~~(6)~~(7) Issue revenue bonds of the state, payable solely from 10829
pledged revenues, as provided in this chapter, for the purpose of 10830
paying any part of the cost of constructing any one or more 10831
turnpike projects or infrastructure projects; 10832

~~(7)~~(8) Fix, and revise from time to time, and charge and 10833
collect tolls by any method approved by the commission, including, 10834
but not limited to, manual methods or through electronic 10835
technology accepted within the tolling industry; 10836

~~(8)~~(9) Acquire, hold, and dispose of property in the exercise 10837
of its powers and the performance of its duties under this 10838
chapter; 10839

~~(9)~~(10) Designate the locations and establish, limit, and 10840
control such points of ingress to and egress from each turnpike 10841
project as are necessary or desirable in the judgment of the 10842
commission and of the director of transportation to ensure the 10843
proper operation and maintenance of that turnpike project, and 10844
prohibit entrance to such a turnpike project from any point not so 10845
designated; 10846

~~(10)~~(11) Make and enter into all contracts and agreements 10847
necessary or incidental to the performance of its duties and the 10848
execution of its powers under this chapter, including 10849
participation in a multi-jurisdiction electronic toll collection 10850
agreement and collection or remittance of tolls, fees, or other 10851

charges to or from entities or agencies that participate in such 10852
an agreement; 10853

~~(11)~~(12) Employ or retain or contract for the services of 10854
consulting engineers, superintendents, managers, and any other 10855
engineers, construction and accounting experts, financial 10856
advisers, trustees, marketing, remarketing, and administrative 10857
agents, attorneys, and other employees, independent contractors, 10858
or agents that are necessary in its judgment and fix their 10859
compensation, provided all such expenses shall be payable solely 10860
from the proceeds of bonds or from revenues of the Ohio turnpike 10861
system; 10862

~~(12)~~(13) Receive and accept from any federal agency, subject 10863
to the approval of the governor, and from any other governmental 10864
agency grants for or in aid of the construction, reconstruction, 10865
repair, renovation, maintenance, or operation of any turnpike 10866
project, and receive and accept aid or contributions from any 10867
source or person of money, property, labor, or other things of 10868
value, to be held, used, and applied only for the purposes for 10869
which such grants and contributions are made; 10870

~~(13)~~(14) Provide coverage for its employees under Chapters 10871
4123. and 4141. of the Revised Code; 10872

~~(14)~~(15) Fix and revise by rule, from time to time, such 10873
permit fees, processing fees, or administrative charges for the 10874
prepayment, deferred payment, or nonpayment of tolls and use of 10875
electronic tolling equipment or other commission property; 10876

(16) Adopt rules for the issuance of citations either by a 10877
policing authority or through administrative means to individuals 10878
or corporations that evade the payment of tolls established for 10879
the use of any turnpike project; 10880

(17) Approve funding and authorize agreements with the 10881
department of transportation for the funding of infrastructure 10882

projects recommended by the director of transportation pursuant to 10883
the criteria established by rule under section 5537.18 of the 10884
Revised Code. 10885

(B) The commission may do all acts necessary or proper to 10886
carry out the powers expressly granted in this chapter. 10887

Sec. 5537.05. (A) The Ohio turnpike and infrastructure 10888
commission may construct grade separations at intersections of any 10889
turnpike project with public roads and railroads, and change and 10890
adjust the lines and grades of those roads and railroads, and of 10891
public utility facilities, which change and adjustment of lines 10892
and grades of those roads shall be subject to the approval of the 10893
governmental agency having jurisdiction over the road, so as to 10894
accommodate them to the design of the grade separation. The cost 10895
of the grade separation and any damage incurred in changing and 10896
adjusting the lines and grades of roads, railroads, and public 10897
utility facilities shall be ascertained and paid by the commission 10898
as a part of the cost of the turnpike project or from revenues or 10899
state taxes. 10900

(1) If the commission finds it necessary to change the 10901
location of any portion of any public road, railroad, or public 10902
utility facility, it shall cause the same to be reconstructed at 10903
the location the governmental agency having jurisdiction over such 10904
road, railroad, or public utility facility considers most 10905
favorable. The construction shall be of substantially the same 10906
type and in as good condition as the original road, railroad, or 10907
public utility facility. The cost of the reconstruction, 10908
relocation, or removal and any damage incurred in changing the 10909
location shall be ascertained and paid by the commission as a part 10910
of the cost of the turnpike project or from revenues or state 10911
taxes. 10912

(2) The commission may petition the board of county 10913

commissioners of the county in which is situated any public road 10914
or part thereof affected by the location therein of any turnpike 10915
project, for the vacation or relocation of the road or any part 10916
thereof, in the same manner and with the same force and effect as 10917
is given to the director of transportation pursuant to sections 10918
5553.04 to 5553.11 of the Revised Code. 10919

(B) The commission and its authorized agents and employees, 10920
after proper notice, may enter upon any lands, waters, and 10921
premises in the state for the purpose of making surveys, 10922
soundings, drillings, and examinations that are necessary or 10923
proper for the purposes of this chapter, and the entry shall not 10924
be deemed a trespass, nor shall an entry for those purposes be 10925
deemed an entry under any appropriation proceedings which may then 10926
be pending, provided that before entering upon the premises of any 10927
railroad notice shall be given to the superintendent of the 10928
railroad involved at least five days in advance of entry, and 10929
provided that no survey, sounding, drilling, and examination shall 10930
be made between the rails or so close to a railroad track as would 10931
render the track unusable. The commission shall make reimbursement 10932
for any actual damage resulting to such lands, waters, and 10933
premises and to private property located in, on, along, over, or 10934
under such lands, waters, and premises, as a result of such 10935
activities. The state, subject to the approval of the governor, 10936
hereby consents to the use of all lands owned by it, including 10937
lands lying under water, that are necessary or proper for the 10938
construction, maintenance, or operation of any turnpike project, 10939
provided adequate consideration is provided for the use. 10940

(C) The commission may make reasonable provisions or rules 10941
for the installation, construction, maintenance, repair, renewal, 10942
relocation, and removal of public utility facilities in, on, 10943
along, over, or under any turnpike project. Whenever the 10944
commission determines that it is necessary that any public utility 10945

facilities located in, on, along, over, or under any turnpike 10946
project should be relocated in or removed from the turnpike 10947
project, the public utility owning or operating the facilities 10948
shall relocate or remove them in accordance with the order of the 10949
commission. Except as otherwise provided in any license or other 10950
agreement with the commission, the cost and expenses of such 10951
relocation or removal, including the cost of installing the 10952
facilities in a new location, the cost of any lands, or any rights 10953
or interests in lands, and any other rights, acquired to 10954
accomplish the relocation or removal, shall be ascertained and 10955
paid by the commission as part of the cost of the turnpike project 10956
or from revenues of the Ohio turnpike system. In case of any such 10957
relocation or removal of facilities, the public utility owning or 10958
operating them and its successors or assigns may maintain and 10959
operate the facilities, with the necessary appurtenances, in the 10960
new location, for as long a period, and upon the same terms, as it 10961
had the right to maintain and operate the facilities in their 10962
former location. 10963

(D) The commission is subject to Chapters 1515., 6131., 10964
6133., 6135., and 6137. of the Revised Code and shall pay any 10965
assessments levied under those chapters for an improvement or 10966
maintenance of an improvement on land under the control or 10967
ownership of the commission. 10968

Sec. 5537.051. (A)(1) In any county that as of January 1, 10969
2011, had closed one or more roads as a result of grade separation 10970
failure at intersections of a turnpike project with a county or 10971
township road, the Ohio turnpike and infrastructure commission is 10972
responsible for the major maintenance and repair and replacement 10973
of failed grade separations. The governmental entity with 10974
jurisdiction over the county or township road is responsible for 10975
routine maintenance of such failed grade separations. 10976

(2) This section does not apply to any grade separation at intersections of a turnpike project with a county or township road except as described in division (A)(1) of this section.

(3) Major maintenance and repair and replacement of aforementioned failed grade separations shall commence not later than July 1, 2011, and be completed before December 31, 2014.

(B) As used in this section:

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including bridges, pile, foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, embankments, fences, and appurtenances.

(2) "Routine maintenance" includes, without limitation, clearing debris, sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, box culverts, drainage facilities including headwalls and underdrains, inlets, catch basins and grates, guardrails, minor and emergency repairs to railing and appurtenances, and emergency patching.

Sec. 5537.06. (A) The Ohio turnpike and infrastructure commission may acquire by purchase, lease, lease-purchase, lease with option to purchase, appropriation, or otherwise and in such manner and for such consideration as it considers proper, any public or private property necessary, convenient, or proper for the construction, maintenance, or efficient operation of the Ohio turnpike system. The commission may pledge net revenues, to the extent permitted by this chapter with respect to bonds, to secure payments to be made by the commission under any such lease, lease-purchase agreement, or lease with option to purchase. Title to personal property, and interests less than a fee in real property, shall be held in the name of the commission. Title to real property held in fee shall be held in the name of the state

for the use of the commission. In any proceedings for 11008
appropriation under this section, the procedure to be followed 11009
shall be in accordance with the procedure provided in sections 11010
163.01 to 163.22 of the Revised Code, including division (B) of 11011
section 163.06 of the Revised Code notwithstanding the limitation 11012
in that division of its applicability to roads open to the public 11013
without charge. Except as otherwise agreed upon by the owner, full 11014
compensation shall be paid for public property so taken. 11015

(B) This section does not authorize the commission to take or 11016
disturb property or facilities belonging to any public utility or 11017
to a common carrier engaged in interstate commerce, which property 11018
or facilities are required for the proper and convenient operation 11019
of the public utility or common carrier, unless provision is made 11020
for the restoration, relocation, replication, or duplication of 11021
the property or facilities elsewhere at the sole cost of the 11022
commission. 11023

(C) Disposition of real property shall be by the commission 11024
in the manner and for the consideration it determines if to a 11025
state agency or other governmental agency, and otherwise in the 11026
manner provided in section 5501.45 of the Revised Code for the 11027
disposition of property by the director of transportation. 11028
Disposition of personal property shall be in the manner and for 11029
the consideration the commission determines. 11030

(D) Any instrument by which real property is acquired 11031
pursuant to this section shall identify the agency of the state 11032
that has the use and benefit of the real property as specified in 11033
section 5301.012 of the Revised Code. 11034

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 11035
infrastructure commission under any contract with a person other 11036
than a governmental agency involves an expenditure of more than 11037
fifty thousand dollars, the commission shall make a written 11038

contract with the lowest responsive and responsible bidder in 11039
accordance with section 9.312 of the Revised Code after 11040
advertisement for not less than two consecutive weeks in a 11041
newspaper of general circulation in Franklin county, and in such 11042
other publications as the commission determines, which notice 11043
shall state the general character of the work and the general 11044
character of the materials to be furnished, the place where plans 11045
and specifications therefor may be examined, and the time and 11046
place of receiving bids. The commission may require that the cost 11047
estimate for the construction, demolition, alteration, repair, 11048
improvement, renovation, or reconstruction of roadways and bridges 11049
for which the commission is required to receive bids be kept 11050
confidential and remain confidential until after all bids for the 11051
public improvement have been received or the deadline for 11052
receiving bids has passed. Thereafter, and before opening the bids 11053
submitted for the roadways and bridges, the commission shall make 11054
the cost estimate public knowledge by reading the cost estimate in 11055
a public place. The commission may reject any and all bids. The 11056
requirements of this division do not apply to contracts for the 11057
acquisition of real property or compensation for professional or 11058
other personal services. 11059

(B) Each bid for a contract for construction, demolition, 11060
alteration, repair, improvement, renovation, or reconstruction 11061
shall contain the full name of every person interested in it and 11062
shall meet the requirements of section 153.54 of the Revised Code. 11063

(C) Other than for a contract referred to in division (B) of 11064
this section, each bid for a contract that involves an expenditure 11065
in excess of one hundred fifty thousand dollars or any contract 11066
with a service facility operator shall contain the full name of 11067
every person interested in it and shall be accompanied by a 11068
sufficient bond or certified check on a solvent bank that if the 11069
bid is accepted a contract will be entered into and the 11070

performance of its proposal secured. 11071

(D) Other than a contract referred to in division (B) of this 11072
section, a bond with good and sufficient surety, in a form as 11073
prescribed and approved by the commission, shall be required of 11074
every contractor awarded a contract that involves an expenditure 11075
in excess of one hundred fifty thousand dollars or any contract 11076
with a service facility operator. The bond shall be in an amount 11077
equal to at least fifty per cent of the contract price and shall 11078
be conditioned upon the faithful performance of the contract. 11079

(E) Notwithstanding any other provisions of this section, the 11080
commission may establish a program to expedite special turnpike 11081
projects by combining the design and construction elements of any 11082
public improvement project into a single contract. The commission 11083
shall prepare and distribute a scope of work document upon which 11084
the bidders shall base their bids. At a minimum, bidders shall 11085
meet the requirements of section 4733.161 of the Revised Code. 11086
Except in regard to those requirements relating to providing 11087
plans, the commission shall award contracts following the 11088
requirements set forth in divisions (A), (B), (C), and (D) of this 11089
section. 11090

Sec. 5537.08. (A) The Ohio turnpike and infrastructure 11091
commission may provide by resolution for the issuance, at one time 11092
or from time to time, of revenue bonds of the state for the 11093
purpose of paying all or any part of the cost of any one or more 11094
turnpike projects or infrastructure projects. The bond service 11095
charges shall be payable solely from pledged revenues pledged for 11096
such payment pursuant to the applicable bond proceedings. The 11097
bonds of each issue shall be dated, shall bear interest at a rate 11098
or rates or at variable rates, and shall mature or be payable at 11099
such time or times, with a final maturity not to exceed forty 11100
years from their date or dates, all as determined by the 11101

commission in the bond proceedings. The commission shall determine 11102
the form of the bonds, including any interest coupons to be 11103
attached thereto, and shall fix the denomination or denominations 11104
of the bonds and the place or places of payment of bond service 11105
charges. 11106

(B) The bonds shall be signed by the chairperson or 11107
vice-chairperson of the commission or by the facsimile signature 11108
of that officer, the official seal of the commission or a 11109
facsimile thereof shall be affixed thereto or printed thereon and 11110
attested by the secretary-treasurer of the commission, which may 11111
be by facsimile signature, and any coupons attached thereto shall 11112
bear the facsimile signature of the chairperson or 11113
vice-chairperson of the commission. In case any officer whose 11114
signature, or a facsimile of whose signature, appears on any bonds 11115
or coupons ceases to be such officer before delivery of bonds, 11116
such signature or facsimile shall nevertheless be valid and 11117
sufficient for all purposes the same as if the officer had 11118
remained in office until such delivery. 11119

(C) Subject to the bond proceedings and provisions for 11120
registration, the bonds shall have all the qualities and incidents 11121
of negotiable instruments under Title XIII of the Revised Code. 11122
The bonds may be issued in such form or forms as the commission 11123
determines, including without limitation coupon, book entry, and 11124
fully registered form, and provision may be made for the 11125
registration of any coupon bonds as to principal alone and also as 11126
to both principal and interest, and for the exchange of bonds 11127
between forms. The commission may sell such bonds by competitive 11128
bid on the best bid after advertisement or request for bids or by 11129
private sale in the manner, and for the price, it determines to be 11130
for the best interest of the state. ~~The determination of the 11131
commission as to the manner of sale, by competitive bid or by 11132
private sale, shall be approved by the controlling board. 11133~~

(D) The proceeds of the bonds of each issue shall be used 11134
solely for the payment of the costs of the turnpike project or 11135
projects for which such bonds were issued, ~~and~~ or for the payment 11136
of the costs of the infrastructure project or projects as approved 11137
by the commission under section 5537.18 of the Revised Code. The 11138
proceeds shall be disbursed in such manner and under such 11139
restrictions as the commission provides in the applicable bond 11140
proceedings. 11141

(E) Prior to the preparation of definitive bonds, the 11142
commission may, under like restrictions, issue interim receipts or 11143
temporary bonds or bond anticipation notes, with or without 11144
coupons, exchangeable for definitive bonds when such bonds have 11145
been executed and are available for delivery. The commission may 11146
provide for the replacement of any mutilated, stolen, destroyed, 11147
or lost bonds. Bonds may be issued by the commission under this 11148
chapter without obtaining the consent of any state agency, and 11149
without any other proceedings or the happening of any other 11150
conditions or things than those proceedings, conditions, or things 11151
that are specifically required by this chapter or those 11152
proceedings. 11153

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 11154
bonds. 11155

(G) The bond proceedings shall provide, subject to the 11156
provisions of any other applicable bond proceedings, for the 11157
pledge to the payment of bond service charges and of any costs of 11158
or relating to credit enhancement facilities of all, or such part 11159
as the commission may determine, of the pledged revenues and the 11160
applicable special fund or funds, which pledges may be made to 11161
secure the bonds on a parity with bonds theretofore or thereafter 11162
issued if and to the extent provided in the bond proceedings. 11163
Every pledge, and every covenant and agreement with respect 11164
thereto, made in the bond proceedings may in the bond proceedings 11165

be extended to the benefit of the owners and holders of bonds and 11166
to any trustee and any person providing a credit enhancement 11167
facility for those bonds, for the further security for the payment 11168
of the bond service charges and credit enhancement facility costs. 11169

(H) The bond proceedings may contain additional provisions as 11170
to: 11171

(1) The redemption of bonds prior to maturity at the option 11172
of the commission or of the bondholders or upon the occurrence of 11173
certain stated conditions, and at such price or prices and under 11174
such terms and conditions as are provided in the bond proceedings; 11175

(2) Other terms of the bonds; 11176

(3) Limitations on the issuance of additional bonds; 11177

(4) The terms of any trust agreement securing the bonds or 11178
under which the same may be issued; 11179

(5) Any or every provision of the bond proceedings being 11180
binding upon the commission and state agencies, or other person as 11181
may from time to time have the authority under law to take such 11182
actions as may be necessary to perform all or any part of the duty 11183
required by such provision; 11184

(6) Any provision that may be made in a trust agreement; 11185

(7) Any other or additional agreements with the holders of 11186
the bonds, or the trustee therefor, relating to the bonds or the 11187
security for the bonds, including agreements for credit 11188
enhancement facilities. 11189

(I) Any holder of bonds or a trustee under the bond 11190
proceedings, except to the extent that the holder's or trustee's 11191
rights are restricted by the bond proceedings, may by any suitable 11192
form of legal proceedings, protect and enforce any rights under 11193
the laws of this state or granted by the bond proceedings. Those 11194
rights include the right to compel the performance of all duties 11195

of the commission and state agencies required by this chapter or 11196
the bond proceedings; to enjoin unlawful activities; and in the 11197
event of default with respect to the payment of any bond service 11198
charges on any bonds or in the performance of any covenant or 11199
agreement on the part of the commission contained in the bond 11200
proceedings, to apply to a court having jurisdiction of the cause 11201
to appoint a receiver to receive and administer the revenues and 11202
the pledged revenues which are pledged to the payment of the bond 11203
service charges on such bonds or which are the subject of the 11204
covenant or agreement, with full power to pay, and to provide for 11205
payment of, bond service charges on such bonds, and with such 11206
powers, subject to the direction of the court, as are accorded 11207
receivers in general equity cases, excluding any power to pledge 11208
additional revenues or receipts or other income, funds, or moneys 11209
of the commission or state agencies to the payment of such bond 11210
service charges and excluding the power to take possession of, 11211
mortgage, or cause the sale or otherwise dispose of any turnpike 11212
project or other property of the commission. 11213

(J) Each duty of the commission and the commission's officers 11214
and employees, undertaken pursuant to the bond proceedings, is 11215
hereby established as a duty of the commission, and of each such 11216
officer, member, or employee having authority to perform the duty, 11217
specifically enjoined by law resulting from an office, trust, or 11218
station within the meaning of section 2731.01 of the Revised Code. 11219

(K) The commission's officers or employees are not liable in 11220
their personal capacities on any bonds issued by the commission or 11221
any agreements of or with the commission relating to those bonds. 11222

(L) The bonds are lawful investments for banks, savings and 11223
loan associations, credit union share guaranty corporations, trust 11224
companies, trustees, fiduciaries, insurance companies, including 11225
domestic for life and domestic not for life, trustees or other 11226
officers having charge of sinking and bond retirement or other 11227

funds of the state or its political subdivisions and taxing 11228
districts, the commissioners of the sinking fund of the state, the 11229
administrator of workers' compensation, the state teachers 11230
retirement system, the public employees retirement system, the 11231
school employees retirement system, and the Ohio police and fire 11232
pension fund, notwithstanding any other provisions of the Revised 11233
Code or rules adopted pursuant thereto by any state agency with 11234
respect to investments by them, and are also acceptable as 11235
security for the repayment of the deposit of public moneys. 11236

(M) Provision may be made in the applicable bond proceedings 11237
for the establishment of separate accounts in the bond service 11238
fund and for the application of such accounts only to the 11239
specified bond service charges pertinent to such accounts and bond 11240
service fund, and for other accounts therein within the general 11241
purposes of such fund. 11242

(N) The commission may pledge all, or such portion as it 11243
determines, of the pledged revenues to the payment of bond service 11244
charges, and for the establishment and maintenance of any reserves 11245
and special funds, as provided in the bond proceedings, and make 11246
other provisions therein with respect to pledged revenues, 11247
revenues, and net revenues as authorized by this chapter, which 11248
provisions are controlling notwithstanding any other provisions of 11249
law pertaining thereto. 11250

Sec. 5537.09. The Ohio turnpike and infrastructure commission 11251
may provide by resolution for the issuance of revenue bonds of the 11252
state, payable solely from pledged revenues, for the purpose of 11253
refunding any bonds then outstanding, including the payment of 11254
related financing expenses and, if considered advisable by the 11255
commission, for the additional purpose of paying costs of 11256
improvements, extensions, renovations, or enlargements of any 11257
turnpike project or any infrastructure project. The issuance of 11258

refunding bonds, the maturities and other details thereof, the 11259
rights of the holders thereof, and the rights, duties, and 11260
obligations of the commission in respect to such bonds shall be 11261
governed by the provisions of this chapter insofar as they are 11262
applicable and by the applicable bond proceedings. 11263

Sec. 5537.11. (A) The bonds do not constitute a debt, or a 11264
pledge of the faith and credit, of the state or of any political 11265
subdivision of the state. Bond service charges on outstanding 11266
bonds are payable solely from the pledged revenues pledged for 11267
their payment as authorized by this chapter and as provided in the 11268
bond proceedings. All turnpike and infrastructure revenue bonds 11269
shall contain on their face a statement to that effect. 11270

(B) All expenses incurred in carrying out this chapter shall 11271
be payable solely from revenues provided under this chapter and 11272
from state taxes. This chapter does not authorize the Ohio 11273
turnpike and infrastructure commission to incur indebtedness or 11274
liability on behalf of or payable by the state or any political 11275
subdivision of the state. 11276

Sec. 5537.12. (A) In the discretion of the Ohio turnpike and 11277
infrastructure commission any bonds may be secured by a trust 11278
agreement between the commission and a corporate trustee, which 11279
may be any trust company or bank having the powers of a trust 11280
company within or without the state but authorized to exercise 11281
trust powers within this state. 11282

(B) Any trust agreement may pledge or assign the revenues to 11283
be received, but shall not convey or mortgage any turnpike project 11284
or infrastructure project, any part of a turnpike project or 11285
infrastructure project, or any part of the Ohio turnpike system or 11286
the Ohio turnpike and infrastructure system. Any such trust 11287
agreement or other bond proceedings may contain provisions for 11288

protecting and enforcing the rights and remedies of the 11289
bondholders that are reasonable and proper and not in violation of 11290
law, including covenants setting forth the duties of the 11291
commission in relation to the acquisition of property, and the 11292
construction, maintenance, repair, operation, and insurance of the 11293
turnpike project or projects in connection with which the bonds 11294
are authorized, the rates of toll to be charged, and the custody, 11295
safeguarding, and application of all moneys, and provisions for 11296
the employment or retention of the services of consulting 11297
engineers in connection with the construction, maintenance, or 11298
operation of the turnpike project or projects. Any bank or trust 11299
company incorporated under the laws of this state which may act as 11300
depository of the proceeds of bonds or of revenues may furnish 11301
such indemnifying bonds or may pledge such securities as are 11302
required by the commission. Any such trust agreement may set forth 11303
the rights and remedies of the bondholders and of the trustee, may 11304
restrict the individual right of action by bondholders as is 11305
customary in revenue bond trust agreements of public bodies, and 11306
may contain other provisions that the commission considers 11307
reasonable and proper for the security of the bondholders. All 11308
expenses incurred in entering into or carrying out the provisions 11309
of such a trust agreement may be treated as a part of the cost, or 11310
of the cost of the operation, of the turnpike project or projects. 11311

Sec. 5537.13. (A) Subject to section 5537.26 of the Revised 11312
Code, the Ohio turnpike and infrastructure commission may fix, 11313
revise, charge, and collect tolls for each turnpike project, and 11314
contract in the manner provided by this section with any person 11315
desiring the use of any part thereof, including the right-of-way 11316
adjoining the paved portion, for placing thereon telephone, 11317
electric light, or power lines, service facilities, or for any 11318
other purpose, and fix the terms, conditions, rents, and rates of 11319
charge for such use, provided that no toll, charge, or rental may 11320

be made by the commission for placing in, on, along, over, or 11321
under the turnpike project, equipment or public utility facilities 11322
that are necessary to serve service facilities or to interconnect 11323
any public utility facilities. 11324

(B) Contracts for the operation of service facilities shall 11325
be made in writing. Such contracts, except contracts with state 11326
agencies or other governmental agencies, shall be made with the 11327
bidder whose bid is determined by the commission to be the best 11328
bid received, after advertisement for two consecutive weeks in a 11329
newspaper of general circulation in Franklin county, and in other 11330
publications that the commission determines. The notice shall 11331
state the general character of the service facilities operation 11332
proposed, the place where plans and specifications may be 11333
examined, and the time and place of receiving bids. Bids shall 11334
contain the full name of each person interested in them, and shall 11335
be in such form as the commission requires. The commission may 11336
reject any and all bids. All contracts for service facilities 11337
shall be preserved in the principal office of the commission. 11338

(C) Tolls shall be so fixed and adjusted as to provide funds 11339
at least sufficient with other revenues of the Ohio turnpike 11340
system, if any, to pay: 11341

(1) The cost of maintaining, improving, repairing, 11342
constructing, and operating the Ohio turnpike system and its 11343
different parts and sections, and to create and maintain any 11344
reserves for those purposes; 11345

(2) Any unpaid bond service charges on outstanding bonds 11346
payable from pledged revenues as such charges become due and 11347
payable, and to create and maintain any reserves for that purpose. 11348

(D) Tolls are not subject to supervision, approval, or 11349
regulation by any state agency other than the turnpike and 11350
infrastructure commission. 11351

(E) Revenues derived from each turnpike project ~~in connection~~ 11352
~~with which any bonds are outstanding~~ shall be first applied to pay 11353
the cost of maintenance, improvement, repair, and operation and to 11354
provide any reserves therefor that are provided for in the bond 11355
proceedings authorizing the issuance of those outstanding bonds, 11356
and otherwise as provided by the commission, ~~and the balance. The~~ 11357
bond proceedings also shall provide, subject to the provisions of 11358
any other applicable bond proceedings, for the pledge of all, or 11359
such part as the commission may determine of the pledged revenues 11360
~~shall be set aside, at such regular intervals as are provided in~~ 11361
~~the bond proceedings, in a bond service fund, which is hereby~~ 11362
~~pledged to and charged with~~ and the applicable special fund or 11363
funds to the payment of the bond service charges ~~on any such~~ 11364
~~outstanding bonds as provided in the applicable, which pledge may~~ 11365
be made to secure the bonds senior or subordinate to or on a 11366
parity with bonds theretofore or thereafter issued, if and to the 11367
extent provided in the bond proceedings. The pledge shall be valid 11368
and binding from the time the pledge is made; the revenues and the 11369
pledged revenues thereafter received by the commission immediately 11370
shall be subject to the lien of the pledge without any physical 11371
delivery thereof or further act, and the lien of the pledge shall 11372
be valid and binding as against all parties having claims of any 11373
kind in tort, contract, or otherwise against the commission, 11374
whether or not those parties have notice thereof. The bond 11375
proceedings by which a pledge is created need not be filed or 11376
recorded except in the records of the commission. The use and 11377
disposition of moneys to the credit of a bond service fund shall 11378
be subject to the applicable bond proceedings. ~~Except as is~~ 11379
~~otherwise provided in such bond proceedings, such a bond service~~ 11380
~~fund shall be a fund for all such bonds, without distinction or~~ 11381
~~priority of one over another.~~ 11382

(F) The proceeds of bonds issued for the payment of the costs 11383
of infrastructure projects, net of the payment of all financing 11384

expenses and deposits into debt service reserves or other special 11385
funds as may be required in the applicable bond proceedings, shall 11386
be deposited to the infrastructure fund or funds and shall be 11387
exclusively used to pay the cost of infrastructure projects 11388
approved by the commission, except that income earned by the 11389
infrastructure fund may be used by the commission towards the 11390
payment of bond service charges. 11391

Sec. 5537.14. All moneys received by the Ohio turnpike and 11392
infrastructure commission under this chapter, whether as proceeds 11393
from the sale of bonds or as revenues, are to be held and applied 11394
solely as provided in this chapter and in any applicable bond 11395
proceedings. Such moneys shall be kept in depositories as selected 11396
by the commission in the manner provided in sections 135.01 to 11397
135.21 of the Revised Code, insofar as such sections are 11398
applicable, and the deposits shall be secured as provided in 11399
sections 135.01 to 135.21 of the Revised Code. The bond 11400
proceedings shall provide that any officer to whom, or any bank or 11401
trust company to which, revenues or pledged revenues are paid 11402
shall act as trustee of such moneys and hold and apply them for 11403
the purposes thereof, subject to applicable provisions of this 11404
chapter and the bond proceedings. 11405

Sec. 5537.15. Any holder of bonds issued and outstanding 11406
under this chapter, or any of the coupons appertaining thereto, 11407
and the trustee under any trust agreement, except to the extent 11408
the rights given by this chapter may be restricted or modified by 11409
the bond proceedings, may by suit, action, mandamus, or other 11410
proceedings, protect and enforce any rights under the laws of the 11411
state or granted under this chapter or the bond proceedings, and 11412
may enforce and compel the performance of all duties required by 11413
this chapter or the bond proceedings, to be performed by the Ohio 11414
turnpike and infrastructure commission or any officer of the 11415

commission, including the fixing, charging, collecting, and 11416
application of tolls. 11417

Sec. 5537.16. (A) The Ohio turnpike and infrastructure 11418
commission may adopt such bylaws and rules as it considers 11419
advisable for the control and regulation of traffic on any 11420
turnpike project, for the protection and preservation of property 11421
under its jurisdiction and control, for the maintenance and 11422
preservation of good order within the property under its control, 11423
and for the purpose of establishing owner or operator liability 11424
for failure to comply with toll collection rules. The rules of the 11425
commission with respect to the speed, use of special engine 11426
brakes, axle loads, vehicle loads, and vehicle dimensions of 11427
vehicles on turnpike projects, including the issuance of a special 11428
permit by the commission to allow the operation on any turnpike 11429
project of a motor vehicle transporting two or fewer steel coils, 11430
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 11431
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 11432
be published in a newspaper of general circulation in Franklin 11433
county, and in such other manner as the commission prescribes. 11434

(B) Such rules shall provide that public police officers 11435
shall be afforded ready access, while in the performance of their 11436
official duty, to all property under the jurisdiction of the 11437
commission and without the payment of tolls. 11438

(C) No person shall violate any such bylaws or rules of the 11439
commission. 11440

(D)(1) All fines collected for the violation of applicable 11441
laws of the state and the bylaws and rules of the commission or 11442
moneys arising from bonds forfeited for such violation shall be 11443
disposed of in accordance with section 5503.04 of the Revised 11444
Code. 11445

(2) All fees or charges assessed by the commission against an 11446

owner or operator of a vehicle as a civil violation for failure to 11447
comply with toll collection or toll evasion rules shall be 11448
revenues of the commission. 11449

Sec. 5537.17. (A) Each turnpike project open to traffic shall 11450
be maintained and kept in good condition and repair by the Ohio 11451
turnpike and infrastructure commission. The Ohio turnpike system 11452
shall be policed and operated by a force of police, toll 11453
collectors, and other employees and agents that the commission 11454
employs or contracts for. 11455

(B) All public or private property damaged or destroyed in 11456
carrying out the powers granted by this chapter shall be restored 11457
or repaired and placed in its original condition, as nearly as 11458
practicable, or adequate compensation or consideration made 11459
therefor out of moneys provided under this chapter. 11460

(C) All governmental agencies may lease, lend, grant, or 11461
convey to the commission at its request, upon terms that the 11462
proper authorities of the governmental agencies consider 11463
reasonable and fair and without the necessity for an 11464
advertisement, order of court, or other action or formality, other 11465
than the regular and formal action of the authorities concerned, 11466
any property that is necessary or convenient to the effectuation 11467
of the purposes of the commission, including public roads and 11468
other property already devoted to public use. 11469

(D) Each bridge constituting part of a turnpike project shall 11470
be inspected at least once each year by a professional engineer 11471
employed or retained by the commission. 11472

(E) On or before the first day of July in each year, the 11473
commission shall make an annual report of its activities for the 11474
preceding calendar year to the governor and the general assembly. 11475
Each such report shall set forth a complete operating and 11476
financial statement covering the commission's operations and 11477

funding of any turnpike projects and infrastructure projects 11478
during the year. The commission shall cause an audit of its books 11479
and accounts to be made at least once each year by certified 11480
public accountants, and the cost thereof may be treated as a part 11481
of the cost of operations of the commission. The auditor of state, 11482
at least once a year and without previous notice to the 11483
commission, shall audit the accounts and transactions of the 11484
commission. 11485

(F) The commission shall submit a copy of its annual audit by 11486
the auditor of state and its proposed annual budget for each 11487
calendar or fiscal year to the governor, the presiding officers of 11488
each house of the general assembly, the director of budget and 11489
management, and the legislative service commission no later than 11490
the first day of that calendar or fiscal year. 11491

(G) Upon request of the chairperson of the appropriate 11492
standing committee or subcommittee of the senate and house of 11493
representatives that is primarily responsible for considering 11494
transportation budget matters, the commission shall appear at 11495
least one time before each committee or subcommittee during the 11496
period when that committee or subcommittee is considering the 11497
biennial appropriations for the department of transportation and 11498
shall provide testimony outlining its budgetary results for the 11499
last two calendar years, including a comparison of budget and 11500
actual revenue and expenditure amounts. The commission also shall 11501
address its current budget and long-term capital plan. 11502

(H) Not more than sixty nor less than thirty days before 11503
adopting its annual budget, the commission shall submit a copy of 11504
its proposed annual budget to the governor, the presiding officers 11505
of each house of the general assembly, the director of budget and 11506
management, and the legislative service commission. The office of 11507
budget and management shall review the proposed budget and may 11508
provide recommendations to the commission for its consideration. 11509

Sec. 5537.18. (A) The Ohio turnpike and infrastructure commission shall adopt rules establishing the procedures and criteria under which the commission may approve an application received from the director of transportation for infrastructure project funding under division (B) of this section. The rules shall require both of the following: 11510
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(1) An infrastructure project to have an anticipated economic or transportation-related impact on the Ohio turnpike and infrastructure system; 11516
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(2) Proceeds from bonds for infrastructure projects issued under this chapter to be used solely to fund infrastructure projects with a nexus to the Ohio turnpike. 11519
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(B) The director of transportation may submit an application to the commission for infrastructure project funding. An application to the commission for infrastructure project funding, as submitted by the director, shall include only infrastructure projects that previously have been reviewed and recommended by the transportation review advisory council pursuant to the selection process followed by the council under Chapter 5512. of the Revised Code. 11522
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(C) The commission shall evaluate each application for infrastructure project funding submitted under division (B) of this section in accordance with the procedures and criteria established in rules adopted under division (A) of this section. A determination or approval made under this section is conclusive and incontestable. 11530
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Sec. 5537.19. The Ohio turnpike and infrastructure commission shall expend such moneys as the commission considers necessary for studies of any turnpike project or infrastructure project, whether proposed, under construction, or in operation, and may employ 11536
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consulting engineers, traffic engineers, and any other individuals 11540
or firms that the commission considers necessary to properly 11541
implement the studies. The cost of the studies may be paid from 11542
revenues, eligible state and federal grants, state taxes available 11543
to the commission and permitted by law to be spent for such 11544
purposes, or the proceeds of bonds. 11545

Sec. 5537.20. The exercise of the powers granted by this 11546
chapter is in all respects for the benefit of the people of the 11547
state, for the increase of their commerce and prosperity, and for 11548
the improvement of their health and living conditions, and as the 11549
construction, operation, and maintenance of the Ohio turnpike 11550
system by the Ohio turnpike and infrastructure commission 11551
constitute the performance of essential governmental functions, 11552
the commission, except as provided in division (D) of section 11553
5537.05 of the Revised Code, shall not be required to pay any 11554
state or local taxes or assessments upon any turnpike project or 11555
infrastructure project funded by it, or upon revenues or any 11556
property acquired or used by the commission under this chapter, or 11557
upon the income therefrom. The bonds issued under this chapter, 11558
their transfer, and the income therefrom, including any profit 11559
made on the sale thereof, shall at all times be free from taxation 11560
within the state. 11561

Sec. 5537.21. (A) When bond service charges on all 11562
outstanding bonds issued in connection with any turnpike project 11563
have been paid or provision for that payment has been made, as 11564
provided in the applicable bond proceedings, or in the case of a 11565
turnpike project in connection with which no bonds have been 11566
issued, the project shall continue to be or be operated, and 11567
improved and maintained, by the Ohio turnpike and infrastructure 11568
commission as a part of the Ohio turnpike system and as a toll 11569
road, and all revenues received by the commission relating to that 11570

project shall be applied as provided in division (B) of this 11571
section. 11572

(B) Subject to the bond proceedings for bonds relating to any 11573
turnpike project or infrastructure project, tolls relating to a 11574
turnpike project as referred to in division (A) of this section 11575
shall be so fixed and adjusted such that the aggregate of 11576
available revenues relating to that turnpike project ~~and available~~ 11577
~~for the purpose~~ are in amounts ~~to provide moneys~~ at least 11578
sufficient, ~~and those revenues shall be used,~~ to pay the costs 11579
described in division (C)(1) of section 5537.13 of the Revised 11580
Code. 11581

Sec. 5537.22. All final actions of the Ohio turnpike and 11582
infrastructure commission shall be journalized and such journal 11583
shall be open to the inspection of the public at all reasonable 11584
times. 11585

Sec. 5537.24. (A) There is hereby created a turnpike 11586
legislative review committee consisting of six members as follows: 11587

(1) Three members of the senate, no more than two of whom 11588
shall be members of the same political party, one of whom shall be 11589
the chairperson of the committee dealing primarily with highway 11590
matters, one of whom shall be appointed by the president of the 11591
senate, and one of whom shall be appointed by the minority leader 11592
of the senate. 11593

Both the senate member who is appointed by the president of 11594
the senate and the senate member appointed by the minority leader 11595
of the senate shall represent either districts in which is located 11596
or through which passes a portion of a turnpike project that is 11597
part of the Ohio turnpike system or districts located in the 11598
vicinity of a turnpike project that is part of the Ohio turnpike 11599
system. 11600

The president of the senate shall make the president of the senate's appointment to the committee first, followed by the minority leader of the senate, and they shall make their appointments in such a manner that their two appointees represent districts that are located in different areas of the state. If the chairperson of the senate committee dealing primarily with highway matters represents a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system, the president of the senate and the minority leader of the senate shall make their appointments in such a manner that their two appointees and the chairperson of the senate committee dealing primarily with highway matters all represent districts that are located in different areas of the state.

(2) Three members of the house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the house of representatives committee dealing primarily with highway matters, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the minority leader of the house of representatives.

Both the house of representatives member who is appointed by the speaker of the house of representatives and the house of representatives member appointed by the minority leader of the house of representatives shall represent either districts in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or districts located in the vicinity of a turnpike project that is part of the Ohio turnpike system.

The speaker of the house of representatives shall make the speaker of the house of representative's appointment to the

committee first, followed by the minority leader of the house of 11633
representatives, and they shall make their appointments in such a 11634
manner that their two appointees represent districts that are 11635
located in different areas of the state. If the chairperson of the 11636
house of representatives committee dealing primarily with highway 11637
matters represents a district in which is located or through which 11638
passes a portion of a turnpike project that is part of the Ohio 11639
turnpike system or a district located in the vicinity of a 11640
turnpike project that is part of the Ohio turnpike system, the 11641
speaker of the house of representatives and the minority leader of 11642
the house of representatives shall make their appointments in such 11643
a manner that their two appointees and the chairperson of the 11644
house of representatives committee dealing primarily with highway 11645
matters all represent districts that are located in different 11646
areas of the state. 11647

The chairperson of the house of representatives committee 11648
shall serve as the chairperson of the turnpike legislative review 11649
committee for the year 1996. Thereafter, the chair annually shall 11650
alternate between, first, the chairperson of the senate committee 11651
and then the chairperson of the house of representatives 11652
committee. 11653

(B) Each member of the turnpike legislative review committee 11654
who is a member of the general assembly shall serve a term of the 11655
remainder of the general assembly during which the member is 11656
appointed or is serving as chairperson of the specified senate or 11657
house committee. In the event of the death or resignation of a 11658
committee member who is a member of the general assembly, or in 11659
the event that a member ceases to be a senator or representative, 11660
or in the event that the chairperson of the senate committee 11661
dealing primarily with highway matters or the chairperson of the 11662
house of representatives committee dealing primarily with highway 11663
matters ceases to hold that position, the vacancy shall be filled 11664

through an appointment by the president of the senate or the speaker of the house of representatives or minority leader of the senate or house of representatives, as applicable. Any member appointed to fill a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. A member of the committee is eligible for reappointment.

(C) The turnpike legislative review committee shall meet at least quarterly and may meet at the call of its chairperson, or upon the written request to the chairperson of not fewer than four members of the committee. Meetings shall be held at sites that are determined solely by the chairperson of the committee. At each meeting, the Ohio turnpike and infrastructure commission shall make a report to the committee on commission matters, including but not limited to financial and budgetary matters and proposed and on-going construction, maintenance, repair, and operational projects of the commission.

The committee, by the affirmative vote of at least four of its members, may submit written recommendations to the commission, either at meetings held pursuant to this section or at any other time, describing new turnpike projects or new interchanges located on existing projects that the committee believes the commission should consider constructing.

(D) At least annually the commission shall make a report to the committee of those infrastructure projects approved and paid for by the commission.

(E) The members of the turnpike legislative review committee who are members of the general assembly shall serve without compensation, but shall be reimbursed by the commission for their actual and necessary expenses incurred in the discharge of their official duties as committee members. Serving as a member of the

turnpike legislative review committee does not constitute grounds 11697
for resignation from the senate or house of representatives under 11698
section 101.26 of the Revised Code. 11699

Sec. 5537.25. (A) Notwithstanding any provision of law to the 11700
contrary, the Ohio turnpike and infrastructure commission shall 11701
make no expenditure to engage the services of any person to 11702
influence either of the following: 11703

(1) Administrative actions or decisions of the governor, the 11704
director of any department listed in section 121.02 of the Revised 11705
Code, any member of the staff of any public officer or employee 11706
listed in this section, the president of the United States, or any 11707
federal officer or employee; 11708

(2) Legislation pending in this state or any other state, a 11709
subdivision of this state or any other state, or the federal 11710
government, including the executive approval or veto of any such 11711
pending legislation. 11712

(B) This section shall not be interpreted to prohibit the 11713
commission from designating officers or members of the commission, 11714
or full-time, permanent employees of the commission, to act as 11715
administrative or legislative agents for the commission. 11716

Sec. 5537.26. (A) Except as provided in division (D) of this 11717
section, no increase by the Ohio turnpike and infrastructure 11718
commission in the toll rate structure that is applicable to 11719
vehicles operating on a turnpike project shall become effective 11720
unless the commission complies with the notice and hearing 11721
requirements prescribed in division (B) of this section, and the 11722
commission shall not take any action that expands, has the effect 11723
of expanding, or will to any degree at any time in the future have 11724
the effect of expanding the sphere of responsibility of the 11725
commission beyond the Ohio turnpike, unless the commission 11726

complies with the notice and hearing requirements prescribed in 11727
division (B) of this section. 11728

(B) Not less than ninety days prior to the date on which the 11729
commission votes to increase any part of the toll rate structure 11730
that is applicable to vehicles operating on a turnpike project, 11731
and not less than ninety days prior to the date on which the 11732
commission votes to take an action that expands, has the effect of 11733
expanding, or will to any degree at any time in the future have 11734
the effect of expanding the sphere of responsibility of the 11735
commission beyond the Ohio turnpike, the commission shall do both 11736
of the following: 11737

(1) Send notice to the governor and the presiding officers 11738
and minority leaders of the senate and house of representatives 11739
that details the proposed increase to the toll rate structure or 11740
the expansion of the sphere of responsibility of the commission 11741
beyond the Ohio turnpike, including a description of and a 11742
justification for the increase or expansion; 11743

(2) Commence holding public hearings on the proposed increase 11744
in the toll rate structure or the proposed action. If the 11745
commission is proposing an increase in the toll rate structure 11746
that is applicable to vehicles operating on a turnpike project, it 11747
shall hold not less than three public hearings in three 11748
geographically diverse locations in this state that are in the 11749
immediate vicinity of the affected project. If the commission is 11750
proposing to take an action that expands, has the effect of 11751
expanding, or will to any degree at any time in the future have 11752
the effect of expanding the sphere of responsibility of the 11753
commission beyond the Ohio turnpike, it shall hold not less than 11754
three public hearings in three locations in the immediate vicinity 11755
where the expanded responsibilities would arise. 11756

The commission shall hold the third or, if it holds more than 11757
three hearings, the last hearing of any set of hearings required 11758

to be held under this section not less than thirty days prior to 11759
the date on which it votes to increase part of the toll rate 11760
structure that is applicable to vehicles operating on a turnpike 11761
project or to take an action that expands, has the effect of 11762
expanding, or will to any degree at any time in the future have 11763
the effect of expanding the sphere of responsibility of the 11764
commission beyond the Ohio turnpike. 11765

The commission shall inform the public of all the hearings 11766
required to be held under this section by causing a notice to be 11767
published in a newspaper of general circulation in the county in 11768
which each hearing is to be held, not less than once per week for 11769
two weeks prior to the date of the hearing. 11770

(C) If the commission does not comply with the notice and 11771
hearing requirements contained in division (B) of this section and 11772
votes for an increase in the toll rate structure that is 11773
applicable to vehicles operating on a turnpike project, the 11774
increase in the toll rate structure shall not take effect, any 11775
attempt by the commission to implement the increase in the toll 11776
rate structure is void, and, if necessary, the attorney general 11777
shall file an action in the court of common pleas of the county in 11778
which the principal office of the commission is located to enjoin 11779
the commission from implementing the increase. The commission 11780
shall not implement any increase until it complies with division 11781
(B) of this section. 11782

If the commission does not comply with the notice and hearing 11783
requirements contained in division (B) of this section and votes 11784
to take an action that expands, has the effect of expanding, or 11785
will to any degree at any time in the future have the effect of 11786
expanding the sphere of responsibility of the commission beyond 11787
the Ohio turnpike, the commission shall not take the proposed 11788
action and, if necessary, the attorney general shall file an 11789
action in the court of common pleas of the county in which the 11790

principal office of the commission is located to enjoin the 11791
commission from taking the proposed action. The commission shall 11792
not take the proposed action until it complies with the notice and 11793
hearing requirements prescribed in division (B) of this section. 11794

(D) Divisions (A) to (C) of this section do not apply to any 11795
decrease made to the toll rate structure by the commission. The 11796
commission may implement a temporary decrease in the toll rate 11797
structure only if it does not exceed eighteen months in duration. 11798
Prior to instituting any decrease to the toll rate structure, the 11799
commission shall do both of the following: 11800

(1) Not less than five days prior to any public meeting under 11801
division (D)(2) of this section, send notice to the governor and 11802
the presiding officers and minority leaders of the senate and 11803
house of representatives that details the proposed decrease to the 11804
toll rate structure; 11805

(2) Hold a public meeting to explain to members of the 11806
traveling public the reasons for the upcoming decrease, to inform 11807
them of any benefits and any negative consequences, and to give 11808
them the opportunity to express their opinions as to the relative 11809
merits or drawbacks of each toll decrease. The commission shall 11810
inform the public of the meeting by causing a notice to be 11811
published in newspapers of general circulation in Cuyahoga, Lucas, 11812
Mahoning, Trumbull, Williams, and Summit counties not less than 11813
five days prior to the meeting. The commission shall not be 11814
required to hold any public hearing or meeting upon the expiration 11815
of any temporary decrease in the toll rate structure, so long as 11816
it implements the same toll rate structure that was in effect 11817
immediately prior to the temporary decrease. 11818

(E) As used in this section, "Ohio turnpike" means the toll 11819
freeway that is under the jurisdiction of the commission and runs 11820
in an easterly and westerly direction across the entire northern 11821
portion of this state between its borders with the state of 11822

Pennsylvania in the east and the state of Indiana in the west, and 11823
carries the interstate highway designations of interstate 11824
seventy-six, interstate eighty, and interstate eighty-ninety. 11825

Sec. 5537.27. The Ohio turnpike and infrastructure 11826
commission, the director of transportation or the director's 11827
designee, and another person designated by the governor shall 11828
establish a procedure whereby a political subdivision or other 11829
government agency or agencies may submit a written application to 11830
the commission, requesting the commission to construct and operate 11831
a turnpike project within the boundaries of the subdivision, 11832
agency, or agencies making the request. The procedure shall 11833
include a requirement that the commission send a written reply to 11834
the subdivision, agency, or agencies, explaining the disposition 11835
of the request. The procedure established pursuant to this section 11836
shall not become effective unless it is approved by the commission 11837
and by the director or the director's designee and the designee of 11838
the governor, and shall require submission of the proposed 11839
turnpike project to the turnpike legislative review committee if 11840
the project must be approved by the governor. 11841

Sec. 5537.28. (A) ~~Notwithstanding any other provision of law,~~ 11842
~~on and after the effective date of this section, the Ohio turnpike~~ 11843
~~commission shall not expend any toll revenues that are generated~~ 11844
~~by an existing turnpike project to fund in any manner or to any~~ 11845
~~degree the construction, operation, maintenance, or repair of~~ 11846
~~another turnpike project the location of which must be reviewed by~~ 11847
~~the turnpike legislative review committee and approved by the~~ 11848
~~governor.~~ 11849

In paying the cost of ~~such a~~ any turnpike project, the Ohio 11850
turnpike and infrastructure commission may issue bonds and bond 11851
anticipation notes as permitted by this chapter, and may accept 11852
moneys from any source to pay the cost of any portion of the 11853

turnpike project, including, but not limited to, the federal 11854
government, any department or agency of this state, and any 11855
political subdivision or other government agency. Each such 11856
project shall be constructed, operated, maintained, and repaired 11857
entirely with funds ~~generated by that project or otherwise~~ 11858
specifically acquired for that project or from sources permitted 11859
~~by this chapter~~ excess funds available from any other turnpike 11860
project. 11861

(B) ~~The commission shall not expend any toll revenues~~ 11862
~~generated by the Ohio turnpike to pay any amount of the principal~~ 11863
~~amount of, or interest due on, any bonds or bond anticipation~~ 11864
~~notes issued by the commission to pay any portion of the cost of~~ 11865
~~another turnpike project the location of which must be reviewed by~~ 11866
~~the turnpike legislative review committee and approved by the~~ 11867
~~governor. The commission shall not expend any toll revenues~~ 11868
~~generated by any turnpike project to pay any amount of the~~ 11869
~~principal amount of, or interest due on, any bonds or bond~~ 11870
~~anticipation notes issued by the commission to pay any portion of~~ 11871
~~the cost of a new turnpike project the location of which must be~~ 11872
~~reviewed by the turnpike legislative review committee and approved~~ 11873
~~by the governor or the cost of the operation, repair, improvement,~~ 11874
~~maintenance, or reconstruction of any turnpike project other than~~ 11875
~~the project that generated those toll revenues.~~ 11876

~~(C) As used in this section:~~ 11877

~~(1) "Ohio turnpike" has the same meaning as in division (E)~~ 11878
~~of section 5537.26 of the Revised Code;~~ 11879

~~(2) "Another "any turnpike project" does not include~~ 11880
~~infrastructure improvements on the Ohio turnpike or on connecting~~ 11881
~~roadways within one mile of an Ohio turnpike interchange projects.~~ 11882
The costs of infrastructure projects approved under section 11883
5537.18 of the Revised Code shall be funded exclusively out of the 11884
infrastructure fund or funds. 11885

Sec. 5537.30. (A) Not later than December 31, 2009, the Ohio 11886
turnpike and infrastructure commission shall establish a program 11887
for the placement of business logos for identification purposes on 11888
directional signs within the turnpike right-of-way. 11889

(B)(1) The commission shall establish, and may revise at any 11890
time, a fee for participation in the business logo sign program. 11891
All direct and indirect costs of the business logo sign program 11892
established pursuant to this section shall be fully paid by the 11893
businesses applying for participation in the program. The direct 11894
and indirect costs of the program shall include, but not be 11895
limited to, the cost of capital, directional signs, blanks, posts, 11896
logos, installation, repair, engineering, design, insurance, 11897
removal, replacement, and administration. 11898

(2) Money generated from participating businesses in excess 11899
of the direct and indirect costs and any reasonable profit earned 11900
by a person awarded a contract ~~under division (C) of this section~~ 11901
to operate, maintain, or market the business logo sign program 11902
shall be remitted to the commission. 11903

(3) If the commission operates such a program and does not 11904
contract with a private person to operate it, all money collected 11905
from participating businesses shall be retained by the commission. 11906

~~(C) The commission, in accordance with rules adopted pursuant 11907
to section 111.15 of the Revised Code, may contract with any 11908
private person to operate, maintain, or market the business logo 11909
sign program. The contract may allow for a reasonable profit to be 11910
earned by the successful applicant. In awarding the contract, the 11911
commission shall consider the skill, expertise, prior experience, 11912
and other qualifications of each applicant. 11913~~

~~(D)~~ The program shall permit the business logo signs of a 11914
seller of motor vehicle fuel to include on the seller's signs a 11915
marking or symbol indicating that the seller sells one or more 11916

types of alternative fuel so long as the seller in fact sells that fuel. As used in this division, "alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

Sec. 5553.051. The board of county commissioners may establish a reasonable fee to cover the costs the county incurs in proceedings to vacate a public road as provided in this chapter, including the costs the county incurs in providing published notice and mailed notice as required by section 5553.05 of the Revised Code. The board may require an initial deposit to be paid at the time a petition for vacation of a road is filed under section 5553.04 of the Revised Code or promptly thereafter. The clerk of the board shall maintain an accurate and detailed accounting of all funds received and expended in the processing of a petition for vacation of a road.

Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, a vehicle fueled solely by compressed natural gas may exceed by not more than two thousand pounds the gross vehicle weight provisions of sections 5577.01 to 5577.09 of the Revised Code or the axle load limits of those sections.

(B) If a vehicle described in division (A) of this section exceeds the weight provisions of sections 5577.01 to 5577.09 of the Revised Code by more than the allowance provided for in division (A) of this section, both of the following apply:

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

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

(C) Division (A) of this section does not apply to the operation of a vehicle on either of the following:

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

(2) A highway, road, or bridge that is subject to reduced 11947
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 11948
5577.09, or 5591.42 of the Revised Code. 11949

Sec. 5728.01. As used in sections 5728.02 to 5728.14 of the 11950
Revised Code: 11951

(A) "Motor vehicle" means everything on wheels that is 11952
self-propelled, other than by muscular power or power collected 11953
from electric trolley wires and other than vehicles or machinery 11954
not designed for or employed in general highway transportation, 11955
used to transport or propel persons or property over a public 11956
highway. 11957

(B) "Commercial car" means any motor vehicle used for 11958
transporting persons or property, wholly on its own structure on a 11959
public highway. 11960

(C) "Commercial tractor" means any motor vehicle designed and 11961
used to propel or draw a trailer or semi-trailer or both on a 11962
public highway without having any provision for carrying loads 11963
independently of such trailer or semi-trailer. 11964

(D) "Trailer" means everything on wheels that is not 11965
self-propelled, except vehicles or machinery not designed for or 11966
employed in general highway transportation, used for carrying 11967
property wholly on its own structure and for being drawn by a 11968
motor vehicle on a public highway, including any such vehicle when 11969
formed by or operated as a combination of a semi-trailer and a 11970
vehicle of the dolly type such as that commonly known as a trailer 11971
dolly. "Trailer" does not include manufactured homes as defined in 11972
division (C)(4) of section 3781.06 of the Revised Code or mobile 11973
homes as defined in division (O) of section 4501.01 of the Revised 11974
Code. 11975

(E) "Semi-trailer" means everything on wheels that is not 11976

self-propelled, except vehicles or machinery not designed for or 11977
employed in general highway transportation, designed and used for 11978
carrying property on a public highway when being propelled or 11979
drawn by a commercial tractor when part of its own weight or the 11980
weight of its load, or both, rest upon and is carried by a 11981
commercial tractor. 11982

(F) "Commercial tandem" means any commercial car and trailer 11983
or any commercial tractor, semi-trailer, and trailer when fastened 11984
together and used as one unit. 11985

(G) "Commercial tractor combination" means any commercial 11986
tractor and semi-trailer when fastened together and used as one 11987
unit. 11988

(H) "Axle" means two or more load carrying wheels mounted in 11989
a single transverse vertical plane. 11990

(I) "Public highway" means any highway, road, or street 11991
dedicated to public use, including a highway under the control and 11992
jurisdiction of the Ohio turnpike and infrastructure commission 11993
created by the provisions of section 5537.02 of the Revised Code 11994
and land and lots over which the public, either as user or owner, 11995
generally has a right to pass even though such land or lots are 11996
closed temporarily by public authorities for the purpose of 11997
construction, reconstruction, maintenance, or repair. 11998

(J) "Jurisdiction" means a state of the United States, the 11999
District of Columbia, or a province or territory of Canada. 12000

Sec. 5735.05. (A) To provide revenue for maintaining the 12001
state highway system; to widen existing surfaces on such highways; 12002
to resurface such highways; to pay that portion of the 12003
construction cost of a highway project which a county, township, 12004
or municipal corporation normally would be required to pay, but 12005
which the director of transportation, pursuant to division (B) of 12006

section 5531.08 of the Revised Code, determines instead will be 12007
paid from moneys in the highway operating fund; to enable the 12008
counties of the state properly to plan, maintain, and repair their 12009
roads and to pay principal, interest, and charges on bonds and 12010
other obligations issued pursuant to Chapter 133. of the Revised 12011
Code or incurred pursuant to section 5531.09 of the Revised Code 12012
for highway improvements; to enable the municipal corporations to 12013
plan, construct, reconstruct, repave, widen, maintain, repair, 12014
clear, and clean public highways, roads, and streets, and to pay 12015
the principal, interest, and charges on bonds and other 12016
obligations issued pursuant to Chapter 133. of the Revised Code or 12017
incurred pursuant to section 5531.09 of the Revised Code for 12018
highway improvements; to enable the Ohio turnpike and 12019
infrastructure commission to construct, reconstruct, maintain, and 12020
repair turnpike projects; to maintain and repair bridges and 12021
viaducts; to purchase, erect, and maintain street and traffic 12022
signs and markers; to purchase, erect, and maintain traffic lights 12023
and signals; to pay the costs apportioned to the public under 12024
sections 4907.47 and 4907.471 of the Revised Code and to 12025
supplement revenue already available for such purposes; to pay the 12026
costs incurred by the public utilities commission in administering 12027
sections 4907.47 to 4907.476 of the Revised Code; to distribute 12028
equitably among those persons using the privilege of driving motor 12029
vehicles upon such highways and streets the cost of maintaining 12030
and repairing them; to pay the interest, principal, and charges on 12031
highway capital improvements bonds and other obligations issued 12032
pursuant to Section 2m of Article VIII, Ohio Constitution, and 12033
section 151.06 of the Revised Code; to pay the interest, 12034
principal, and charges on highway obligations issued pursuant to 12035
Section 2i of Article VIII, Ohio Constitution, and sections 12036
5528.30 and 5528.31 of the Revised Code; to pay the interest, 12037
principal, and charges on major new state infrastructure bonds and 12038
other obligations of the state issued pursuant to Section 13 of 12039

Article VIII, Ohio Constitution, and section 5531.10 of the Revised Code; to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code; and to pay the expenses of the department of taxation incident to the administration of the motor fuel laws, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon receipt of motor fuel within this state at the rate of two cents plus the cents per gallon rate on each gallon so received, to be computed in the manner set forth in section 5735.06 of the Revised Code; provided that no tax is hereby imposed upon the following transactions:

(1) The sale of dyed diesel fuel by a licensed motor fuel dealer from a location other than a retail service station provided the licensed motor fuel dealer places on the face of the delivery document or invoice, or both if both are used, a conspicuous notice stating that the fuel is dyed and is not for taxable use, and that taxable use of that fuel is subject to a penalty. The tax commissioner, by rule, may provide that any notice conforming to rules or regulations issued by the United States department of the treasury or the Internal Revenue Service is sufficient notice for the purposes of division (A)(1) of this section.

(2) The sale of K-1 kerosene to a retail service station, except when placed directly in the fuel supply tank of a motor vehicle. Such sale shall be rebuttably presumed to not be distributed or sold for use or used to generate power for the operation of motor vehicles upon the public highways or upon the waters within the boundaries of this state.

(3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer;

(4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country;

(5) The sale of motor fuel to the United States government or 12071
any of its agencies, except such tax as is permitted by it, where 12072
such sale is evidenced by an exemption certificate, in a form 12073
approved by the tax commissioner, executed by the United States 12074
government or an agency thereof certifying that the motor fuel 12075
therein identified has been purchased for the exclusive use of the 12076
United States government or its agency; 12077

(6) The sale of motor fuel that is in the process of 12078
transportation in foreign or interstate commerce, except insofar 12079
as it may be taxable under the Constitution and statutes of the 12080
United States, and except as may be agreed upon in writing by the 12081
dealer and the commissioner; 12082

(7) The sale of motor fuel when sold exclusively for use in 12083
the operation of aircraft, where such sale is evidenced by an 12084
exemption certificate prescribed by the commissioner and executed 12085
by the purchaser certifying that the motor fuel purchased has been 12086
purchased for exclusive use in the operation of aircraft; 12087

(8) The sale for exportation of motor fuel by a licensed 12088
motor fuel dealer to a licensed exporter type A; 12089

(9) The sale for exportation of motor fuel by a licensed 12090
motor fuel dealer to a licensed exporter type B, provided that the 12091
destination state motor fuel tax has been paid or will be accrued 12092
and paid by the licensed motor fuel dealer. 12093

(10) The sale to a consumer of diesel fuel, by a motor fuel 12094
dealer for delivery from a bulk lot vehicle, for consumption in 12095
operating a vessel when the use of such fuel in a vessel would 12096
otherwise qualify for a refund under section 5735.14 of the 12097
Revised Code. 12098

Division (A)(1) of this section does not apply to the sale or 12099
distribution of dyed diesel fuel used to operate a motor vehicle 12100
on the public highways or upon water within the boundaries of this 12101

state by persons permitted under regulations of the United States 12102
department of the treasury or of the Internal Revenue Service to 12103
so use dyed diesel fuel. 12104

(B) The two cent motor fuel tax levied by this section is 12105
also for the purpose of paying the expenses of administering and 12106
enforcing the state law relating to the registration and operation 12107
of motor vehicles. 12108

(C) After the tax provided for by this section on the receipt 12109
of any motor fuel has been paid by the motor fuel dealer, the 12110
motor fuel may thereafter be used, sold, or resold by any person 12111
having lawful title to it, without incurring liability for such 12112
tax. 12113

If a licensed motor fuel dealer sells motor fuel received by 12114
the licensed motor fuel dealer to another licensed motor fuel 12115
dealer, the seller may deduct on the report required by section 12116
5735.06 of the Revised Code the number of gallons so sold for the 12117
month within which the motor fuel was sold or delivered. In this 12118
event the number of gallons is deemed to have been received by the 12119
purchaser, who shall report and pay the tax imposed thereon. 12120

Sec. 5735.23. (A) Out of receipts from the tax levied by 12121
section 5735.05 of the Revised Code, the treasurer of state shall 12122
place to the credit of the tax refund fund established by section 12123
5703.052 of the Revised Code amounts equal to the refunds 12124
certified by the tax commissioner pursuant to sections 5735.13, 12125
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 12126
treasurer of state shall then transfer the amount required by 12127
section 5735.051 of the Revised Code to the waterways safety fund, 12128
the amount required by section 4907.472 of the Revised Code to the 12129
grade crossing protection fund, and the amount required by section 12130
5735.053 of the Revised Code to the motor fuel tax administration 12131
fund. 12132

(B) Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, after receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

(1) To the state and local government highway distribution fund, which is hereby created in the state treasury, an amount that is the same percentage of the balance to be credited as that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code is of the total tax per gallon determined under divisions (B)(2)(a) and (b) of that section.

(2) After making the distribution to the state and local government highway distribution fund, the remainder shall be credited as follows:

(a) Thirty per cent to the gasoline excise tax fund for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code;

(b) Twenty-five per cent to the gasoline excise tax fund for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code;

(c) Except as provided in division (D) of this section, forty-five per cent to the highway operating fund for distribution pursuant to division (B)(1) of section 5735.27 of the Revised Code.

(C) From the balance in the state and local government 12164
highway distribution fund on the last day of each month there 12165
shall be paid the following amounts: 12166

(1) To the local transportation improvement program fund 12167
created by section 164.14 of the Revised Code, an amount equal to 12168
a fraction of the balance in the state and local government 12169
highway distribution fund, the numerator of which fraction is one 12170
and the denominator of which fraction is that portion of the tax 12171
per gallon determined under division (B)(2)(a) of section 5735.06 12172
of the Revised Code; 12173

(2) An amount equal to five cents multiplied by the number of 12174
gallons of motor fuel sold at stations operated by the Ohio 12175
turnpike and infrastructure commission, such gallonage to be 12176
certified by the commission to the treasurer of state not later 12177
than the last day of the month following. The funds paid to the 12178
commission pursuant to this section shall be expended for the 12179
construction, reconstruction, maintenance, and repair of turnpike 12180
projects, except that the funds may not be expended for the 12181
construction of new interchanges. The funds also may be expended 12182
for the construction, reconstruction, maintenance, and repair of 12183
those portions of connecting public roads that serve existing 12184
interchanges and are determined by the commission and the director 12185
of transportation to be necessary for the safe merging of traffic 12186
between the turnpike and those public roads. 12187

The remainder of the balance shall be distributed as follows 12188
on the fifteenth day of the following month: 12189

(a) Ten and seven-tenths per cent shall be paid to municipal 12190
corporations for distribution pursuant to division (A)(1) of 12191
section 5735.27 of the Revised Code and may be used for any 12192
purpose for which payments received under that division may be 12193
used. Through July 15, 2005, the sum of two hundred forty-eight 12194
thousand six hundred twenty-five dollars shall be monthly 12195

subtracted from the amount so computed and credited to the highway 12196
operating fund. Beginning August 15, 2005, the sum of seven 12197
hundred forty-five thousand eight hundred seventy-five dollars 12198
shall be monthly subtracted from the amount so computed and 12199
credited to the highway operating fund. 12200

(b) Five per cent shall be paid to townships for distribution 12201
pursuant to division (A)(5) of section 5735.27 of the Revised Code 12202
and may be used for any purpose for which payments received under 12203
that division may be used. Through July 15, 2005, the sum of 12204
eighty-seven thousand seven hundred fifty dollars shall be monthly 12205
subtracted from the amount so computed and credited to the highway 12206
operating fund. Beginning August 15, 2005, the sum of two hundred 12207
sixty-three thousand two hundred fifty dollars shall be monthly 12208
subtracted from the amount so computed and credited to the highway 12209
operating fund. 12210

(c) Nine and three-tenths per cent shall be paid to counties 12211
for distribution pursuant to division (A)(3) of section 5735.27 of 12212
the Revised Code and may be used for any purpose for which 12213
payments received under that division may be used. Through July 12214
15, 2005, the sum of two hundred forty-eight thousand six hundred 12215
twenty-five dollars shall be monthly subtracted from the amount so 12216
computed and credited to the highway operating fund. Beginning 12217
August 15, 2005, the sum of seven hundred forty-five thousand 12218
eight hundred seventy-five dollars shall be monthly subtracted 12219
from the amount so computed and credited to the highway operating 12220
fund. 12221

(d) Except as provided in division (D) of this section, the 12222
balance shall be transferred to the highway operating fund and 12223
used for the purposes set forth in division (B)(1) of section 12224
5735.27 of the Revised Code. 12225

(D) Monthly from September to February of each fiscal year, 12226
an amount equal to one-sixth of the amount certified in July of 12227

that year by the treasurer of state pursuant to division (Q) of 12228
section 151.01 of the Revised Code shall, from amounts required to 12229
be credited or transferred to the highway operating fund pursuant 12230
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 12231
transferred to the highway capital improvement bond service fund 12232
created in section 151.06 of the Revised Code. If, in any of those 12233
months, the amount available to be credited or transferred to the 12234
bond service fund is less than one-sixth of the amount so 12235
certified, the shortfall shall be added to the amount due the next 12236
succeeding month. Any amount still due at the end of the six-month 12237
period shall be credited or transferred as the money becomes 12238
available, until such time as the office of budget and management 12239
receives certification from the treasurer of state or the 12240
treasurer of state's designee that sufficient money has been 12241
credited or transferred to the bond service fund to meet in full 12242
all payments of debt service and financing costs due during the 12243
fiscal year from that fund. 12244

Sec. 5739.02. For the purpose of providing revenue with which 12245
to meet the needs of the state, for the use of the general revenue 12246
fund of the state, for the purpose of securing a thorough and 12247
efficient system of common schools throughout the state, for the 12248
purpose of affording revenues, in addition to those from general 12249
property taxes, permitted under constitutional limitations, and 12250
from other sources, for the support of local governmental 12251
functions, and for the purpose of reimbursing the state for the 12252
expense of administering this chapter, an excise tax is hereby 12253
levied on each retail sale made in this state. 12254

(A)(1) The tax shall be collected as provided in section 12255
5739.025 of the Revised Code. The rate of the tax shall be five 12256
and one-half per cent. The tax applies and is collectible when the 12257
sale is made, regardless of the time when the price is paid or 12258
delivered. 12259

(2) In the case of the lease or rental, with a fixed term of 12260
more than thirty days or an indefinite term with a minimum period 12261
of more than thirty days, of any motor vehicles designed by the 12262
manufacturer to carry a load of not more than one ton, watercraft, 12263
outboard motor, or aircraft, or of any tangible personal property, 12264
other than motor vehicles designed by the manufacturer to carry a 12265
load of more than one ton, to be used by the lessee or renter 12266
primarily for business purposes, the tax shall be collected by the 12267
vendor at the time the lease or rental is consummated and shall be 12268
calculated by the vendor on the basis of the total amount to be 12269
paid by the lessee or renter under the lease agreement. If the 12270
total amount of the consideration for the lease or rental includes 12271
amounts that are not calculated at the time the lease or rental is 12272
executed, the tax shall be calculated and collected by the vendor 12273
at the time such amounts are billed to the lessee or renter. In 12274
the case of an open-end lease or rental, the tax shall be 12275
calculated by the vendor on the basis of the total amount to be 12276
paid during the initial fixed term of the lease or rental, and for 12277
each subsequent renewal period as it comes due. As used in this 12278
division, "motor vehicle" has the same meaning as in section 12279
4501.01 of the Revised Code, and "watercraft" includes an outdrive 12280
unit attached to the watercraft. 12281

A lease with a renewal clause and a termination penalty or 12282
similar provision that applies if the renewal clause is not 12283
exercised is presumed to be a sham transaction. In such a case, 12284
the tax shall be calculated and paid on the basis of the entire 12285
length of the lease period, including any renewal periods, until 12286
the termination penalty or similar provision no longer applies. 12287
The taxpayer shall bear the burden, by a preponderance of the 12288
evidence, that the transaction or series of transactions is not a 12289
sham transaction. 12290

(3) Except as provided in division (A)(2) of this section, in 12291

the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner

may deduct the amount of tax levied by this section applicable to 12322
the price of motor fuel when granting a refund of motor fuel tax 12323
pursuant to division (A) of section 5735.14 of the Revised Code 12324
and shall cause the amount deducted to be paid into the general 12325
revenue fund of this state; 12326

(7) Sales of natural gas by a natural gas company, of water 12327
by a water-works company, or of steam by a heating company, if in 12328
each case the thing sold is delivered to consumers through pipes 12329
or conduits, and all sales of communications services by a 12330
telegraph company, all terms as defined in section 5727.01 of the 12331
Revised Code, and sales of electricity delivered through wires; 12332

(8) Casual sales by a person, or auctioneer employed directly 12333
by the person to conduct such sales, except as to such sales of 12334
motor vehicles, watercraft or outboard motors required to be 12335
titled under section 1548.06 of the Revised Code, watercraft 12336
documented with the United States coast guard, snowmobiles, and 12337
all-purpose vehicles as defined in section 4519.01 of the Revised 12338
Code; 12339

(9)(a) Sales of services or tangible personal property, other 12340
than motor vehicles, mobile homes, and manufactured homes, by 12341
churches, organizations exempt from taxation under section 12342
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 12343
organizations operated exclusively for charitable purposes as 12344
defined in division (B)(12) of this section, provided that the 12345
number of days on which such tangible personal property or 12346
services, other than items never subject to the tax, are sold does 12347
not exceed six in any calendar year, except as otherwise provided 12348
in division (B)(9)(b) of this section. If the number of days on 12349
which such sales are made exceeds six in any calendar year, the 12350
church or organization shall be considered to be engaged in 12351
business and all subsequent sales by it shall be subject to the 12352
tax. In counting the number of days, all sales by groups within a 12353

church or within an organization shall be considered to be sales 12354
of that church or organization. 12355

(b) The limitation on the number of days on which tax-exempt 12356
sales may be made by a church or organization under division 12357
(B)(9)(a) of this section does not apply to sales made by student 12358
clubs and other groups of students of a primary or secondary 12359
school, or a parent-teacher association, booster group, or similar 12360
organization that raises money to support or fund curricular or 12361
extracurricular activities of a primary or secondary school. 12362

(c) Divisions (B)(9)(a) and (b) of this section do not apply 12363
to sales by a noncommercial educational radio or television 12364
broadcasting station. 12365

(10) Sales not within the taxing power of this state under 12366
the Constitution of the United States; 12367

(11) Except for transactions that are sales under division 12368
(B)(3)(r) of section 5739.01 of the Revised Code, the 12369
transportation of persons or property, unless the transportation 12370
is by a private investigation and security service; 12371

(12) Sales of tangible personal property or services to 12372
churches, to organizations exempt from taxation under section 12373
501(c)(3) of the Internal Revenue Code of 1986, and to any other 12374
nonprofit organizations operated exclusively for charitable 12375
purposes in this state, no part of the net income of which inures 12376
to the benefit of any private shareholder or individual, and no 12377
substantial part of the activities of which consists of carrying 12378
on propaganda or otherwise attempting to influence legislation; 12379
sales to offices administering one or more homes for the aged or 12380
one or more hospital facilities exempt under section 140.08 of the 12381
Revised Code; and sales to organizations described in division (D) 12382
of section 5709.12 of the Revised Code. 12383

"Charitable purposes" means the relief of poverty; the 12384

improvement of health through the alleviation of illness, disease, 12385
or injury; the operation of an organization exclusively for the 12386
provision of professional, laundry, printing, and purchasing 12387
services to hospitals or charitable institutions; the operation of 12388
a home for the aged, as defined in section 5701.13 of the Revised 12389
Code; the operation of a radio or television broadcasting station 12390
that is licensed by the federal communications commission as a 12391
noncommercial educational radio or television station; the 12392
operation of a nonprofit animal adoption service or a county 12393
humane society; the promotion of education by an institution of 12394
learning that maintains a faculty of qualified instructors, 12395
teaches regular continuous courses of study, and confers a 12396
recognized diploma upon completion of a specific curriculum; the 12397
operation of a parent-teacher association, booster group, or 12398
similar organization primarily engaged in the promotion and 12399
support of the curricular or extracurricular activities of a 12400
primary or secondary school; the operation of a community or area 12401
center in which presentations in music, dramatics, the arts, and 12402
related fields are made in order to foster public interest and 12403
education therein; the production of performances in music, 12404
dramatics, and the arts; or the promotion of education by an 12405
organization engaged in carrying on research in, or the 12406
dissemination of, scientific and technological knowledge and 12407
information primarily for the public. 12408

Nothing in this division shall be deemed to exempt sales to 12409
any organization for use in the operation or carrying on of a 12410
trade or business, or sales to a home for the aged for use in the 12411
operation of independent living facilities as defined in division 12412
(A) of section 5709.12 of the Revised Code. 12413

(13) Building and construction materials and services sold to 12414
construction contractors for incorporation into a structure or 12415
improvement to real property under a construction contract with 12416

this state or a political subdivision of this state, or with the 12417
United States government or any of its agencies; building and 12418
construction materials and services sold to construction 12419
contractors for incorporation into a structure or improvement to 12420
real property that are accepted for ownership by this state or any 12421
of its political subdivisions, or by the United States government 12422
or any of its agencies at the time of completion of the structures 12423
or improvements; building and construction materials sold to 12424
construction contractors for incorporation into a horticulture 12425
structure or livestock structure for a person engaged in the 12426
business of horticulture or producing livestock; building 12427
materials and services sold to a construction contractor for 12428
incorporation into a house of public worship or religious 12429
education, or a building used exclusively for charitable purposes 12430
under a construction contract with an organization whose purpose 12431
is as described in division (B)(12) of this section; building 12432
materials and services sold to a construction contractor for 12433
incorporation into a building under a construction contract with 12434
an organization exempt from taxation under section 501(c)(3) of 12435
the Internal Revenue Code of 1986 when the building is to be used 12436
exclusively for the organization's exempt purposes; building and 12437
construction materials sold for incorporation into the original 12438
construction of a sports facility under section 307.696 of the 12439
Revised Code; building and construction materials and services 12440
sold to a construction contractor for incorporation into real 12441
property outside this state if such materials and services, when 12442
sold to a construction contractor in the state in which the real 12443
property is located for incorporation into real property in that 12444
state, would be exempt from a tax on sales levied by that state; 12445
and, until one calendar year after the construction of a 12446
convention center that qualifies for property tax exemption under 12447
section 5709.084 of the Revised Code is completed, building and 12448
construction materials and services sold to a construction 12449

contractor for incorporation into the real property comprising 12450
that convention center; 12451

(14) Sales of ships or vessels or rail rolling stock used or 12452
to be used principally in interstate or foreign commerce, and 12453
repairs, alterations, fuel, and lubricants for such ships or 12454
vessels or rail rolling stock; 12455

(15) Sales to persons primarily engaged in any of the 12456
activities mentioned in division (B)(42)(a), (g), or (h) of this 12457
section, to persons engaged in making retail sales, or to persons 12458
who purchase for sale from a manufacturer tangible personal 12459
property that was produced by the manufacturer in accordance with 12460
specific designs provided by the purchaser, of packages, including 12461
material, labels, and parts for packages, and of machinery, 12462
equipment, and material for use primarily in packaging tangible 12463
personal property produced for sale, including any machinery, 12464
equipment, and supplies used to make labels or packages, to 12465
prepare packages or products for labeling, or to label packages or 12466
products, by or on the order of the person doing the packaging, or 12467
sold at retail. "Packages" includes bags, baskets, cartons, 12468
crates, boxes, cans, bottles, bindings, wrappings, and other 12469
similar devices and containers, but does not include motor 12470
vehicles or bulk tanks, trailers, or similar devices attached to 12471
motor vehicles. "Packaging" means placing in a package. Division 12472
(B)(15) of this section does not apply to persons engaged in 12473
highway transportation for hire. 12474

(16) Sales of food to persons using supplemental nutrition 12475
assistance program benefits to purchase the food. As used in this 12476
division, "food" has the same meaning as in 7 U.S.C. 2012 and 12477
federal regulations adopted pursuant to the Food and Nutrition Act 12478
of 2008. 12479

(17) Sales to persons engaged in farming, agriculture, 12480
horticulture, or floriculture, of tangible personal property for 12481

use or consumption primarily in the production by farming, 12482
agriculture, horticulture, or floriculture of other tangible 12483
personal property for use or consumption primarily in the 12484
production of tangible personal property for sale by farming, 12485
agriculture, horticulture, or floriculture; or material and parts 12486
for incorporation into any such tangible personal property for use 12487
or consumption in production; and of tangible personal property 12488
for such use or consumption in the conditioning or holding of 12489
products produced by and for such use, consumption, or sale by 12490
persons engaged in farming, agriculture, horticulture, or 12491
floriculture, except where such property is incorporated into real 12492
property; 12493

(18) Sales of drugs for a human being that may be dispensed 12494
only pursuant to a prescription; insulin as recognized in the 12495
official United States pharmacopoeia; urine and blood testing 12496
materials when used by diabetics or persons with hypoglycemia to 12497
test for glucose or acetone; hypodermic syringes and needles when 12498
used by diabetics for insulin injections; epoetin alfa when 12499
purchased for use in the treatment of persons with medical 12500
disease; hospital beds when purchased by hospitals, nursing homes, 12501
or other medical facilities; and medical oxygen and medical 12502
oxygen-dispensing equipment when purchased by hospitals, nursing 12503
homes, or other medical facilities; 12504

(19) Sales of prosthetic devices, durable medical equipment 12505
for home use, or mobility enhancing equipment, when made pursuant 12506
to a prescription and when such devices or equipment are for use 12507
by a human being. 12508

(20) Sales of emergency and fire protection vehicles and 12509
equipment to nonprofit organizations for use solely in providing 12510
fire protection and emergency services, including trauma care and 12511
emergency medical services, for political subdivisions of the 12512
state; 12513

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged

exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	12545 12546 12547
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	12548 12549
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	12550 12551 12552 12553
(a) To prepare food for human consumption for sale;	12554
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	12555 12556 12557 12558
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	12559 12560
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	12561 12562
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	12563 12564 12565 12566
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	12567 12568 12569
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	12570 12571 12572
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are	12573 12574

primarily used for transporting tangible personal property 12575
belonging to others by a person engaged in highway transportation 12576
for hire, except for packages and packaging used for the 12577
transportation of tangible personal property; 12578

(33) Sales to the state headquarters of any veterans' 12579
organization in this state that is either incorporated and issued 12580
a charter by the congress of the United States or is recognized by 12581
the United States veterans administration, for use by the 12582
headquarters; 12583

(34) Sales to a telecommunications service vendor, mobile 12584
telecommunications service vendor, or satellite broadcasting 12585
service vendor of tangible personal property and services used 12586
directly and primarily in transmitting, receiving, switching, or 12587
recording any interactive, one- or two-way electromagnetic 12588
communications, including voice, image, data, and information, 12589
through the use of any medium, including, but not limited to, 12590
poles, wires, cables, switching equipment, computers, and record 12591
storage devices and media, and component parts for the tangible 12592
personal property. The exemption provided in this division shall 12593
be in lieu of all other exemptions under division (B)(42)(a) or 12594
(n) of this section to which the vendor may otherwise be entitled, 12595
based upon the use of the thing purchased in providing the 12596
telecommunications, mobile telecommunications, or satellite 12597
broadcasting service. 12598

(35)(a) Sales where the purpose of the consumer is to use or 12599
consume the things transferred in making retail sales and 12600
consisting of newspaper inserts, catalogues, coupons, flyers, gift 12601
certificates, or other advertising material that prices and 12602
describes tangible personal property offered for retail sale. 12603

(b) Sales to direct marketing vendors of preliminary 12604
materials such as photographs, artwork, and typesetting that will 12605
be used in printing advertising material; and of printed matter 12606

that offers free merchandise or chances to win sweepstake prizes	12607
and that is mailed to potential customers with advertising	12608
material described in division (B)(35)(a) of this section;	12609
(c) Sales of equipment such as telephones, computers,	12610
facsimile machines, and similar tangible personal property	12611
primarily used to accept orders for direct marketing retail sales.	12612
(d) Sales of automatic food vending machines that preserve	12613
food with a shelf life of forty-five days or less by refrigeration	12614
and dispense it to the consumer.	12615
For purposes of division (B)(35) of this section, "direct	12616
marketing" means the method of selling where consumers order	12617
tangible personal property by United States mail, delivery	12618
service, or telecommunication and the vendor delivers or ships the	12619
tangible personal property sold to the consumer from a warehouse,	12620
catalogue distribution center, or similar fulfillment facility by	12621
means of the United States mail, delivery service, or common	12622
carrier.	12623
(36) Sales to a person engaged in the business of	12624
horticulture or producing livestock of materials to be	12625
incorporated into a horticulture structure or livestock structure;	12626
(37) Sales of personal computers, computer monitors, computer	12627
keyboards, modems, and other peripheral computer equipment to an	12628
individual who is licensed or certified to teach in an elementary	12629
or a secondary school in this state for use by that individual in	12630
preparation for teaching elementary or secondary school students;	12631
(38) Sales to a professional racing team of any of the	12632
following:	12633
(a) Motor racing vehicles;	12634
(b) Repair services for motor racing vehicles;	12635
(c) Items of property that are attached to or incorporated in	12636

motor racing vehicles, including engines, chassis, and all other 12637
components of the vehicles, and all spare, replacement, and 12638
rebuilt parts or components of the vehicles; except not including 12639
tires, consumable fluids, paint, and accessories consisting of 12640
instrumentation sensors and related items added to the vehicle to 12641
collect and transmit data by means of telemetry and other forms of 12642
communication. 12643

(39) Sales of used manufactured homes and used mobile homes, 12644
as defined in section 5739.0210 of the Revised Code, made on or 12645
after January 1, 2000; 12646

(40) Sales of tangible personal property and services to a 12647
provider of electricity used or consumed directly and primarily in 12648
generating, transmitting, or distributing electricity for use by 12649
others, including property that is or is to be incorporated into 12650
and will become a part of the consumer's production, transmission, 12651
or distribution system and that retains its classification as 12652
tangible personal property after incorporation; fuel or power used 12653
in the production, transmission, or distribution of electricity; 12654
energy conversion equipment as defined in section 5727.01 of the 12655
Revised Code; and tangible personal property and services used in 12656
the repair and maintenance of the production, transmission, or 12657
distribution system, including only those motor vehicles as are 12658
specially designed and equipped for such use. The exemption 12659
provided in this division shall be in lieu of all other exemptions 12660
in division (B)(42)(a) or (n) of this section to which a provider 12661
of electricity may otherwise be entitled based on the use of the 12662
tangible personal property or service purchased in generating, 12663
transmitting, or distributing electricity. 12664

(41) Sales to a person providing services under division 12665
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 12666
personal property and services used directly and primarily in 12667
providing taxable services under that section. 12668

(42) Sales where the purpose of the purchaser is to do any of the following:	12669 12670
(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. 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.	12671 12672 12673 12674 12675 12676 12677 12678 12679 12680 12681 12682 12683 12684 12685 12686 12687
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	12688 12689
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	12690 12691
(d) To use or consume the thing directly in commercial fishing;	12692 12693
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	12694 12695 12696 12697
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of	12698 12699

printed, imprinted, overprinted, lithographic, multilithic, 12700
blueprinted, photostatic, or other productions or reproductions of 12701
written or graphic matter; 12702

(g) To use the thing transferred, as described in section 12703
5739.011 of the Revised Code, primarily in a manufacturing 12704
operation to produce tangible personal property for sale; 12705

(h) To use the benefit of a warranty, maintenance or service 12706
contract, or similar agreement, as described in division (B)(7) of 12707
section 5739.01 of the Revised Code, to repair or maintain 12708
tangible personal property, if all of the property that is the 12709
subject of the warranty, contract, or agreement would not be 12710
subject to the tax imposed by this section; 12711

(i) To use the thing transferred as qualified research and 12712
development equipment; 12713

(j) To use or consume the thing transferred primarily in 12714
storing, transporting, mailing, or otherwise handling purchased 12715
sales inventory in a warehouse, distribution center, or similar 12716
facility when the inventory is primarily distributed outside this 12717
state to retail stores of the person who owns or controls the 12718
warehouse, distribution center, or similar facility, to retail 12719
stores of an affiliated group of which that person is a member, or 12720
by means of direct marketing. This division does not apply to 12721
motor vehicles registered for operation on the public highways. As 12722
used in this division, "affiliated group" has the same meaning as 12723
in division (B)(3)(e) of section 5739.01 of the Revised Code and 12724
"direct marketing" has the same meaning as in division (B)(35) of 12725
this section. 12726

(k) To use or consume the thing transferred to fulfill a 12727
contractual obligation incurred by a warrantor pursuant to a 12728
warranty provided as a part of the price of the tangible personal 12729
property sold or by a vendor of a warranty, maintenance or service 12730

contract, or similar agreement the provision of which is defined 12731
as a sale under division (B)(7) of section 5739.01 of the Revised 12732
Code; 12733

(l) To use or consume the thing transferred in the production 12734
of a newspaper for distribution to the public; 12735

(m) To use tangible personal property to perform a service 12736
listed in division (B)(3) of section 5739.01 of the Revised Code, 12737
if the property is or is to be permanently transferred to the 12738
consumer of the service as an integral part of the performance of 12739
the service; 12740

(n) To use or consume the thing transferred primarily in 12741
producing tangible personal property for sale by farming, 12742
agriculture, horticulture, or floriculture. Persons engaged in 12743
rendering farming, agriculture, horticulture, or floriculture 12744
services for others are deemed engaged primarily in farming, 12745
agriculture, horticulture, or floriculture. This paragraph does 12746
not exempt from "retail sale" or "sales at retail" the sale of 12747
tangible personal property that is to be incorporated into a 12748
structure or improvement to real property. 12749

(o) To use or consume the thing transferred in acquiring, 12750
formatting, editing, storing, and disseminating data or 12751
information by electronic publishing. 12752

As used in division (B)(42) of this section, "thing" includes 12753
all transactions included in divisions (B)(3)(a), (b), and (e) of 12754
section 5739.01 of the Revised Code. 12755

(43) Sales conducted through a coin operated device that 12756
activates vacuum equipment or equipment that dispenses water, 12757
whether or not in combination with soap or other cleaning agents 12758
or wax, to the consumer for the consumer's use on the premises in 12759
washing, cleaning, or waxing a motor vehicle, provided no other 12760
personal property or personal service is provided as part of the 12761

transaction.	12762
(44) Sales of replacement and modification parts for engines,	12763
airframes, instruments, and interiors in, and paint for, aircraft	12764
used primarily in a fractional aircraft ownership program, and	12765
sales of services for the repair, modification, and maintenance of	12766
such aircraft, and machinery, equipment, and supplies primarily	12767
used to provide those services.	12768
(45) Sales of telecommunications service that is used	12769
directly and primarily to perform the functions of a call center.	12770
As used in this division, "call center" means any physical	12771
location where telephone calls are placed or received in high	12772
volume for the purpose of making sales, marketing, customer	12773
service, technical support, or other specialized business	12774
activity, and that employs at least fifty individuals that engage	12775
in call center activities on a full-time basis, or sufficient	12776
individuals to fill fifty full-time equivalent positions.	12777
(46) Sales by a telecommunications service vendor of 900	12778
service to a subscriber. This division does not apply to	12779
information services, as defined in division (FF) of section	12780
5739.01 of the Revised Code.	12781
(47) Sales of value-added non-voice data service. This	12782
division does not apply to any similar service that is not	12783
otherwise a telecommunications service.	12784
(48)(a) Sales of machinery, equipment, and software to a	12785
qualified direct selling entity for use in a warehouse or	12786
distribution center primarily for storing, transporting, or	12787
otherwise handling inventory that is held for sale to independent	12788
salespersons who operate as direct sellers and that is held	12789
primarily for distribution outside this state;	12790
(b) As used in division (B)(48)(a) of this section:	12791
(i) "Direct seller" means a person selling consumer products	12792

to individuals for personal or household use and not from a fixed 12793
retail location, including selling such product at in-home product 12794
demonstrations, parties, and other one-on-one selling. 12795

(ii) "Qualified direct selling entity" means an entity 12796
selling to direct sellers at the time the entity enters into a tax 12797
credit agreement with the tax credit authority pursuant to section 12798
122.17 of the Revised Code, provided that the agreement was 12799
entered into on or after January 1, 2007. Neither contingencies 12800
relevant to the granting of, nor later developments with respect 12801
to, the tax credit shall impair the status of the qualified direct 12802
selling entity under division (B)(48) of this section after 12803
execution of the tax credit agreement by the tax credit authority. 12804

(c) Division (B)(48) of this section is limited to machinery, 12805
equipment, and software first stored, used, or consumed in this 12806
state within the period commencing June 24, 2008, and ending on 12807
the date that is five years after that date. 12808

(49) Sales of materials, parts, equipment, or engines used in 12809
the repair or maintenance of aircraft or avionics systems of such 12810
aircraft, and sales of repair, remodeling, replacement, or 12811
maintenance services in this state performed on aircraft or on an 12812
aircraft's avionics, engine, or component materials or parts. As 12813
used in division (B)(49) of this section, "aircraft" means 12814
aircraft of more than six thousand pounds maximum certified 12815
takeoff weight or used exclusively in general aviation. 12816

(50) Sales of full flight simulators that are used for pilot 12817
or flight-crew training, sales of repair or replacement parts or 12818
components, and sales of repair or maintenance services for such 12819
full flight simulators. "Full flight simulator" means a replica of 12820
a specific type, or make, model, and series of aircraft cockpit. 12821
It includes the assemblage of equipment and computer programs 12822
necessary to represent aircraft operations in ground and flight 12823
conditions, a visual system providing an out-of-the-cockpit view, 12824

and a system that provides cues at least equivalent to those of a 12825
three-degree-of-freedom motion system, and has the full range of 12826
capabilities of the systems installed in the device as described 12827
in appendices A and B of part 60 of chapter 1 of title 14 of the 12828
Code of Federal Regulations. 12829

(51) Any transfer or lease of tangible personal property 12830
~~between the state and a successful proposer in accordance with~~ 12831
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 12832
~~property is part of a project as defined in section 126.60 of the~~ 12833
~~Revised Code and the state retains ownership of the project or~~ 12834
~~part thereof that is being transferred or leased,~~ between the 12835
state and JobsOhio in accordance with section 4313.02 of the 12836
Revised Code. 12837

(C) For the purpose of the proper administration of this 12838
chapter, and to prevent the evasion of the tax, it is presumed 12839
that all sales made in this state are subject to the tax until the 12840
contrary is established. 12841

(D) The levy of this tax on retail sales of recreation and 12842
sports club service shall not prevent a municipal corporation from 12843
levying any tax on recreation and sports club dues or on any 12844
income generated by recreation and sports club dues. 12845

(E) The tax collected by the vendor from the consumer under 12846
this chapter is not part of the price, but is a tax collection for 12847
the benefit of the state, and of counties levying an additional 12848
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 12849
Code and of transit authorities levying an additional sales tax 12850
pursuant to section 5739.023 of the Revised Code. Except for the 12851
discount authorized under section 5739.12 of the Revised Code and 12852
the effects of any rounding pursuant to section 5703.055 of the 12853
Revised Code, no person other than the state or such a county or 12854
transit authority shall derive any benefit from the collection or 12855
payment of the tax levied by this section or section 5739.021, 12856

5739.023, or 5739.026 of the Revised Code. 12857

Sec. 5747.01. Except as otherwise expressly provided or 12858
clearly appearing from the context, any term used in this chapter 12859
that is not otherwise defined in this section has the same meaning 12860
as when used in a comparable context in the laws of the United 12861
States relating to federal income taxes or if not used in a 12862
comparable context in those laws, has the same meaning as in 12863
section 5733.40 of the Revised Code. Any reference in this chapter 12864
to the Internal Revenue Code includes other laws of the United 12865
States relating to federal income taxes. 12866

As used in this chapter: 12867

(A) "Adjusted gross income" or "Ohio adjusted gross income" 12868
means federal adjusted gross income, as defined and used in the 12869
Internal Revenue Code, adjusted as provided in this section: 12870

(1) Add interest or dividends on obligations or securities of 12871
any state or of any political subdivision or authority of any 12872
state, other than this state and its subdivisions and authorities. 12873

(2) Add interest or dividends on obligations of any 12874
authority, commission, instrumentality, territory, or possession 12875
of the United States to the extent that the interest or dividends 12876
are exempt from federal income taxes but not from state income 12877
taxes. 12878

(3) Deduct interest or dividends on obligations of the United 12879
States and its territories and possessions or of any authority, 12880
commission, or instrumentality of the United States to the extent 12881
that the interest or dividends are included in federal adjusted 12882
gross income but exempt from state income taxes under the laws of 12883
the United States. 12884

(4) Deduct disability and survivor's benefits to the extent 12885
included in federal adjusted gross income. 12886

(5) Deduct benefits under Title II of the Social Security Act 12887
and tier 1 railroad retirement benefits to the extent included in 12888
federal adjusted gross income under section 86 of the Internal 12889
Revenue Code. 12890

(6) In the case of a taxpayer who is a beneficiary of a trust 12891
that makes an accumulation distribution as defined in section 665 12892
of the Internal Revenue Code, add, for the beneficiary's taxable 12893
years beginning before 2002, the portion, if any, of such 12894
distribution that does not exceed the undistributed net income of 12895
the trust for the three taxable years preceding the taxable year 12896
in which the distribution is made to the extent that the portion 12897
was not included in the trust's taxable income for any of the 12898
trust's taxable years beginning in 2002 or thereafter. 12899
"Undistributed net income of a trust" means the taxable income of 12900
the trust increased by (a)(i) the additions to adjusted gross 12901
income required under division (A) of this section and (ii) the 12902
personal exemptions allowed to the trust pursuant to section 12903
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 12904
deductions to adjusted gross income required under division (A) of 12905
this section, (ii) the amount of federal income taxes attributable 12906
to such income, and (iii) the amount of taxable income that has 12907
been included in the adjusted gross income of a beneficiary by 12908
reason of a prior accumulation distribution. Any undistributed net 12909
income included in the adjusted gross income of a beneficiary 12910
shall reduce the undistributed net income of the trust commencing 12911
with the earliest years of the accumulation period. 12912

(7) Deduct the amount of wages and salaries, if any, not 12913
otherwise allowable as a deduction but that would have been 12914
allowable as a deduction in computing federal adjusted gross 12915
income for the taxable year, had the targeted jobs credit allowed 12916
and determined under sections 38, 51, and 52 of the Internal 12917
Revenue Code not been in effect. 12918

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 12919
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(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 12923
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(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 12927
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(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 12931
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(b) Deduct, to the extent not otherwise deducted or excluded 12950

in computing federal or Ohio adjusted gross income during the 12951
taxable year, the amount the taxpayer paid during the taxable 12952
year, not compensated for by any insurance or otherwise, for 12953
medical care of the taxpayer, the taxpayer's spouse, and 12954
dependents, to the extent the expenses exceed seven and one-half 12955
per cent of the taxpayer's federal adjusted gross income. 12956

(c) Deduct, to the extent not otherwise deducted or excluded 12957
in computing federal or Ohio adjusted gross income, any amount 12958
included in federal adjusted gross income under section 105 or not 12959
excluded under section 106 of the Internal Revenue Code solely 12960
because it relates to an accident and health plan for a person who 12961
otherwise would be a "qualifying relative" and thus a "dependent" 12962
under section 152 of the Internal Revenue Code but for the fact 12963
that the person fails to meet the income and support limitations 12964
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 12965

(d) For purposes of division (A)(11) of this section, 12966
"medical care" has the meaning given in section 213 of the 12967
Internal Revenue Code, subject to the special rules, limitations, 12968
and exclusions set forth therein, and "qualified long-term care" 12969
has the same meaning given in section 7702B(c) of the Internal 12970
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 12971
of this section, "dependent" includes a person who otherwise would 12972
be a "qualifying relative" and thus a "dependent" under section 12973
152 of the Internal Revenue Code but for the fact that the person 12974
fails to meet the income and support limitations under section 12975
152(d)(1)(B) and (C) of the Internal Revenue Code. 12976

(12)(a) Deduct any amount included in federal adjusted gross 12977
income solely because the amount represents a reimbursement or 12978
refund of expenses that in any year the taxpayer had deducted as 12979
an itemized deduction pursuant to section 63 of the Internal 12980
Revenue Code and applicable United States department of the 12981
treasury regulations. The deduction otherwise allowed under 12982

division (A)(12)(a) of this section shall be reduced to the extent 12983
the reimbursement is attributable to an amount the taxpayer 12984
deducted under this section in any taxable year. 12985

(b) Add any amount not otherwise included in Ohio adjusted 12986
gross income for any taxable year to the extent that the amount is 12987
attributable to the recovery during the taxable year of any amount 12988
deducted or excluded in computing federal or Ohio adjusted gross 12989
income in any taxable year. 12990

(13) Deduct any portion of the deduction described in section 12991
1341(a)(2) of the Internal Revenue Code, for repaying previously 12992
reported income received under a claim of right, that meets both 12993
of the following requirements: 12994

(a) It is allowable for repayment of an item that was 12995
included in the taxpayer's adjusted gross income for a prior 12996
taxable year and did not qualify for a credit under division (A) 12997
or (B) of section 5747.05 of the Revised Code for that year; 12998

(b) It does not otherwise reduce the taxpayer's adjusted 12999
gross income for the current or any other taxable year. 13000

(14) Deduct an amount equal to the deposits made to, and net 13001
investment earnings of, a medical savings account during the 13002
taxable year, in accordance with section 3924.66 of the Revised 13003
Code. The deduction allowed by division (A)(14) of this section 13004
does not apply to medical savings account deposits and earnings 13005
otherwise deducted or excluded for the current or any other 13006
taxable year from the taxpayer's federal adjusted gross income. 13007

(15)(a) Add an amount equal to the funds withdrawn from a 13008
medical savings account during the taxable year, and the net 13009
investment earnings on those funds, when the funds withdrawn were 13010
used for any purpose other than to reimburse an account holder 13011
for, or to pay, eligible medical expenses, in accordance with 13012
section 3924.66 of the Revised Code; 13013

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 13014
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(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following: 13017
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 13020
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 13024
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 13027
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 13035
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this state and is enrolled in or attending a program that 13045
culminates in a degree or diploma at an eligible institution. The 13046
deduction may be claimed only to the extent that qualified tuition 13047
and fees are not otherwise deducted or excluded for any taxable 13048
year from federal or Ohio adjusted gross income. The deduction may 13049
not be claimed for educational expenses for which the taxpayer 13050
claims a credit under section 5747.27 of the Revised Code. 13051

(19) Add any reimbursement received during the taxable year 13052
of any amount the taxpayer deducted under division (A)(18) of this 13053
section in any previous taxable year to the extent the amount is 13054
not otherwise included in Ohio adjusted gross income. 13055

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 13056
(v) of this section, add five-sixths of the amount of depreciation 13057
expense allowed by subsection (k) of section 168 of the Internal 13058
Revenue Code, including the taxpayer's proportionate or 13059
distributive share of the amount of depreciation expense allowed 13060
by that subsection to a pass-through entity in which the taxpayer 13061
has a direct or indirect ownership interest. 13062

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 13063
this section, add five-sixths of the amount of qualifying section 13064
179 depreciation expense, including the taxpayer's proportionate 13065
or distributive share of the amount of qualifying section 179 13066
depreciation expense allowed to any pass-through entity in which 13067
the taxpayer has a direct or indirect ownership interest. 13068

(iii) Subject to division (A)(20)(a)(v) of this section, for 13069
taxable years beginning in 2012 or thereafter, if the increase in 13070
income taxes withheld by the taxpayer is equal to or greater than 13071
ten per cent of income taxes withheld by the taxpayer during the 13072
taxpayer's immediately preceding taxable year, "two-thirds" shall 13073
be substituted for "five-sixths" for the purpose of divisions 13074
(A)(20)(a)(i) and (ii) of this section. 13075

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative

methods of apportionment enumerated in section 5747.21 of the Revised Code. 13108
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 13110
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(e) For the purposes of divisions (A)(20) and (21) of this section: 13117
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 13119
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 13122
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 13127
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 13134
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 13137
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qualifying section 179 depreciation expense or depreciation 13139
expense allowed by subsection (k) of section 168 of the Internal 13140
Revenue Code; 13141

(ii) One-half of the amount so added for each of the two 13142
succeeding taxable years if the amount so added was two-thirds of 13143
such depreciation expense; 13144

(iii) One-sixth of the amount so added for each of the six 13145
succeeding taxable years if the entire amount of such depreciation 13146
expense was so added. 13147

(b) If the amount deducted under division (A)(21)(a) of this 13148
section is attributable to an add-back allocated under division 13149
(A)(20)(c) of this section, the amount deducted shall be sitused 13150
to the same location. Otherwise, the add-back shall be apportioned 13151
using the apportionment factors for the taxable year in which the 13152
deduction is taken, subject to one or more of the four alternative 13153
methods of apportionment enumerated in section 5747.21 of the 13154
Revised Code. 13155

(c) No deduction is available under division (A)(21)(a) of 13156
this section with regard to any depreciation allowed by section 13157
168(k) of the Internal Revenue Code and by the qualifying section 13158
179 depreciation expense amount to the extent that such 13159
depreciation results in or increases a federal net operating loss 13160
carryback or carryforward. If no such deduction is available for a 13161
taxable year, the taxpayer may carry forward the amount not 13162
deducted in such taxable year to the next taxable year and add 13163
that amount to any deduction otherwise available under division 13164
(A)(21)(a) of this section for that next taxable year. The 13165
carryforward of amounts not so deducted shall continue until the 13166
entire addition required by division (A)(20)(a) of this section 13167
has been deducted. 13168

(d) No refund shall be allowed as a result of adjustments 13169

made by division (A)(21) of this section. 13170

(22) Deduct, to the extent not otherwise deducted or excluded 13171
in computing federal or Ohio adjusted gross income for the taxable 13172
year, the amount the taxpayer received during the taxable year as 13173
reimbursement for life insurance premiums under section 5919.31 of 13174
the Revised Code. 13175

(23) Deduct, to the extent not otherwise deducted or excluded 13176
in computing federal or Ohio adjusted gross income for the taxable 13177
year, the amount the taxpayer received during the taxable year as 13178
a death benefit paid by the adjutant general under section 5919.33 13179
of the Revised Code. 13180

(24) Deduct, to the extent included in federal adjusted gross 13181
income and not otherwise allowable as a deduction or exclusion in 13182
computing federal or Ohio adjusted gross income for the taxable 13183
year, military pay and allowances received by the taxpayer during 13184
the taxable year for active duty service in the United States 13185
army, air force, navy, marine corps, or coast guard or reserve 13186
components thereof or the national guard. The deduction may not be 13187
claimed for military pay and allowances received by the taxpayer 13188
while the taxpayer is stationed in this state. 13189

(25) Deduct, to the extent not otherwise allowable as a 13190
deduction or exclusion in computing federal or Ohio adjusted gross 13191
income for the taxable year and not otherwise compensated for by 13192
any other source, the amount of qualified organ donation expenses 13193
incurred by the taxpayer during the taxable year, not to exceed 13194
ten thousand dollars. A taxpayer may deduct qualified organ 13195
donation expenses only once for all taxable years beginning with 13196
taxable years beginning in 2007. 13197

For the purposes of division (A)(25) of this section: 13198

(a) "Human organ" means all or any portion of a human liver, 13199
pancreas, kidney, intestine, or lung, and any portion of human 13200

bone marrow. 13201

(b) "Qualified organ donation expenses" means travel 13202
expenses, lodging expenses, and wages and salary forgone by a 13203
taxpayer in connection with the taxpayer's donation, while living, 13204
of one or more of the taxpayer's human organs to another human 13205
being. 13206

(26) Deduct, to the extent not otherwise deducted or excluded 13207
in computing federal or Ohio adjusted gross income for the taxable 13208
year, amounts received by the taxpayer as retired military 13209
personnel pay for service in the United States army, navy, air 13210
force, coast guard, or marine corps or reserve components thereof, 13211
or the national guard, or received by the surviving spouse or 13212
former spouse of such a taxpayer under the survivor benefit plan 13213
on account of such a taxpayer's death. If the taxpayer receives 13214
income on account of retirement paid under the federal civil 13215
service retirement system or federal employees retirement system, 13216
or under any successor retirement program enacted by the congress 13217
of the United States that is established and maintained for 13218
retired employees of the United States government, and such 13219
retirement income is based, in whole or in part, on credit for the 13220
taxpayer's military service, the deduction allowed under this 13221
division shall include only that portion of such retirement income 13222
that is attributable to the taxpayer's military service, to the 13223
extent that portion of such retirement income is otherwise 13224
included in federal adjusted gross income and is not otherwise 13225
deducted under this section. Any amount deducted under division 13226
(A)(26) of this section is not included in a taxpayer's adjusted 13227
gross income for the purposes of section 5747.055 of the Revised 13228
Code. No amount may be deducted under division (A)(26) of this 13229
section on the basis of which a credit was claimed under section 13230
5747.055 of the Revised Code. 13231

(27) Deduct, to the extent not otherwise deducted or excluded 13232

in computing federal or Ohio adjusted gross income for the taxable 13233
year, the amount the taxpayer received during the taxable year 13234
from the military injury relief fund created in section 5101.98 of 13235
the Revised Code. 13236

(28) Deduct, to the extent not otherwise deducted or excluded 13237
in computing federal or Ohio adjusted gross income for the taxable 13238
year, the amount the taxpayer received as a veterans bonus during 13239
the taxable year from the Ohio department of veterans services as 13240
authorized by Section 2r of Article VIII, Ohio Constitution. 13241

(29) Deduct, to the extent not otherwise deducted or excluded 13242
in computing federal or Ohio adjusted gross income for the taxable 13243
year, any loss from wagering transactions that is allowed as an 13244
itemized deduction under section 165 of the Internal Revenue Code 13245
and that the taxpayer deducted in computing federal taxable 13246
income. 13247

(30) Deduct, to the extent not otherwise deducted or excluded 13248
in computing federal or Ohio adjusted gross income for the taxable 13249
year, any income ~~derived from providing public services under a~~ 13250
~~contract through a project owned by the state, as described in~~ 13251
~~section 126.604 of the Revised Code or~~ derived from a transfer 13252
agreement or from the enterprise transferred under that agreement 13253
under section 4313.02 of the Revised Code. 13254

(31) Deduct, to the extent not otherwise deducted or excluded 13255
in computing federal or Ohio adjusted gross income for the taxable 13256
year, Ohio college opportunity or federal Pell grant amounts 13257
received by the taxpayer or the taxpayer's spouse or dependent 13258
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 13259
1070a, et seq., and used to pay room or board furnished by the 13260
educational institution for which the grant was awarded at the 13261
institution's facilities, including meal plans administered by the 13262
institution. For the purposes of this division, receipt of a grant 13263
includes the distribution of a grant directly to an educational 13264

institution and the crediting of the grant to the enrollee's	13265
account with the institution.	13266
(B) "Business income" means income, including gain or loss,	13267
arising from transactions, activities, and sources in the regular	13268
course of a trade or business and includes income, gain, or loss	13269
from real property, tangible property, and intangible property if	13270
the acquisition, rental, management, and disposition of the	13271
property constitute integral parts of the regular course of a	13272
trade or business operation. "Business income" includes income,	13273
including gain or loss, from a partial or complete liquidation of	13274
a business, including, but not limited to, gain or loss from the	13275
sale or other disposition of goodwill.	13276
(C) "Nonbusiness income" means all income other than business	13277
income and may include, but is not limited to, compensation, rents	13278
and royalties from real or tangible personal property, capital	13279
gains, interest, dividends and distributions, patent or copyright	13280
royalties, or lottery winnings, prizes, and awards.	13281
(D) "Compensation" means any form of remuneration paid to an	13282
employee for personal services.	13283
(E) "Fiduciary" means a guardian, trustee, executor,	13284
administrator, receiver, conservator, or any other person acting	13285
in any fiduciary capacity for any individual, trust, or estate.	13286
(F) "Fiscal year" means an accounting period of twelve months	13287
ending on the last day of any month other than December.	13288
(G) "Individual" means any natural person.	13289
(H) "Internal Revenue Code" means the "Internal Revenue Code	13290
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	13291
(I) "Resident" means any of the following, provided that	13292
division (I)(3) of this section applies only to taxable years of a	13293
trust beginning in 2002 or thereafter:	13294

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	13295 13296
(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.	13297 13298 13299 13300
(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.	13301 13302 13303
For the purposes of division (I)(3) of this section:	13304
(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:	13305 13306 13307 13308 13309 13310
(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;	13311 13312 13313 13314
(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 of the trust's current taxable year;	13315 13316 13317 13318 13319 13320
(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter	13321 13322 13323 13324 13325

during all or some portion of the trust's current taxable year. If 13326
a trust document or instrument became irrevocable upon the death 13327
of a person who at the time of death was domiciled in this state 13328
for purposes of this chapter, that person is a person described in 13329
division (I)(3)(a)(iii) of this section. 13330

(b) A trust is irrevocable to the extent that the transferor 13331
is not considered to be the owner of the net assets of the trust 13332
under sections 671 to 678 of the Internal Revenue Code. 13333

(c) With respect to a trust other than a charitable lead 13334
trust, "qualifying beneficiary" has the same meaning as "potential 13335
current beneficiary" as defined in section 1361(e)(2) of the 13336
Internal Revenue Code, and with respect to a charitable lead trust 13337
"qualifying beneficiary" is any current, future, or contingent 13338
beneficiary, but with respect to any trust "qualifying 13339
beneficiary" excludes a person or a governmental entity or 13340
instrumentality to any of which a contribution would qualify for 13341
the charitable deduction under section 170 of the Internal Revenue 13342
Code. 13343

(d) For the purposes of division (I)(3)(a) of this section, 13344
the extent to which a trust consists directly or indirectly, in 13345
whole or in part, of assets, net of any related liabilities, that 13346
were transferred directly or indirectly, in whole or part, to the 13347
trust by any of the sources enumerated in that division shall be 13348
ascertained by multiplying the fair market value of the trust's 13349
assets, net of related liabilities, by the qualifying ratio, which 13350
shall be computed as follows: 13351

(i) The first time the trust receives assets, the numerator 13352
of the qualifying ratio is the fair market value of those assets 13353
at that time, net of any related liabilities, from sources 13354
enumerated in division (I)(3)(a) of this section. The denominator 13355
of the qualifying ratio is the fair market value of all the 13356
trust's assets at that time, net of any related liabilities. 13357

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this

section, a "qualifying transfer" is a transfer of assets, net of 13389
any related liabilities, directly or indirectly to a trust, if the 13390
transfer is described in any of the following: 13391

(i) The transfer is made to a trust, created by the decedent 13392
before the decedent's death and while the decedent was domiciled 13393
in this state for the purposes of this chapter, and, prior to the 13394
death of the decedent, the trust became irrevocable while the 13395
decedent was domiciled in this state for the purposes of this 13396
chapter. 13397

(ii) The transfer is made to a trust to which the decedent, 13398
prior to the decedent's death, had directly or indirectly 13399
transferred assets, net of any related liabilities, while the 13400
decedent was domiciled in this state for the purposes of this 13401
chapter, and prior to the death of the decedent the trust became 13402
irrevocable while the decedent was domiciled in this state for the 13403
purposes of this chapter. 13404

(iii) The transfer is made on account of a contractual 13405
relationship existing directly or indirectly between the 13406
transferor and either the decedent or the estate of the decedent 13407
at any time prior to the date of the decedent's death, and the 13408
decedent was domiciled in this state at the time of death for 13409
purposes of the taxes levied under Chapter 5731. of the Revised 13410
Code. 13411

(iv) The transfer is made to a trust on account of a 13412
contractual relationship existing directly or indirectly between 13413
the transferor and another person who at the time of the 13414
decedent's death was domiciled in this state for purposes of this 13415
chapter. 13416

(v) The transfer is made to a trust on account of the will of 13417
a testator who was domiciled in this state at the time of the 13418
testator's death for purposes of the taxes levied under Chapter 13419

5731. of the Revised Code.	13420
(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.	13421 13422 13423 13424 13425 13426
(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.	13427 13428
(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.	13429 13430 13431 13432
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	13433 13434
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	13435 13436 13437 13438
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	13439 13440 13441 13442
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	13443 13444 13445 13446
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been	13447 13448 13449

permitted to claim had the taxpayer filed a federal income tax return. 13450
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(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed. 13452
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(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 13457
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(1) "Subdivision" means any county, municipal corporation, park district, or township. 13459
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(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 13461
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 13465
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(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 13467
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(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 13470
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to 13478
13479

beneficiaries for the taxable year;	13480
(b) The net amount is attributable to the S portion of an	13481
electing small business trust for the taxable year.	13482
(2) Add interest or dividends, net of ordinary, necessary,	13483
and reasonable expenses not deducted in computing federal taxable	13484
income, on obligations of any authority, commission,	13485
instrumentality, territory, or possession of the United States to	13486
the extent that the interest or dividends are exempt from federal	13487
income taxes but not from state income taxes, but only to the	13488
extent that such net amount is not otherwise includible in Ohio	13489
taxable income and is described in either division (S)(1)(a) or	13490
(b) of this section;	13491
(3) Add the amount of personal exemption allowed to the	13492
estate pursuant to section 642(b) of the Internal Revenue Code;	13493
(4) Deduct interest or dividends, net of related expenses	13494
deducted in computing federal taxable income, on obligations of	13495
the United States and its territories and possessions or of any	13496
authority, commission, or instrumentality of the United States to	13497
the extent that the interest or dividends are exempt from state	13498
taxes under the laws of the United States, but only to the extent	13499
that such amount is included in federal taxable income and is	13500
described in either division (S)(1)(a) or (b) of this section;	13501
(5) Deduct the amount of wages and salaries, if any, not	13502
otherwise allowable as a deduction but that would have been	13503
allowable as a deduction in computing federal taxable income for	13504
the taxable year, had the targeted jobs credit allowed under	13505
sections 38, 51, and 52 of the Internal Revenue Code not been in	13506
effect, but only to the extent such amount relates either to	13507
income included in federal taxable income for the taxable year or	13508
to income of the S portion of an electing small business trust for	13509
the taxable year;	13510

(6) Deduct any interest or interest equivalent, net of 13511
related expenses deducted in computing federal taxable income, on 13512
public obligations and purchase obligations, but only to the 13513
extent that such net amount relates either to income included in 13514
federal taxable income for the taxable year or to income of the S 13515
portion of an electing small business trust for the taxable year; 13516

(7) Add any loss or deduct any gain resulting from sale, 13517
exchange, or other disposition of public obligations to the extent 13518
that such loss has been deducted or such gain has been included in 13519
computing either federal taxable income or income of the S portion 13520
of an electing small business trust for the taxable year; 13521

(8) Except in the case of the final return of an estate, add 13522
any amount deducted by the taxpayer on both its Ohio estate tax 13523
return pursuant to section 5731.14 of the Revised Code, and on its 13524
federal income tax return in determining federal taxable income; 13525

(9)(a) Deduct any amount included in federal taxable income 13526
solely because the amount represents a reimbursement or refund of 13527
expenses that in a previous year the decedent had deducted as an 13528
itemized deduction pursuant to section 63 of the Internal Revenue 13529
Code and applicable treasury regulations. The deduction otherwise 13530
allowed under division (S)(9)(a) of this section shall be reduced 13531
to the extent the reimbursement is attributable to an amount the 13532
taxpayer or decedent deducted under this section in any taxable 13533
year. 13534

(b) Add any amount not otherwise included in Ohio taxable 13535
income for any taxable year to the extent that the amount is 13536
attributable to the recovery during the taxable year of any amount 13537
deducted or excluded in computing federal or Ohio taxable income 13538
in any taxable year, but only to the extent such amount has not 13539
been distributed to beneficiaries for the taxable year. 13540

(10) Deduct any portion of the deduction described in section 13541

1341(a)(2) of the Internal Revenue Code, for repaying previously 13542
reported income received under a claim of right, that meets both 13543
of the following requirements: 13544

(a) It is allowable for repayment of an item that was 13545
included in the taxpayer's taxable income or the decedent's 13546
adjusted gross income for a prior taxable year and did not qualify 13547
for a credit under division (A) or (B) of section 5747.05 of the 13548
Revised Code for that year. 13549

(b) It does not otherwise reduce the taxpayer's taxable 13550
income or the decedent's adjusted gross income for the current or 13551
any other taxable year. 13552

(11) Add any amount claimed as a credit under section 13553
5747.059 or 5747.65 of the Revised Code to the extent that the 13554
amount satisfies either of the following: 13555

(a) The amount was deducted or excluded from the computation 13556
of the taxpayer's federal taxable income as required to be 13557
reported for the taxpayer's taxable year under the Internal 13558
Revenue Code; 13559

(b) The amount resulted in a reduction in the taxpayer's 13560
federal taxable income as required to be reported for any of the 13561
taxpayer's taxable years under the Internal Revenue Code. 13562

(12) Deduct any amount, net of related expenses deducted in 13563
computing federal taxable income, that a trust is required to 13564
report as farm income on its federal income tax return, but only 13565
if the assets of the trust include at least ten acres of land 13566
satisfying the definition of "land devoted exclusively to 13567
agricultural use" under section 5713.30 of the Revised Code, 13568
regardless of whether the land is valued for tax purposes as such 13569
land under sections 5713.30 to 5713.38 of the Revised Code. If the 13570
trust is a pass-through entity investor, section 5747.231 of the 13571
Revised Code applies in ascertaining if the trust is eligible to 13572

claim the deduction provided by division (S)(12) of this section 13573
in connection with the pass-through entity's farm income. 13574

Except for farm income attributable to the S portion of an 13575
electing small business trust, the deduction provided by division 13576
(S)(12) of this section is allowed only to the extent that the 13577
trust has not distributed such farm income. Division (S)(12) of 13578
this section applies only to taxable years of a trust beginning in 13579
2002 or thereafter. 13580

(13) Add the net amount of income described in section 641(c) 13581
of the Internal Revenue Code to the extent that amount is not 13582
included in federal taxable income. 13583

(14) Add or deduct the amount the taxpayer would be required 13584
to add or deduct under division (A)(20) or (21) of this section if 13585
the taxpayer's Ohio taxable income were computed in the same 13586
manner as an individual's Ohio adjusted gross income is computed 13587
under this section. In the case of a trust, division (S)(14) of 13588
this section applies only to any of the trust's taxable years 13589
beginning in 2002 or thereafter. 13590

(T) "School district income" and "school district income tax" 13591
have the same meanings as in section 5748.01 of the Revised Code. 13592

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 13593
of this section, "public obligations," "purchase obligations," and 13594
"interest or interest equivalent" have the same meanings as in 13595
section 5709.76 of the Revised Code. 13596

(V) "Limited liability company" means any limited liability 13597
company formed under Chapter 1705. of the Revised Code or under 13598
the laws of any other state. 13599

(W) "Pass-through entity investor" means any person who, 13600
during any portion of a taxable year of a pass-through entity, is 13601
a partner, member, shareholder, or equity investor in that 13602
pass-through entity. 13603

(X) "Banking day" has the same meaning as in section 1304.01 13604
of the Revised Code. 13605

(Y) "Month" means a calendar month. 13606

(Z) "Quarter" means the first three months, the second three 13607
months, the third three months, or the last three months of the 13608
taxpayer's taxable year. 13609

(AA)(1) "Eligible institution" means a state university or 13610
state institution of higher education as defined in section 13611
3345.011 of the Revised Code, or a private, nonprofit college, 13612
university, or other post-secondary institution located in this 13613
state that possesses a certificate of authorization issued by the 13614
Ohio board of regents pursuant to Chapter 1713. of the Revised 13615
Code or a certificate of registration issued by the state board of 13616
career colleges and schools under Chapter 3332. of the Revised 13617
Code. 13618

(2) "Qualified tuition and fees" means tuition and fees 13619
imposed by an eligible institution as a condition of enrollment or 13620
attendance, not exceeding two thousand five hundred dollars in 13621
each of the individual's first two years of post-secondary 13622
education. If the individual is a part-time student, "qualified 13623
tuition and fees" includes tuition and fees paid for the academic 13624
equivalent of the first two years of post-secondary education 13625
during a maximum of five taxable years, not exceeding a total of 13626
five thousand dollars. "Qualified tuition and fees" does not 13627
include: 13628

(a) Expenses for any course or activity involving sports, 13629
games, or hobbies unless the course or activity is part of the 13630
individual's degree or diploma program; 13631

(b) The cost of books, room and board, student activity fees, 13632
athletic fees, insurance expenses, or other expenses unrelated to 13633
the individual's academic course of instruction; 13634

(c) Tuition, fees, or other expenses paid or reimbursed 13635
through an employer, scholarship, grant in aid, or other 13636
educational benefit program. 13637

(BB)(1) "Modified business income" means the business income 13638
included in a trust's Ohio taxable income after such taxable 13639
income is first reduced by the qualifying trust amount, if any. 13640

(2) "Qualifying trust amount" of a trust means capital gains 13641
and losses from the sale, exchange, or other disposition of equity 13642
or ownership interests in, or debt obligations of, a qualifying 13643
investee to the extent included in the trust's Ohio taxable 13644
income, but only if the following requirements are satisfied: 13645

(a) The book value of the qualifying investee's physical 13646
assets in this state and everywhere, as of the last day of the 13647
qualifying investee's fiscal or calendar year ending immediately 13648
prior to the date on which the trust recognizes the gain or loss, 13649
is available to the trust. 13650

(b) The requirements of section 5747.011 of the Revised Code 13651
are satisfied for the trust's taxable year in which the trust 13652
recognizes the gain or loss. 13653

Any gain or loss that is not a qualifying trust amount is 13654
modified business income, qualifying investment income, or 13655
modified nonbusiness income, as the case may be. 13656

(3) "Modified nonbusiness income" means a trust's Ohio 13657
taxable income other than modified business income, other than the 13658
qualifying trust amount, and other than qualifying investment 13659
income, as defined in section 5747.012 of the Revised Code, to the 13660
extent such qualifying investment income is not otherwise part of 13661
modified business income. 13662

(4) "Modified Ohio taxable income" applies only to trusts, 13663
and means the sum of the amounts described in divisions (BB)(4)(a) 13664
to (c) of this section: 13665

(a) The fraction, calculated under section 5747.013, and 13666
applying section 5747.231 of the Revised Code, multiplied by the 13667
sum of the following amounts: 13668

(i) The trust's modified business income; 13669

(ii) The trust's qualifying investment income, as defined in 13670
section 5747.012 of the Revised Code, but only to the extent the 13671
qualifying investment income does not otherwise constitute 13672
modified business income and does not otherwise constitute a 13673
qualifying trust amount. 13674

(b) The qualifying trust amount multiplied by a fraction, the 13675
numerator of which is the sum of the book value of the qualifying 13676
investee's physical assets in this state on the last day of the 13677
qualifying investee's fiscal or calendar year ending immediately 13678
prior to the day on which the trust recognizes the qualifying 13679
trust amount, and the denominator of which is the sum of the book 13680
value of the qualifying investee's total physical assets 13681
everywhere on the last day of the qualifying investee's fiscal or 13682
calendar year ending immediately prior to the day on which the 13683
trust recognizes the qualifying trust amount. If, for a taxable 13684
year, the trust recognizes a qualifying trust amount with respect 13685
to more than one qualifying investee, the amount described in 13686
division (BB)(4)(b) of this section shall equal the sum of the 13687
products so computed for each such qualifying investee. 13688

(c)(i) With respect to a trust or portion of a trust that is 13689
a resident as ascertained in accordance with division (I)(3)(d) of 13690
this section, its modified nonbusiness income. 13691

(ii) With respect to a trust or portion of a trust that is 13692
not a resident as ascertained in accordance with division 13693
(I)(3)(d) of this section, the amount of its modified nonbusiness 13694
income satisfying the descriptions in divisions (B)(2) to (5) of 13695
section 5747.20 of the Revised Code, except as otherwise provided 13696

in division (BB)(4)(c)(ii) of this section. With respect to a 13697
trust or portion of a trust that is not a resident as ascertained 13698
in accordance with division (I)(3)(d) of this section, the trust's 13699
portion of modified nonbusiness income recognized from the sale, 13700
exchange, or other disposition of a debt interest in or equity 13701
interest in a section 5747.212 entity, as defined in section 13702
5747.212 of the Revised Code, without regard to division (A) of 13703
that section, shall not be allocated to this state in accordance 13704
with section 5747.20 of the Revised Code but shall be apportioned 13705
to this state in accordance with division (B) of section 5747.212 13706
of the Revised Code without regard to division (A) of that 13707
section. 13708

If the allocation and apportionment of a trust's income under 13709
divisions (BB)(4)(a) and (c) of this section do not fairly 13710
represent the modified Ohio taxable income of the trust in this 13711
state, the alternative methods described in division (C) of 13712
section 5747.21 of the Revised Code may be applied in the manner 13713
and to the same extent provided in that section. 13714

(5)(a) Except as set forth in division (BB)(5)(b) of this 13715
section, "qualifying investee" means a person in which a trust has 13716
an equity or ownership interest, or a person or unit of government 13717
the debt obligations of either of which are owned by a trust. For 13718
the purposes of division (BB)(2)(a) of this section and for the 13719
purpose of computing the fraction described in division (BB)(4)(b) 13720
of this section, all of the following apply: 13721

(i) If the qualifying investee is a member of a qualifying 13722
controlled group on the last day of the qualifying investee's 13723
fiscal or calendar year ending immediately prior to the date on 13724
which the trust recognizes the gain or loss, then "qualifying 13725
investee" includes all persons in the qualifying controlled group 13726
on such last day. 13727

(ii) If the qualifying investee, or if the qualifying 13728

investee and any members of the qualifying controlled group of 13729
which the qualifying investee is a member on the last day of the 13730
qualifying investee's fiscal or calendar year ending immediately 13731
prior to the date on which the trust recognizes the gain or loss, 13732
separately or cumulatively own, directly or indirectly, on the 13733
last day of the qualifying investee's fiscal or calendar year 13734
ending immediately prior to the date on which the trust recognizes 13735
the qualifying trust amount, more than fifty per cent of the 13736
equity of a pass-through entity, then the qualifying investee and 13737
the other members are deemed to own the proportionate share of the 13738
pass-through entity's physical assets which the pass-through 13739
entity directly or indirectly owns on the last day of the 13740
pass-through entity's calendar or fiscal year ending within or 13741
with the last day of the qualifying investee's fiscal or calendar 13742
year ending immediately prior to the date on which the trust 13743
recognizes the qualifying trust amount. 13744

(iii) For the purposes of division (BB)(5)(a)(iii) of this 13745
section, "upper level pass-through entity" means a pass-through 13746
entity directly or indirectly owning any equity of another 13747
pass-through entity, and "lower level pass-through entity" means 13748
that other pass-through entity. 13749

An upper level pass-through entity, whether or not it is also 13750
a qualifying investee, is deemed to own, on the last day of the 13751
upper level pass-through entity's calendar or fiscal year, the 13752
proportionate share of the lower level pass-through entity's 13753
physical assets that the lower level pass-through entity directly 13754
or indirectly owns on the last day of the lower level pass-through 13755
entity's calendar or fiscal year ending within or with the last 13756
day of the upper level pass-through entity's fiscal or calendar 13757
year. If the upper level pass-through entity directly and 13758
indirectly owns less than fifty per cent of the equity of the 13759
lower level pass-through entity on each day of the upper level 13760

pass-through entity's calendar or fiscal year in which or with 13761
which ends the calendar or fiscal year of the lower level 13762
pass-through entity and if, based upon clear and convincing 13763
evidence, complete information about the location and cost of the 13764
physical assets of the lower pass-through entity is not available 13765
to the upper level pass-through entity, then solely for purposes 13766
of ascertaining if a gain or loss constitutes a qualifying trust 13767
amount, the upper level pass-through entity shall be deemed as 13768
owning no equity of the lower level pass-through entity for each 13769
day during the upper level pass-through entity's calendar or 13770
fiscal year in which or with which ends the lower level 13771
pass-through entity's calendar or fiscal year. Nothing in division 13772
(BB)(5)(a)(iii) of this section shall be construed to provide for 13773
any deduction or exclusion in computing any trust's Ohio taxable 13774
income. 13775

(b) With respect to a trust that is not a resident for the 13776
taxable year and with respect to a part of a trust that is not a 13777
resident for the taxable year, "qualifying investee" for that 13778
taxable year does not include a C corporation if both of the 13779
following apply: 13780

(i) During the taxable year the trust or part of the trust 13781
recognizes a gain or loss from the sale, exchange, or other 13782
disposition of equity or ownership interests in, or debt 13783
obligations of, the C corporation. 13784

(ii) Such gain or loss constitutes nonbusiness income. 13785

(6) "Available" means information is such that a person is 13786
able to learn of the information by the due date plus extensions, 13787
if any, for filing the return for the taxable year in which the 13788
trust recognizes the gain or loss. 13789

(CC) "Qualifying controlled group" has the same meaning as in 13790
section 5733.04 of the Revised Code. 13791

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	13792 13793
(EE)(1) For the purposes of division (EE) of this section:	13794
(a) "Qualifying person" means any person other than a qualifying corporation.	13795 13796
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	13797 13798 13799
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	13800 13801 13802 13803
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	13804 13805 13806 13807
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	13808 13809 13810
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	13811 13812
(1) "Trust" does not include a qualified pre-income tax trust.	13813 13814
(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.	13815 13816 13817
(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls,	13818 13819 13820 13821

directly, indirectly, or constructively through related interests, 13822
five per cent or more of the ownership or equity interests. The 13823
trustee shall notify the tax commissioner in writing of the 13824
election on or before April 15, 2006. The election, if timely 13825
made, shall be effective on and after January 1, 2006, and shall 13826
apply for all tax periods and tax years until revoked by the 13827
trustee of the trust. 13828

(4) A "pre-income tax trust" is a trust that satisfies all of 13829
the following requirements: 13830

(a) The document or instrument creating the trust was 13831
executed by the grantor before January 1, 1972; 13832

(b) The trust became irrevocable upon the creation of the 13833
trust; and 13834

(c) The grantor was domiciled in this state at the time the 13835
trust was created. 13836

Sec. 5751.01. As used in this chapter: 13837

(A) "Person" means, but is not limited to, individuals, 13838
combinations of individuals of any form, receivers, assignees, 13839
trustees in bankruptcy, firms, companies, joint-stock companies, 13840
business trusts, estates, partnerships, limited liability 13841
partnerships, limited liability companies, associations, joint 13842
ventures, clubs, societies, for-profit corporations, S 13843
corporations, qualified subchapter S subsidiaries, qualified 13844
subchapter S trusts, trusts, entities that are disregarded for 13845
federal income tax purposes, and any other entities. 13846

(B) "Consolidated elected taxpayer" means a group of two or 13847
more persons treated as a single taxpayer for purposes of this 13848
chapter as the result of an election made under section 5751.011 13849
of the Revised Code. 13850

(C) "Combined taxpayer" means a group of two or more persons 13851

treated as a single taxpayer for purposes of this chapter under 13852
section 5751.012 of the Revised Code. 13853

(D) "Taxpayer" means any person, or any group of persons in 13854
the case of a consolidated elected taxpayer or combined taxpayer 13855
treated as one taxpayer, required to register or pay tax under 13856
this chapter. "Taxpayer" does not include excluded persons. 13857

(E) "Excluded person" means any of the following: 13858

(1) Any person with not more than one hundred fifty thousand 13859
dollars of taxable gross receipts during the calendar year. 13860
Division (E)(1) of this section does not apply to a person that is 13861
a member of a consolidated elected taxpayer; 13862

(2) A public utility that paid the excise tax imposed by 13863
section 5727.24 or 5727.30 of the Revised Code based on one or 13864
more measurement periods that include the entire tax period under 13865
this chapter, except that a public utility that is a combined 13866
company is a taxpayer with regard to the following gross receipts: 13867

(a) Taxable gross receipts directly attributed to a public 13868
utility activity, but not directly attributed to an activity that 13869
is subject to the excise tax imposed by section 5727.24 or 5727.30 13870
of the Revised Code; 13871

(b) Taxable gross receipts that cannot be directly attributed 13872
to any activity, multiplied by a fraction whose numerator is the 13873
taxable gross receipts described in division (E)(2)(a) of this 13874
section and whose denominator is the total taxable gross receipts 13875
that can be directly attributed to any activity; 13876

(c) Except for any differences resulting from the use of an 13877
accrual basis method of accounting for purposes of determining 13878
gross receipts under this chapter and the use of the cash basis 13879
method of accounting for purposes of determining gross receipts 13880
under section 5727.24 of the Revised Code, the gross receipts 13881
directly attributed to the activity of a natural gas company shall 13882

be determined in a manner consistent with division (D) of section 13883
5727.03 of the Revised Code. 13884

As used in division (E)(2) of this section, "combined 13885
company" and "public utility" have the same meanings as in section 13886
5727.01 of the Revised Code. 13887

(3) A financial institution, as defined in section 5726.01 of 13888
the Revised Code, that paid the tax imposed by section 5726.02 of 13889
the Revised Code based on one or more taxable years that include 13890
the entire tax period under this chapter; 13891

(4) A person directly or indirectly owned by one or more 13892
financial institutions, as defined in section 5726.01 of the 13893
Revised Code, that paid the tax imposed by section 5726.02 of the 13894
Revised Code based on one or more taxable years that include the 13895
entire tax period under this chapter. 13896

For the purposes of division (E)(4) of this section, a person 13897
owns another person under the following circumstances: 13898

(a) In the case of corporations issuing capital stock, one 13899
corporation owns another corporation if it owns fifty per cent or 13900
more of the other corporation's capital stock with current voting 13901
rights; 13902

(b) In the case of a limited liability company, one person 13903
owns the company if that person's membership interest, as defined 13904
in section 1705.01 of the Revised Code, is fifty per cent or more 13905
of the combined membership interests of all persons owning such 13906
interests in the company; 13907

(c) In the case of a partnership, trust, or other 13908
unincorporated business organization other than a limited 13909
liability company, one person owns the organization if, under the 13910
articles of organization or other instrument governing the affairs 13911
of the organization, that person has a beneficial interest in the 13912
organization's profits, surpluses, losses, or distributions of 13913

fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization. 13914
13915

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter; 13916
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(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred. 13923
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(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code. 13930
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(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions. 13943
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(F) Except as otherwise provided in divisions (F)(2), (3), 13945
and (4) of this section, "gross receipts" means the total amount 13946
realized by a person, without deduction for the cost of goods sold 13947
or other expenses incurred, that contributes to the production of 13948
gross income of the person, including the fair market value of any 13949
property and any services received, and any debt transferred or 13950
forgiven as consideration. 13951

(1) The following are examples of gross receipts: 13952

(a) Amounts realized from the sale, exchange, or other 13953
disposition of the taxpayer's property to or with another; 13954

(b) Amounts realized from the taxpayer's performance of 13955
services for another; 13956

(c) Amounts realized from another's use or possession of the 13957
taxpayer's property or capital; 13958

(d) Any combination of the foregoing amounts. 13959

(2) "Gross receipts" excludes the following amounts: 13960

(a) Interest income except interest on credit sales; 13961

(b) Dividends and distributions from corporations, and 13962
distributive or proportionate shares of receipts and income from a 13963
pass-through entity as defined under section 5733.04 of the 13964
Revised Code; 13965

(c) Receipts from the sale, exchange, or other disposition of 13966
an asset described in section 1221 or 1231 of the Internal Revenue 13967
Code, without regard to the length of time the person held the 13968
asset. Notwithstanding section 1221 of the Internal Revenue Code, 13969
receipts from hedging transactions also are excluded to the extent 13970
the transactions are entered into primarily to protect a financial 13971
position, such as managing the risk of exposure to (i) foreign 13972
currency fluctuations that affect assets, liabilities, profits, 13973
losses, equity, or investments in foreign operations; (ii) 13974

interest rate fluctuations; or (iii) commodity price fluctuations. 13975

As used in division (F)(2)(c) of this section, "hedging 13976

transaction" has the same meaning as used in section 1221 of the 13977

Internal Revenue Code and also includes transactions accorded 13978

hedge accounting treatment under statement of financial accounting 13979

standards number 133 of the financial accounting standards board. 13980

For the purposes of division (F)(2)(c) of this section, the actual 13981

transfer of title of real or tangible personal property to another 13982

entity is not a hedging transaction. 13983

(d) Proceeds received attributable to the repayment, 13984

maturity, or redemption of the principal of a loan, bond, mutual 13985

fund, certificate of deposit, or marketable instrument; 13986

(e) The principal amount received under a repurchase 13987

agreement or on account of any transaction properly characterized 13988

as a loan to the person; 13989

(f) Contributions received by a trust, plan, or other 13990

arrangement, any of which is described in section 501(a) of the 13991

Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 13992

1, Subchapter (D) of the Internal Revenue Code applies; 13993

(g) Compensation, whether current or deferred, and whether in 13994

cash or in kind, received or to be received by an employee, former 13995

employee, or the employee's legal successor for services rendered 13996

to or for an employer, including reimbursements received by or for 13997

an individual for medical or education expenses, health insurance 13998

premiums, or employee expenses, or on account of a dependent care 13999

spending account, legal services plan, any cafeteria plan 14000

described in section 125 of the Internal Revenue Code, or any 14001

similar employee reimbursement; 14002

(h) Proceeds received from the issuance of the taxpayer's own 14003

stock, options, warrants, puts, or calls, or from the sale of the 14004

taxpayer's treasury stock; 14005

(i) Proceeds received on the account of payments from	14006
insurance policies, except those proceeds received for the loss of	14007
business revenue;	14008
(j) Gifts or charitable contributions received; membership	14009
dues received by trade, professional, homeowners', or condominium	14010
associations; and payments received for educational courses,	14011
meetings, meals, or similar payments to a trade, professional, or	14012
other similar association; and fundraising receipts received by	14013
any person when any excess receipts are donated or used	14014
exclusively for charitable purposes;	14015
(k) Damages received as the result of litigation in excess of	14016
amounts that, if received without litigation, would be gross	14017
receipts;	14018
(l) Property, money, and other amounts received or acquired	14019
by an agent on behalf of another in excess of the agent's	14020
commission, fee, or other remuneration;	14021
(m) Tax refunds, other tax benefit recoveries, and	14022
reimbursements for the tax imposed under this chapter made by	14023
entities that are part of the same combined taxpayer or	14024
consolidated elected taxpayer group, and reimbursements made by	14025
entities that are not members of a combined taxpayer or	14026
consolidated elected taxpayer group that are required to be made	14027
for economic parity among multiple owners of an entity whose tax	14028
obligation under this chapter is required to be reported and paid	14029
entirely by one owner, pursuant to the requirements of sections	14030
5751.011 and 5751.012 of the Revised Code;	14031
(n) Pension reversions;	14032
(o) Contributions to capital;	14033
(p) Sales or use taxes collected as a vendor or an	14034
out-of-state seller on behalf of the taxing jurisdiction from a	14035
consumer or other taxes the taxpayer is required by law to collect	14036

directly from a purchaser and remit to a local, state, or federal
tax authority; 14037
14038

(q) In the case of receipts from the sale of cigarettes or 14039
tobacco products by a wholesale dealer, retail dealer, 14040
distributor, manufacturer, or seller, all as defined in section 14041
5743.01 of the Revised Code, an amount equal to the federal and 14042
state excise taxes paid by any person on or for such cigarettes or 14043
tobacco products under subtitle E of the Internal Revenue Code or 14044
Chapter 5743. of the Revised Code; 14045

(r) In the case of receipts from the sale of motor fuel by a 14046
licensed motor fuel dealer, licensed retail dealer, or licensed 14047
permissive motor fuel dealer, all as defined in section 5735.01 of 14048
the Revised Code, an amount equal to federal and state excise 14049
taxes paid by any person on such motor fuel under section 4081 of 14050
the Internal Revenue Code or Chapter 5735. of the Revised Code; 14051

(s) In the case of receipts from the sale of beer or 14052
intoxicating liquor, as defined in section 4301.01 of the Revised 14053
Code, by a person holding a permit issued under Chapter 4301. or 14054
4303. of the Revised Code, an amount equal to federal and state 14055
excise taxes paid by any person on or for such beer or 14056
intoxicating liquor under subtitle E of the Internal Revenue Code 14057
or Chapter 4301. or 4305. of the Revised Code; 14058

(t) Receipts realized by a new motor vehicle dealer or used 14059
motor vehicle dealer, as defined in section 4517.01 of the Revised 14060
Code, from the sale or other transfer of a motor vehicle, as 14061
defined in that section, to another motor vehicle dealer for the 14062
purpose of resale by the transferee motor vehicle dealer, but only 14063
if the sale or other transfer was based upon the transferee's need 14064
to meet a specific customer's preference for a motor vehicle; 14065

(u) Receipts from a financial institution described in 14066
division (E)(3) of this section for services provided to the 14067

financial institution in connection with the issuance, processing, 14068
servicing, and management of loans or credit accounts, if such 14069
financial institution and the recipient of such receipts have at 14070
least fifty per cent of their ownership interests owned or 14071
controlled, directly or constructively through related interests, 14072
by common owners; 14073

(v) Receipts realized from administering anti-neoplastic 14074
drugs and other cancer chemotherapy, biologicals, therapeutic 14075
agents, and supportive drugs in a physician's office to patients 14076
with cancer; 14077

(w) Funds received or used by a mortgage broker that is not a 14078
dealer in intangibles, other than fees or other consideration, 14079
pursuant to a table-funding mortgage loan or warehouse-lending 14080
mortgage loan. Terms used in division (F)(2)(w) of this section 14081
have the same meanings as in section 1322.01 of the Revised Code, 14082
except "mortgage broker" means a person assisting a buyer in 14083
obtaining a mortgage loan for a fee or other consideration paid by 14084
the buyer or a lender, or a person engaged in table-funding or 14085
warehouse-lending mortgage loans that are first lien mortgage 14086
loans. 14087

(x) Property, money, and other amounts received by a 14088
professional employer organization, as defined in section 4125.01 14089
of the Revised Code, from a client employer, as defined in that 14090
section, in excess of the administrative fee charged by the 14091
professional employer organization to the client employer; 14092

(y) In the case of amounts retained as commissions by a 14093
permit holder under Chapter 3769. of the Revised Code, an amount 14094
equal to the amounts specified under that chapter that must be 14095
paid to or collected by the tax commissioner as a tax and the 14096
amounts specified under that chapter to be used as purse money; 14097

(z) Qualifying distribution center receipts. 14098

(i) For purposes of division (F)(2)(z) of this section: 14099

(I) "Qualifying distribution center receipts" means receipts 14100
of a supplier from qualified property that is delivered to a 14101
qualified distribution center, multiplied by a quantity that 14102
equals one minus the Ohio delivery percentage. If the qualified 14103
distribution center is a refining facility, "supplier" includes 14104
all dealers, brokers, processors, sellers, vendors, cosigners, and 14105
distributors of qualified property. 14106

(II) "Qualified property" means tangible personal property 14107
delivered to a qualified distribution center that is shipped to 14108
that qualified distribution center solely for further shipping by 14109
the qualified distribution center to another location in this 14110
state or elsewhere or, in the case of gold, silver, platinum, or 14111
palladium delivered to a refining facility solely for refining to 14112
a grade and fineness acceptable for delivery to a registered 14113
commodities exchange. "Further shipping" includes storing and 14114
repackaging property into smaller or larger bundles, so long as 14115
the property is not subject to further manufacturing or 14116
processing. "Refining" is limited to extracting impurities from 14117
gold, silver, platinum, or palladium through smelting or some 14118
other process at a refining facility. 14119

(III) "Qualified distribution center" means a warehouse, a 14120
facility similar to a warehouse, or a refining facility in this 14121
state that, for the qualifying year, is operated by a person that 14122
is not part of a combined taxpayer group and that has a qualifying 14123
certificate. All warehouses or facilities similar to warehouses 14124
that are operated by persons in the same taxpayer group and that 14125
are located within one mile of each other shall be treated as one 14126
qualified distribution center. All refining facilities that are 14127
operated by persons in the same taxpayer group and that are 14128
located in the same or adjacent counties may be treated as one 14129
qualified distribution center. 14130

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

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

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

The applicant must substantiate to the commissioner's
satisfaction that, for the qualifying period, all persons
operating the distribution center have more than fifty per cent of
the cost of the qualified property shipped to a location such that
it would be situated outside this state under the provisions of
division (E) of section 5751.033 of the Revised Code. The
applicant must also substantiate that the distribution center
cumulatively had costs from its suppliers equal to or exceeding
five hundred million dollars during the qualifying period. (For
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier"
excludes any person that is part of the consolidated elected
taxpayer group, if applicable, of the operator of the qualified
distribution center.) The commissioner may require the applicant
to have an independent certified public accountant certify that
the calculation of the minimum thresholds required for a qualified
distribution center by the operator of a distribution center has
been made in accordance with generally accepted accounting
principles. The commissioner shall issue or deny the issuance of a
certificate within sixty days after the receipt of the
application. A denial is subject to appeal under section 5717.02

of the Revised Code. If the operator files a timely appeal under 14163
section 5717.02 of the Revised Code, the operator shall be granted 14164
a qualifying certificate, provided that the operator is liable for 14165
any tax, interest, or penalty upon amounts claimed as qualifying 14166
distribution center receipts, other than those receipts exempt 14167
under division (C)(1) of section 5751.011 of the Revised Code, 14168
that would have otherwise not been owed by its suppliers if the 14169
qualifying certificate was valid. 14170

(VII) "Ohio delivery percentage" means the proportion of the 14171
total property delivered to a destination inside Ohio from the 14172
qualified distribution center during the qualifying period 14173
compared with total deliveries from such distribution center 14174
everywhere during the qualifying period. 14175

(VIII) "Refining facility" means one or more buildings 14176
located in a county in the Appalachian region of this state as 14177
defined by section 107.21 of the Revised Code and utilized for 14178
refining or smelting gold, silver, platinum, or palladium to a 14179
grade and fineness acceptable for delivery to a registered 14180
commodities exchange. 14181

(IX) "Registered commodities exchange" means a board of 14182
trade, such as New York mercantile exchange, inc. or commodity 14183
exchange, inc., designated as a contract market by the commodity 14184
futures trading commission under the "Commodity Exchange Act," 7 14185
U.S.C. 1 et seq., as amended. 14186

(ii) If the distribution center is new and was not open for 14187
the entire qualifying period, the operator of the distribution 14188
center may request that the commissioner grant a qualifying 14189
certificate. If the certificate is granted and it is later 14190
determined that more than fifty per cent of the qualified property 14191
during that year was not shipped to a location such that it would 14192
be situated outside of this state under the provisions of division 14193
(E) of section 5751.033 of the Revised Code or if it is later 14194

determined that the person that operates the distribution center 14195
had average monthly costs from its suppliers of less than forty 14196
million dollars during that year, then the operator of the 14197
distribution center shall be liable for any tax, interest, or 14198
penalty upon amounts claimed as qualifying distribution center 14199
receipts, other than those receipts exempt under division (C)(1) 14200
of section 5751.011 of the Revised Code, that would have not 14201
otherwise been owed by its suppliers during the qualifying year if 14202
the qualifying certificate was valid. (For purposes of division 14203
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 14204
is part of the consolidated elected taxpayer group, if applicable, 14205
of the operator of the qualified distribution center.) 14206

(iii) When filing an application for a qualifying certificate 14207
under division (F)(2)(z)(i)(VI) of this section, the operator of a 14208
qualified distribution center also shall provide documentation, as 14209
the commissioner requires, for the commissioner to ascertain the 14210
Ohio delivery percentage. The commissioner, upon issuing the 14211
qualifying certificate, also shall certify the Ohio delivery 14212
percentage. The operator of the qualified distribution center may 14213
appeal the commissioner's certification of the Ohio delivery 14214
percentage in the same manner as an appeal is taken from the 14215
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 14216
of this section. 14217

Within thirty days after all appeals have been exhausted, the 14218
operator of the qualified distribution center shall notify the 14219
affected suppliers of qualified property that such suppliers are 14220
required to file, within sixty days after receiving notice from 14221
the operator of the qualified distribution center, amended reports 14222
for the impacted calendar quarter or quarters or calendar year, 14223
whichever the case may be. Any additional tax liability or tax 14224
overpayment shall be subject to interest but shall not be subject 14225
to the imposition of any penalty so long as the amended returns 14226

are timely filed. The supplier of tangible personal property 14227
delivered to the qualified distribution center shall include in 14228
its report of taxable gross receipts the receipts from the total 14229
sales of property delivered to the qualified distribution center 14230
for the calendar quarter or calendar year, whichever the case may 14231
be, multiplied by the Ohio delivery percentage for the qualifying 14232
year. Nothing in division (F)(2)(z)(iii) of this section shall be 14233
construed as imposing liability on the operator of a qualified 14234
distribution center for the tax imposed by this chapter arising 14235
from any change to the Ohio delivery percentage. 14236

(iv) In the case where the distribution center is new and not 14237
open for the entire qualifying period, the operator shall make a 14238
good faith estimate of an Ohio delivery percentage for use by 14239
suppliers in their reports of taxable gross receipts for the 14240
remainder of the qualifying period. The operator of the facility 14241
shall disclose to the suppliers that such Ohio delivery percentage 14242
is an estimate and is subject to recalculation. By the due date of 14243
the next application for a qualifying certificate, the operator 14244
shall determine the actual Ohio delivery percentage for the 14245
estimated qualifying period and proceed as provided in division 14246
(F)(2)(z)(iii) of this section with respect to the calculation and 14247
recalculation of the Ohio delivery percentage. The supplier is 14248
required to file, within sixty days after receiving notice from 14249
the operator of the qualified distribution center, amended reports 14250
for the impacted calendar quarter or quarters or calendar year, 14251
whichever the case may be. Any additional tax liability or tax 14252
overpayment shall be subject to interest but shall not be subject 14253
to the imposition of any penalty so long as the amended returns 14254
are timely filed. 14255

(v) Qualifying certificates and Ohio delivery percentages 14256
issued by the commissioner shall be open to public inspection and 14257
shall be timely published by the commissioner. A supplier relying 14258

in good faith on a certificate issued under this division shall 14259
not be subject to tax on the qualifying distribution center 14260
receipts under division (F)(2)(z) of this section. A person 14261
receiving a qualifying certificate is responsible for paying the 14262
tax, interest, and penalty upon amounts claimed as qualifying 14263
distribution center receipts that would not otherwise have been 14264
owed by the supplier if the qualifying certificate were available 14265
when it is later determined that the qualifying certificate should 14266
not have been issued because the statutory requirements were in 14267
fact not met. 14268

(vi) The annual fee for a qualifying certificate shall be one 14269
hundred thousand dollars for each qualified distribution center. 14270
If a qualifying certificate is not issued, the annual fee is 14271
subject to refund after the exhaustion of all appeals provided for 14272
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 14273
under this division may be assessed in the same manner as the tax 14274
imposed under this chapter. The first one hundred thousand dollars 14275
of the annual application fees collected each calendar year shall 14276
be credited to the revenue enhancement fund. The remainder of the 14277
annual application fees collected shall be distributed in the same 14278
manner required under section 5751.20 of the Revised Code. 14279

(vii) The tax commissioner may require that adequate security 14280
be posted by the operator of the distribution center on appeal 14281
when the commissioner disagrees that the applicant has met the 14282
minimum thresholds for a qualified distribution center as set 14283
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 14284
section. 14285

(aa) Receipts of an employer from payroll deductions relating 14286
to the reimbursement of the employer for advancing moneys to an 14287
unrelated third party on an employee's behalf; 14288

(bb) Cash discounts allowed and taken; 14289

(cc) Returns and allowances;	14290
(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;	14291 14292 14293 14294 14295 14296 14297 14298 14299 14300 14301 14302 14303 14304
(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;	14305 14306 14307 14308
(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.	14309 14310 14311 14312 14313
(gg)(i) As used in this division:	14314
(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment	14315 14316 14317 14318 14319 14320

zone certified by the tax commissioner under division 14321
(F)(2)(gg)(ii) of this section. 14322

(II) "Uranium enrichment zone" means all real property that 14323
is part of a uranium enrichment facility licensed by the United 14324
States nuclear regulatory commission and that was or is owned or 14325
controlled by the United States department of energy or its 14326
successor. 14327

(ii) Any person that owns, leases, or operates real or 14328
tangible personal property constituting or located within a 14329
uranium enrichment zone may apply to the tax commissioner to have 14330
the uranium enrichment zone certified for the purpose of excluding 14331
qualified uranium receipts under division (F)(2)(gg) of this 14332
section. The application shall include such information that the 14333
tax commissioner prescribes. Within sixty days after receiving the 14334
application, the tax commissioner shall certify the zone for that 14335
purpose if the commissioner determines that the property qualifies 14336
as a uranium enrichment zone as defined in division (F)(2)(gg) of 14337
this section, or, if the tax commissioner determines that the 14338
property does not qualify, the commissioner shall deny the 14339
application or request additional information from the applicant. 14340
If the tax commissioner denies an application, the commissioner 14341
shall state the reasons for the denial. The applicant may appeal 14342
the denial of an application to the board of tax appeals pursuant 14343
to section 5717.02 of the Revised Code. If the applicant files a 14344
timely appeal, the tax commissioner shall conditionally certify 14345
the applicant's property. The conditional certification shall 14346
expire when all of the applicant's appeals are exhausted. Until 14347
final resolution of the appeal, the applicant shall retain the 14348
applicant's records in accordance with section 5751.12 of the 14349
Revised Code, notwithstanding any time limit on the preservation 14350
of records under that section. 14351

(hh) Amounts realized by licensed motor fuel dealers or 14352

licensed permissive motor fuel dealers from the exchange of 14353
petroleum products, including motor fuel, between such dealers, 14354
provided that delivery of the petroleum products occurs at a 14355
refinery, terminal, pipeline, or marine vessel and that the 14356
exchanging dealers agree neither dealer shall require monetary 14357
compensation from the other for the value of the exchanged 14358
petroleum products other than such compensation for differences in 14359
product location or grade. Division (F)(2)(hh) of this section 14360
does not apply to amounts realized as a result of differences in 14361
location or grade of exchanged petroleum products or from 14362
handling, lubricity, dye, or other additive injections fees, 14363
pipeline security fees, or similar fees. As used in this division, 14364
"motor fuel," "licensed motor fuel dealer," "licensed permissive 14365
motor fuel dealer," and "terminal" have the same meanings as in 14366
section 5735.01 of the Revised Code. 14367

(ii) In the case of amounts collected by a licensed casino 14368
operator from casino gaming, amounts in excess of the casino 14369
operator's gross casino revenue. In this division, "casino 14370
operator" and "casino gaming" have the meanings defined in section 14371
3772.01 of the Revised Code, and "gross casino revenue" has the 14372
meaning defined in section 5753.01 of the Revised Code. 14373

(jj) Any receipts for which the tax imposed by this chapter 14374
is prohibited by the constitution or laws of the United States or 14375
the constitution of this state. 14376

(3) In the case of a taxpayer when acting as a real estate 14377
broker, "gross receipts" includes only the portion of any fee for 14378
the service of a real estate broker, or service of a real estate 14379
salesperson associated with that broker, that is retained by the 14380
broker and not paid to an associated real estate salesperson or 14381
another real estate broker. For the purposes of this division, 14382
"real estate broker" and "real estate salesperson" have the same 14383
meanings as in section 4735.01 of the Revised Code. 14384

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

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

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

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

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

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

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

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

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

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

(a) Any amount subject to withholding by the person under

section 5747.06 of the Revised Code;	14415
(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	14416 14417 14418
(c) Any amount the person pays for services performed in this state on its behalf by another.	14419 14420
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	14421 14422
(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.	14423 14424 14425
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	14426 14427
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	14428 14429
(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.	14430 14431 14432 14433 14434 14435 14436 14437
(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.	14438 14439 14440
(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.	14441 14442 14443
(N) "Calendar year taxpayer" means a taxpayer for which the	14444

tax period is a calendar year.	14445
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	14446 14447
(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:	14448 14449 14450
(1) A person receiving a fee to sell financial instruments;	14451
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	14452 14453 14454
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	14455 14456
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	14457 14458
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	14459 14460
(Q) "Received" includes amounts accrued under the accrual method of accounting.	14461 14462
(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.	14463 14464 14465 14466 14467 14468 14469
Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments beginning with the tax period that commences July 1, 2005, and continuing for every tax period thereafter <u>and providing revenue to the commercial activity tax</u>	14470 14471 14472 14473

motor fuel receipts fund, there is hereby levied a commercial 14474
activity tax on each person with taxable gross receipts for the 14475
privilege of doing business in this state. For the purposes of 14476
this chapter, "doing business" means engaging in any activity, 14477
whether legal or illegal, that is conducted for, or results in, 14478
gain, profit, or income, at any time during ~~the~~ a calendar year. 14479
Persons on which the commercial activity tax is levied include, 14480
but are not limited to, persons with substantial nexus with this 14481
state. The tax imposed under this section is not a transactional 14482
tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The 14483
tax imposed under this section is in addition to any other taxes 14484
or fees imposed under the Revised Code. The tax levied under this 14485
section is imposed on the person receiving the gross receipts and 14486
is not a tax imposed directly on a purchaser. The tax imposed by 14487
this section is an annual privilege tax for the calendar year 14488
that, in the case of calendar year taxpayers, is the annual tax 14489
period and, in the case of calendar quarter taxpayers, contains 14490
all quarterly tax periods in the calendar year. A taxpayer is 14491
subject to the annual privilege tax for doing business during any 14492
portion of such calendar year. 14493

(B) The tax imposed by this section is a tax on the taxpayer 14494
and shall not be billed or invoiced to another person. Even if the 14495
tax or any portion thereof is billed or invoiced and separately 14496
stated, such amounts remain part of the price for purposes of the 14497
sales and use taxes levied under Chapters 5739. and 5741. of the 14498
Revised Code. Nothing in division (B) of this section prohibits: 14499

(1) A person from including in the price charged for a good 14500
or service an amount sufficient to recover the tax imposed by this 14501
section; or 14502

(2) A lessor from including an amount sufficient to recover 14503
the tax imposed by this section in a lease payment charged, or 14504

from including such an amount on a billing or invoice pursuant to 14505
the terms of a written lease agreement providing for the recovery 14506
of the lessor's tax costs. The recovery of such costs shall be 14507
based on an estimate of the total tax cost of the lessor during 14508
the tax period, as the tax liability of the lessor cannot be 14509
calculated until the end of that period. 14510

Sec. 5751.051. (A)(1) Not later than the tenth day of the 14511
second month after the end of each calendar quarter, every 14512
taxpayer other than a calendar year taxpayer shall file with the 14513
tax commissioner a tax return in such form as the commissioner 14514
prescribes. The return shall include, but is not limited to, the 14515
amount of the taxpayer's taxable gross receipts for the calendar 14516
quarter and shall indicate the amount of tax due under section 14517
5751.03 of the Revised Code for the calendar quarter. The taxpayer 14518
shall indicate on the return the portion of the taxpayer's 14519
receipts attributable to motor fuel used for propelling vehicles 14520
on public highways. 14521

(2)(a) Subject to division (C) of section 5751.05 of the 14522
Revised Code, a calendar quarter taxpayer shall report the taxable 14523
gross receipts for that calendar quarter. 14524

(b) With respect to taxable gross receipts incorrectly 14525
reported in a calendar quarter that has a lower tax rate, the tax 14526
shall be computed at the tax rate in effect for the quarterly 14527
return in which such receipts should have been reported. Nothing 14528
in division (A)(2)(b) of this section prohibits a taxpayer from 14529
filing an application for refund under section 5751.08 of the 14530
Revised Code with regard to the incorrect reporting of taxable 14531
gross receipts discovered after filing the annual return described 14532
in division (A)(3) of this section. 14533

A tax return shall not be deemed to be an incorrect reporting 14534
of taxable gross receipts for the purposes of division (A)(2)(b) 14535

of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year.

Taxpayers reporting taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways may not utilize the statutory estimation procedure provided in divisions (A)(2) and (3) of this section.

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in effect in that quarter.

(5) Not later than the tenth day of May following the end of each calendar year, every calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner 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 the amounts calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of

section 3317.022; divisions (B), (C), and (D) of section 3317.023; 14598
divisions (L) and (N) of section 3317.024; section 3317.0216; and 14599
any unit payments for gifted student services paid under sections 14600
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 14601
for fiscal years 2008 and 2009, the amount computed for the 14602
district under Section 269.20.80 of H.B. 119 of the 127th general 14603
assembly and as that section subsequently may be amended shall be 14604
substituted for the amount computed under division (D) of section 14605
3317.022 of the Revised Code, and the amount computed under 14606
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 14607
that section subsequently may be amended shall be included. 14608

(b) For fiscal years 2010 and 2011, the sum of the amounts 14609
computed under former sections 3306.052, 3306.12, 3306.13, 14610
3306.19, 3306.191, and 3306.192 of the Revised Code; 14611

(c) For fiscal years 2012 and 2013, the sum of the amounts 14612
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 14613
153 of the 129th general assembly. 14614

(3) "State education aid" for a joint vocational school 14615
district means the following: 14616

(a) For fiscal years prior to fiscal year 2010, the sum of 14617
the state aid computed for the district under division (N) of 14618
section 3317.024 and section 3317.16 of the Revised Code, except 14619
that, for fiscal years 2008 and 2009, the amount computed under 14620
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 14621
that section subsequently may be amended shall be included. 14622

(b) For fiscal years 2010 and 2011, the amount paid in 14623
accordance with Section 265.30.50 of H.B. 1 of the 128th general 14624
assembly. 14625

(c) For fiscal years 2012 and 2013, the amount paid in 14626
accordance with Section 267.30.60 of H.B. 153 of the 129th general 14627
assembly. 14628

- (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. 14629
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14631
- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 14632
14633
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 14634
14635
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 14636
14637
- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 14638
14639
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 14640
14641
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 14642
14643
- (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. 14644
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 14648
14649
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 14650
14651
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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. 14653
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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. 14656
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(16) "Qualifying levies" are levies in effect for tax year 14659
2004 or applicable to tax year 2005 or approved at an election 14660
conducted before September 1, 2005. For the purpose of determining 14661
the rate of a qualifying levy authorized by section 5705.212 or 14662
5705.213 of the Revised Code, the rate shall be the rate that 14663
would be in effect for tax year 2010. 14664

(17) "Telephone property" means tangible personal property of 14665
a telephone, telegraph, or interexchange telecommunications 14666
company subject to an assessment rate specified in section 14667
5727.111 of the Revised Code in tax year 2004. 14668

(18) "Telephone property tax value loss" means the amount 14669
determined under division (C)(4) of this section. 14670

(19) "Telephone property fixed-rate levy loss" means the 14671
amount determined under division (D)(4) of this section. 14672

(20) "Taxes charged and payable" means taxes charged and 14673
payable after the reduction required by section 319.301 of the 14674
Revised Code but before the reductions required by sections 14675
319.302 and 323.152 of the Revised Code. 14676

(21) "Median estate tax collections" means, in the case of a 14677
municipal corporation to which revenue from the taxes levied in 14678
Chapter 5731. of the Revised Code was distributed in each of 14679
calendar years 2006, 2007, 2008, and 2009, the median of those 14680
distributions. In the case of a municipal corporation to which no 14681
distributions were made in one or more of those years, "median 14682
estate tax collections" means zero. 14683

(22) "Total resources," in the case of a school district, 14684
means the sum of the amounts in divisions (A)(22)(a) to (h) of 14685
this section less any reduction required under division (A)(32) or 14686
(33) of this section. 14687

(a) The state education aid for fiscal year 2010; 14688

(b) The sum of the payments received by the school district 14689
in fiscal year 2010 for current expense levy losses pursuant to 14690
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 14691
section 5751.21 of the Revised Code, excluding the portion of such 14692
payments attributable to levies for joint vocational school 14693
district purposes; 14694

(c) The sum of fixed-sum levy loss payments received by the 14695
school district in fiscal year 2010 pursuant to division (E)(1) of 14696
section 5727.85 and division (E)(1) of section 5751.21 of the 14697
Revised Code for fixed-sum levies charged and payable for a 14698
purpose other than paying debt charges; 14699

(d) Fifty per cent of the school district's taxes charged and 14700
payable against all property on the tax list of real and public 14701
utility property for current expense purposes for tax year 2008, 14702
including taxes charged and payable from emergency levies charged 14703
and payable under section 5709.194 of the Revised Code and 14704
excluding taxes levied for joint vocational school district 14705
purposes; 14706

(e) Fifty per cent of the school district's taxes charged and 14707
payable against all property on the tax list of real and public 14708
utility property for current expenses for tax year 2009, including 14709
taxes charged and payable from emergency levies and excluding 14710
taxes levied for joint vocational school district purposes; 14711

(f) The school district's taxes charged and payable against 14712
all property on the general tax list of personal property for 14713
current expenses for tax year 2009, including taxes charged and 14714
payable from emergency levies; 14715

(g) The amount certified for fiscal year 2010 under division 14716
(A)(2) of section 3317.08 of the Revised Code; 14717

(h) Distributions received during calendar year 2009 from 14718
taxes levied under section 718.09 of the Revised Code. 14719

(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.	14720 14721 14722 14723
(a) The state education aid for fiscal year 2010;	14724
(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;	14725 14726 14727 14728
(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;	14729 14730 14731 14732
(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;	14733 14734 14735 14736
(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;	14737 14738 14739 14740 14741
(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;	14742 14743 14744 14745 14746
(g) The joint vocational 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.	14747 14748 14749

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability 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;

(b) With respect to taxes levied by the county for mental health and developmental disability 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.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior 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;

(b) With respect to taxes levied by the county for senior 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.

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(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 14781
section 5751.22 of the Revised Code as they existed at that time; 14782

(b) With respect to taxes levied by the county for children's 14783
services related purposes, the taxes charged and payable for such 14784
purposes against all property on the tax list of real and public 14785
utility property for tax year 2009. 14786

(27) "Total resources," in the case of county public health 14787
related functions, means the sum of the amounts in divisions 14788
(A)(27)(a) and (b) of this section less any reduction required 14789
under division (A)(32) of this section. 14790

(a) The sum of the payments received by the county for public 14791
health related functions in calendar year 2010 under division 14792
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 14793
5751.22 of the Revised Code as they existed at that time; 14794

(b) With respect to taxes levied by the county for public 14795
health related purposes, the taxes charged and payable for such 14796
purposes against all property on the tax list of real and public 14797
utility property for tax year 2009. 14798

(28) "Total resources," in the case of all county functions 14799
not included in divisions (A)(24) to (27) of this section, means 14800
the sum of the amounts in divisions (A)(28)(a) to (d) of this 14801
section less any reduction required under division (A)(32) or (33) 14802
of this section. 14803

(a) The sum of the payments received by the county for all 14804
other purposes in calendar year 2010 under division (A)(1) of 14805
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 14806
the Revised Code as they existed at that time; 14807

(b) The county's percentage share of county undivided local 14808
government fund allocations as certified to the tax commissioner 14809
for calendar year 2010 by the county auditor under division (J) of 14810
section 5747.51 of the Revised Code or division (F) of section 14811

5747.53 of the Revised Code multiplied by the total amount	14812
actually distributed in calendar year 2010 from the county	14813
undivided local government fund;	14814
(c) With respect to taxes levied by the county for all other	14815
purposes, the taxes charged and payable for such purposes against	14816
all property on the tax list of real and public utility property	14817
for tax year 2009, excluding taxes charged and payable for the	14818
purpose of paying debt charges;	14819
(d) The sum of the amounts distributed to the county in	14820
calendar year 2010 for the taxes levied pursuant to sections	14821
5739.021 and 5741.021 of the Revised Code.	14822
(29) "Total resources," in the case of a municipal	14823
corporation, means the sum of the amounts in divisions (A)(29)(a)	14824
to (g) of this section less any reduction required under division	14825
(A)(32) or (33) of this section.	14826
(a) The sum of the payments received by the municipal	14827
corporation in calendar year 2010 for current expense levy losses	14828
under division (A)(1) of section 5727.86 and divisions (A)(1) and	14829
(2) of section 5751.22 of the Revised Code as they existed at that	14830
time;	14831
(b) The municipal corporation's percentage share of county	14832
undivided local government fund allocations as certified to the	14833
tax commissioner for calendar year 2010 by the county auditor	14834
under division (J) of section 5747.51 of the Revised Code or	14835
division (F) of section 5747.53 of the Revised Code multiplied by	14836
the total amount actually distributed in calendar year 2010 from	14837
the county undivided local government fund;	14838
(c) The sum of the amounts distributed to the municipal	14839
corporation in calendar year 2010 pursuant to section 5747.50 of	14840
the Revised Code;	14841
(d) With respect to taxes levied by the municipal	14842

corporation, the taxes charged and payable against all property on 14843
the tax list of real and public utility property for current 14844
expenses, defined in division (A)(35) of this section, for tax 14845
year 2009; 14846

(e) The amount of admissions tax collected by the municipal 14847
corporation in calendar year 2008, or if such information has not 14848
yet been reported to the tax commissioner, in the most recent year 14849
before 2008 for which the municipal corporation has reported data 14850
to the commissioner; 14851

(f) The amount of income taxes collected by the municipal 14852
corporation in calendar year 2008, or if such information has not 14853
yet been reported to the tax commissioner, in the most recent year 14854
before 2008 for which the municipal corporation has reported data 14855
to the commissioner; 14856

(g) The municipal corporation's median estate tax 14857
collections. 14858

(30) "Total resources," in the case of a township, means the 14859
sum of the amounts in divisions (A)(30)(a) to (c) of this section 14860
less any reduction required under division (A)(32) or (33) of this 14861
section. 14862

(a) The sum of the payments received by the township in 14863
calendar year 2010 pursuant to division (A)(1) of section 5727.86 14864
of the Revised Code and divisions (A)(1) and (2) of section 14865
5751.22 of the Revised Code as they existed at that time, 14866
excluding payments received for debt purposes; 14867

(b) The township's percentage share of county undivided local 14868
government fund allocations as certified to the tax commissioner 14869
for calendar year 2010 by the county auditor under division (J) of 14870
section 5747.51 of the Revised Code or division (F) of section 14871
5747.53 of the Revised Code multiplied by the total amount 14872
actually distributed in calendar year 2010 from the county 14873

undivided local government fund;	14874
(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.	14875 14876 14877 14878
(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.	14879 14880 14881 14882 14883
(a) The sum of the payments received by the local taxing unit 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;	14884 14885 14886 14887
(b) The local taxing unit'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;	14888 14889 14890 14891 14892 14893 14894
(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;	14895 14896 14897 14898
(d) The amount received from the tax commissioner during calendar year 2010 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;	14899 14900 14901
(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for	14902 14903 14904

fiscal year 2010 as calculated by the board of regents and 14905
reported to the state controlling board. 14906

(32) If a fixed-rate levy that is a qualifying levy is not 14907
charged and payable in any year after tax year 2010, "total 14908
resources" used to compute payments to be made under division 14909
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 14910
5751.22 of the Revised Code in the tax years following the last 14911
year the levy is charged and payable shall be reduced to the 14912
extent that the payments are attributable to the fixed-rate levy 14913
loss of that levy as would be computed under division (C)(2) of 14914
section 5727.85, division (A)(1) of section 5727.85, divisions 14915
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 14916
5751.22 of the Revised Code. 14917

(33) In the case of a county, municipal corporation, school 14918
district, or township with fixed-rate levy losses attributable to 14919
a tax levied under section 5705.23 of the Revised Code, "total 14920
resources" used to compute payments to be made under division 14921
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 14922
division (C)(12) of section 5751.21, or division (A)(1)(c) of 14923
section 5751.22 of the Revised Code shall be reduced by the 14924
amounts described in divisions (A)(34)(a) to (c) of this section 14925
to the extent that those amounts were included in calculating the 14926
"total resources" of the school district or local taxing unit 14927
under division (A)(22), (28), (29), or (30) of this section. 14928

(34) "Total library resources," in the case of a county, 14929
municipal corporation, school district, or township public library 14930
that receives the proceeds of a tax levied under section 5705.23 14931
of the Revised Code, means the sum of the amounts in divisions 14932
(A)(34)(a) to (c) of this section less any reduction required 14933
under division (A)(32) of this section. 14934

(a) The sum of the payments received by the county, municipal 14935
corporation, school district, or township public library in 14936

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 improvement; parkland acquisition; storm drain; street or any levy

name containing the word "street"; lighting, or any levy name 14969
containing the word "lighting"; and water. 14970

(36) "Current expense TPP allocation" means, in the case of a 14971
school district or joint vocational school district, the sum of 14972
the payments received by the school district in fiscal year 2011 14973
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 14974
Revised Code to the extent paid for current expense levies. In the 14975
case of a municipal corporation, "current expense TPP allocation" 14976
means the sum of the payments received by the municipal 14977
corporation in calendar year 2010 pursuant to divisions (A)(1) and 14978
(2) of section 5751.22 of the Revised Code to the extent paid for 14979
municipal current expense property tax levies as defined in 14980
division (A)(35) of this section, excluding any such payments 14981
received for current expense levy losses attributable to a tax 14982
levied under section 5705.23 of the Revised Code. If a fixed-rate 14983
levy that is a qualifying levy is not charged and payable in any 14984
year after tax year 2010, "current expense TPP allocation" used to 14985
compute payments to be made under division (C)(12) of section 14986
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 14987
Revised Code in the tax years following the last year the levy is 14988
charged and payable shall be reduced to the extent that the 14989
payments are attributable to the fixed-rate levy loss of that levy 14990
as would be computed under divisions (C)(10) and (11) of section 14991
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 14992

(37) "TPP allocation" means the sum of payments received by a 14993
local taxing unit in calendar year 2010 pursuant to divisions 14994
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 14995
any such payments received for fixed-rate levy losses attributable 14996
to a tax levied under section 5705.23 of the Revised Code. If a 14997
fixed-rate levy that is a qualifying levy is not charged and 14998
payable in any year after tax year 2010, "TPP allocation" used to 14999
compute payments to be made under division (A)(1)(b) or (c) of 15000

section 5751.22 of the Revised Code in the tax years following the 15001
last year the levy is charged and payable shall be reduced to the 15002
extent that the payments are attributable to the fixed-rate levy 15003
loss of that levy as would be computed under division (A)(1) of 15004
that section. 15005

(38) "Total TPP allocation" means, in the case of a school 15006
district or joint vocational school district, the sum of the 15007
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 15008
and (11) and (D) of section 5751.21 of the Revised Code. In the 15009
case of a local taxing unit, "total TPP allocation" means the sum 15010
of payments received by the unit in calendar year 2010 pursuant to 15011
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 15012
Code. If a fixed-rate levy that is a qualifying levy is not 15013
charged and payable in any year after tax year 2010, "total TPP 15014
allocation" used to compute payments to be made under division 15015
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 15016
5751.22 of the Revised Code in the tax years following the last 15017
year the levy is charged and payable shall be reduced to the 15018
extent that the payments are attributable to the fixed-rate levy 15019
loss of that levy as would be computed under divisions (C)(10) and 15020
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 15021
the Revised Code. 15022

(39) "Non-current expense TPP allocation" means the 15023
difference of total TPP allocation minus the sum of current 15024
expense TPP allocation and the portion of total TPP allocation 15025
constituting reimbursement for debt levies, pursuant to division 15026
(D) of section 5751.21 of the Revised Code in the case of a school 15027
district or joint vocational school district and pursuant to 15028
division (A)(3) of section 5751.22 of the Revised Code in the case 15029
of a municipal corporation. 15030

(40) "TPP allocation for library purposes" means the sum of 15031
payments received by a county, municipal corporation, school 15032

district, or township public library in calendar year 2010 15033
pursuant to section 5751.22 of the Revised Code for fixed-rate 15034
levy losses attributable to a tax levied under section 5705.23 of 15035
the Revised Code. If a fixed-rate levy authorized under section 15036
5705.23 of the Revised Code that is a qualifying levy is not 15037
charged and payable in any year after tax year 2010, "TPP 15038
allocation for library purposes" used to compute payments to be 15039
made under division (A)(1)(d) of section 5751.22 of the Revised 15040
Code in the tax years following the last year the levy is charged 15041
and payable shall be reduced to the extent that the payments are 15042
attributable to the fixed-rate levy loss of that levy as would be 15043
computed under division (A)(1) of section 5751.22 of the Revised 15044
Code. 15045

(41) "Threshold per cent" means, in the case of a school 15046
district or joint vocational school district, two per cent for 15047
fiscal year 2012 and four per cent for fiscal years 2013 and 15048
thereafter. In the case of a local taxing unit or public library 15049
that receives the proceeds of a tax levied under section 5705.23 15050
of the Revised Code, "threshold per cent" means two per cent for 15051
tax year 2011, four per cent for tax year 2012, and six per cent 15052
for tax years 2013 and thereafter. 15053

(B)(1) The commercial activities tax receipts fund is hereby 15054
created in the state treasury and shall consist of money arising 15055
from the tax imposed under this chapter. Eighty-five 15056
one-hundredths of one per cent of the money credited to that fund 15057
shall be credited to the revenue enhancement fund and shall be 15058
used to defray the costs incurred by the department of taxation in 15059
administering the tax imposed by this chapter and in implementing 15060
tax reform measures. The remainder of the money in the commercial 15061
activities tax receipts fund shall first be credited ~~for each~~ 15062
~~fiscal year~~ to the commercial activity tax motor fuel receipts 15063
fund, pursuant to division (B)(2) of this section, and the 15064

remainder shall be credited in the following percentages each 15065
fiscal year to the general revenue fund, to the school district 15066
 tangible property tax replacement fund, which is hereby created in 15067
 the state treasury for the purpose of making the payments 15068
 described in section 5751.21 of the Revised Code, and to the local 15069
 government tangible property tax replacement fund, which is hereby 15070
 created in the state treasury for the purpose of making the 15071
 payments described in section 5751.22 of the Revised Code, in the 15072
 following percentages: 15073

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%	15075
2007	0%	70.0%	30.0%	15076
2008	0%	70.0%	30.0%	15077
2009	0%	70.0%	30.0%	15078
2010	0%	70.0%	30.0%	15079
2011	0%	70.0%	30.0%	15080
2012	25.0%	52.5%	22.5%	15081
2013 and thereafter	50.0%	35.0%	15.0%	15082

(2) Not later than the twentieth day of February, May, 15083
August, and November of each year, the commissioner shall provide 15084
for payment from the commercial activities tax receipts fund to 15085
the commercial activity tax motor fuel receipts fund an amount 15086
that bears the same ratio to the balance in the commercial 15087
activities tax receipts fund that (a) the taxable gross receipts 15088
attributed to motor fuel used for propelling vehicles on public 15089
highways as indicated by returns filed by the tenth day of that 15090
month for a liability that is due and payable on or after July 1, 15091
2013, bears to (b) all taxable gross receipts as indicated by 15092
those returns for such liabilities. 15093

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;

(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.

(3) Furniture and fixtures property tax value loss is the

taxable value of furniture and fixture property as reported by	15124
taxpayers for tax year 2004 multiplied by:	15125
(a) For tax year 2006, twenty-five per cent;	15126
(b) For tax year 2007, fifty per cent;	15127
(c) For tax year 2008, seventy-five per cent;	15128
(d) For tax year 2009 and thereafter, one hundred per cent.	15129
The taxable value of property reported by taxpayers used in	15130
divisions (C)(1), (2), and (3) of this section shall be such	15131
values as determined to be final by the tax commissioner as of	15132
August 31, 2005. Such determinations shall be final except for any	15133
correction of a clerical error that was made prior to August 31,	15134
2005, by the tax commissioner.	15135
(4) Telephone property tax value loss is the taxable value of	15136
telephone property as taxpayers would have reported that property	15137
for tax year 2004 if the assessment rate for all telephone	15138
property for that year were twenty-five per cent, multiplied by:	15139
(a) For tax year 2006, zero per cent;	15140
(b) For tax year 2007, zero per cent;	15141
(c) For tax year 2008, zero per cent;	15142
(d) For tax year 2009, sixty per cent;	15143
(e) For tax year 2010, eighty per cent;	15144
(f) For tax year 2011 and thereafter, one hundred per cent.	15145
(5) Division (C)(5) of this section applies to any school	15146
district, joint vocational school district, or local taxing unit	15147
in a county in which is located a facility currently or formerly	15148
devoted to the enrichment or commercialization of uranium or	15149
uranium products, and for which the total taxable value of	15150
property listed on the general tax list of personal property for	15151
any tax year from tax year 2001 to tax year 2004 was fifty per	15152

cent or less of the taxable value of such property listed on the 15153
general tax list of personal property for the next preceding tax 15154
year. 15155

In computing the fixed-rate levy losses under divisions 15156
(D)(1), (2), and (3) of this section for any school district, 15157
joint vocational school district, or local taxing unit to which 15158
division (C)(5) of this section applies, the taxable value of such 15159
property as listed on the general tax list of personal property 15160
for tax year 2000 shall be substituted for the taxable value of 15161
such property as reported by taxpayers for tax year 2004, in the 15162
taxing district containing the uranium facility, if the taxable 15163
value listed for tax year 2000 is greater than the taxable value 15164
reported by taxpayers for tax year 2004. For the purpose of making 15165
the computations under divisions (D)(1), (2), and (3) of this 15166
section, the tax year 2000 valuation is to be allocated to 15167
machinery and equipment, inventory, and furniture and fixtures 15168
property in the same proportions as the tax year 2004 values. For 15169
the purpose of the calculations in division (A) of section 5751.21 15170
of the Revised Code, the tax year 2004 taxable values shall be 15171
used. 15172

To facilitate the calculations required under division (C) of 15173
this section, the county auditor, upon request from the tax 15174
commissioner, shall provide by August 1, 2005, the values of 15175
machinery and equipment, inventory, and furniture and fixtures for 15176
all single-county personal property taxpayers for tax year 2004. 15177

(D) Not later than September 15, 2005, the tax commissioner 15178
shall determine for each tax year from 2006 through 2009 for each 15179
school district, joint vocational school district, and local 15180
taxing unit its machinery and equipment, inventory, and furniture 15181
and fixtures fixed-rate levy losses, and for each tax year from 15182
2006 through 2011 its telephone property fixed-rate levy loss. 15183
Except as provided in division (F) of this section, such losses 15184

are the applicable amounts described in divisions (D)(1), (2), 15185
(3), and (4) of this section: 15186

(1) The machinery and equipment fixed-rate levy loss is the 15187
machinery and equipment property tax value loss multiplied by the 15188
sum of the tax rates of fixed-rate qualifying levies. 15189

(2) The inventory fixed-rate loss is the inventory property 15190
tax value loss multiplied by the sum of the tax rates of 15191
fixed-rate qualifying levies. 15192

(3) The furniture and fixtures fixed-rate levy loss is the 15193
furniture and fixture property tax value loss multiplied by the 15194
sum of the tax rates of fixed-rate qualifying levies. 15195

(4) The telephone property fixed-rate levy loss is the 15196
telephone property tax value loss multiplied by the sum of the tax 15197
rates of fixed-rate qualifying levies. 15198

(E) Not later than September 15, 2005, the tax commissioner 15199
shall determine for each school district, joint vocational school 15200
district, and local taxing unit its fixed-sum levy loss. The 15201
fixed-sum levy loss is the amount obtained by subtracting the 15202
amount described in division (E)(2) of this section from the 15203
amount described in division (E)(1) of this section: 15204

(1) The sum of the machinery and equipment property tax value 15205
loss, the inventory property tax value loss, and the furniture and 15206
fixtures property tax value loss, and, for 2008 through 2010, the 15207
telephone property tax value loss of the district or unit 15208
multiplied by the sum of the fixed-sum tax rates of qualifying 15209
levies. For 2006 through 2010, this computation shall include all 15210
qualifying levies remaining in effect for the current tax year and 15211
any school district levies charged and payable under section 15212
5705.194 or 5705.213 of the Revised Code that are qualifying 15213
levies not remaining in effect for the current year. For 2011 15214
through 2017 in the case of school district levies charged and 15215

payable under section 5705.194 or 5705.213 of the Revised Code and 15216
for all years after 2010 in the case of other fixed-sum levies, 15217
this computation shall include only qualifying levies remaining in 15218
effect for the current year. For purposes of this computation, a 15219
qualifying school district levy charged and payable under section 15220
5705.194 or 5705.213 of the Revised Code remains in effect in a 15221
year after 2010 only if, for that year, the board of education 15222
levies a school district levy charged and payable under section 15223
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 15224
an annual sum at least equal to the annual sum levied by the board 15225
in tax year 2004 less the amount of the payment certified under 15226
this division for 2006. 15227

(2) The total taxable value in tax year 2004 less the sum of 15228
the machinery and equipment, inventory, furniture and fixtures, 15229
and telephone property tax value losses in each school district, 15230
joint vocational school district, and local taxing unit multiplied 15231
by one-half of one mill per dollar. 15232

(3) For the calculations in divisions (E)(1) and (2) of this 15233
section, the tax value losses are those that would be calculated 15234
for tax year 2009 under divisions (C)(1), (2), and (3) of this 15235
section and for tax year 2011 under division (C)(4) of this 15236
section. 15237

(4) To facilitate the calculation under divisions (D) and (E) 15238
of this section, not later than September 1, 2005, any school 15239
district, joint vocational school district, or local taxing unit 15240
that has a qualifying levy that was approved at an election 15241
conducted during 2005 before September 1, 2005, shall certify to 15242
the tax commissioner a copy of the county auditor's certificate of 15243
estimated property tax millage for such levy as required under 15244
division (B) of section 5705.03 of the Revised Code, which is the 15245
rate that shall be used in the calculations under such divisions. 15246

If the amount determined under division (E) of this section 15247

for any school district, joint vocational school district, or 15248
local taxing unit is greater than zero, that amount shall equal 15249
the reimbursement to be paid pursuant to division (E) of section 15250
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 15251
and the one-half of one mill that is subtracted under division 15252
(E)(2) of this section shall be apportioned among all contributing 15253
fixed-sum levies in the proportion that each levy bears to the sum 15254
of all fixed-sum levies within each school district, joint 15255
vocational school district, or local taxing unit. 15256

(F) If a school district levies a tax under section 5705.219 15257
of the Revised Code, the fixed-rate levy loss for qualifying 15258
levies, to the extent repealed under that section, shall equal the 15259
sum of the following amounts in lieu of the amounts computed for 15260
such levies under division (D) of this section: 15261

(1) The sum of the rates of qualifying levies to the extent 15262
so repealed multiplied by the sum of the machinery and equipment, 15263
inventory, and furniture and fixtures tax value losses for 2009 as 15264
determined under that division; 15265

(2) The sum of the rates of qualifying levies to the extent 15266
so repealed multiplied by the telephone property tax value loss 15267
for 2011 as determined under that division. 15268

The fixed-rate levy losses for qualifying levies to the 15269
extent not repealed under section 5705.219 of the Revised Code 15270
shall be as determined under division (D) of this section. The 15271
revised fixed-rate levy losses determined under this division and 15272
division (D) of this section first apply in the year following the 15273
first year the district levies the tax under section 5705.219 of 15274
the Revised Code. 15275

(G) Not later than October 1, 2005, the tax commissioner 15276
shall certify to the department of education for every school 15277
district and joint vocational school district the machinery and 15278

equipment, inventory, furniture and fixtures, and telephone 15279
property tax value losses determined under division (C) of this 15280
section, the machinery and equipment, inventory, furniture and 15281
fixtures, and telephone fixed-rate levy losses determined under 15282
division (D) of this section, and the fixed-sum levy losses 15283
calculated under division (E) of this section. The calculations 15284
under divisions (D) and (E) of this section shall separately 15285
display the levy loss for each levy eligible for reimbursement. 15286

(H) Not later than October 1, 2005, the tax commissioner 15287
shall certify the amount of the fixed-sum levy losses to the 15288
county auditor of each county in which a school district, joint 15289
vocational school district, or local taxing unit with a fixed-sum 15290
levy loss reimbursement has territory. 15291

(I) Not later than the twenty-eighth day of February each 15292
year beginning in 2011 and ending in 2014, the tax commissioner 15293
shall certify to the department of education for each school 15294
district first levying a tax under section 5705.219 of the Revised 15295
Code in the preceding year the revised fixed-rate levy losses 15296
determined under divisions (D) and (F) of this section. 15297

(J) There is hereby created in the state treasury the 15298
commercial activity tax motor fuel receipts fund. 15299

Section 101.02. That existing sections 9.33, 123.21, 126.06, 15300
126.503, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 15301
505.37, 505.375, 505.44, 505.72, 718.01, 2937.221, 3354.13, 15302
3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 3791.99, 4501.01, 15303
4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.03, 15304
4503.04, 4503.042, 4503.07, 4503.103, 4503.11, 4503.19, 4503.191, 15305
4503.22, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4505.11, 15306
4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 4511.01, 4511.13, 15307
4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 4513.66, 4517.021, 15308
4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 4561.12, 4561.21, 15309

4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 15310
4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 15311
4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 15312
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 15313
4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 15314
4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 15315
4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 15316
4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 15317
5501.17, 5501.31, 5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 15318
5503.04, 5503.31, 5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 15319
5526.01, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 15320
5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 15321
5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 15322
5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 15323
5537.30, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5751.01, 15324
5751.02, 5751.051, and 5751.20 and sections 126.60, 126.601, 15325
126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 4766.20, 15326
4981.36, and 4981.361 of the Revised Code are hereby repealed. 15327

Section 110.10. That the versions of sections 4501.01, 15328
4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that 15329
are scheduled to take effect January 1, 2017, be amended to read 15330
as follows: 15331

Sec. 4501.01. As used in this chapter and Chapters 4503., 15332
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 15333
Revised Code, and in the penal laws, except as otherwise provided: 15334

(A) "Vehicles" means everything on wheels or runners, 15335
including motorized bicycles, but does not mean electric personal 15336
assistive mobility devices, vehicles that are operated exclusively 15337
on rails or tracks or from overhead electric trolley wires, and 15338
vehicles that belong to any police department, municipal fire 15339

department, or volunteer fire department, or that are used by such 15340
a department in the discharge of its functions. 15341

(B) "Motor vehicle" means any vehicle, including mobile homes 15342
and recreational vehicles, that is propelled or drawn by power 15343
other than muscular power or power collected from overhead 15344
electric trolley wires. "Motor vehicle" does not include utility 15345
vehicles as defined in division (VV) of this section, under-speed 15346
vehicles as defined in division (XX) of this section, mini-trucks 15347
as defined in division (BBB) of this section, motorized bicycles, 15348
road rollers, traction engines, power shovels, power cranes, and 15349
other equipment used in construction work and not designed for or 15350
employed in general highway transportation, well-drilling 15351
machinery, ditch-digging machinery, farm machinery, and trailers 15352
that are designed and used exclusively to transport a boat between 15353
a place of storage and a marina, or in and around a marina, when 15354
drawn or towed on a public road or highway for a distance of no 15355
more than ten miles and at a speed of twenty-five miles per hour 15356
or less. 15357

(C) "Agricultural tractor" and "traction engine" mean any 15358
self-propelling vehicle that is designed or used for drawing other 15359
vehicles or wheeled machinery, but has no provisions for carrying 15360
loads independently of such other vehicles, and that is used 15361
principally for agricultural purposes. 15362

(D) "Commercial tractor," except as defined in division (C) 15363
of this section, means any motor vehicle that has motive power and 15364
either is designed or used for drawing other motor vehicles, or is 15365
designed or used for drawing another motor vehicle while carrying 15366
a portion of the other motor vehicle or its load, or both. 15367

(E) "Passenger car" means any motor vehicle that is designed 15368
and used for carrying not more than nine persons and includes any 15369
motor vehicle that is designed and used for carrying not more than 15370
fifteen persons in a ridesharing arrangement. 15371

(F) "Collector's vehicle" means any motor vehicle or 15372
agricultural tractor or traction engine that is of special 15373
interest, that has a fair market value of one hundred dollars or 15374
more, whether operable or not, and that is owned, operated, 15375
collected, preserved, restored, maintained, or used essentially as 15376
a collector's item, leisure pursuit, or investment, but not as the 15377
owner's principal means of transportation. "Licensed collector's 15378
vehicle" means a collector's vehicle, other than an agricultural 15379
tractor or traction engine, that displays current, valid license 15380
tags issued under section 4503.45 of the Revised Code, or a 15381
similar type of motor vehicle that displays current, valid license 15382
tags issued under substantially equivalent provisions in the laws 15383
of other states. 15384

(G) "Historical motor vehicle" means any motor vehicle that 15385
is over twenty-five years old and is owned solely as a collector's 15386
item and for participation in club activities, exhibitions, tours, 15387
parades, and similar uses, but that in no event is used for 15388
general transportation. 15389

(H) "Noncommercial motor vehicle" means any motor vehicle, 15390
including a farm truck as defined in section 4503.04 of the 15391
Revised Code, that is designed by the manufacturer to carry a load 15392
of no more than one ton and is used exclusively for purposes other 15393
than engaging in business for profit. 15394

(I) "Bus" means any motor vehicle that has motor power and is 15395
designed and used for carrying more than nine passengers, except 15396
any motor vehicle that is designed and used for carrying not more 15397
than fifteen passengers in a ridesharing arrangement. 15398

(J) "Commercial car" or "truck" means any motor vehicle that 15399
has motor power and is designed and used for carrying merchandise 15400
or freight, or that is used as a commercial tractor. 15401

(K) "Bicycle" means every device, other than a ~~tricycle~~ 15402

device that is designed solely for use as a play vehicle by a 15403
child, that is propelled solely by human power upon which ~~any a~~ 15404
person may ride, and that has two ~~tandem~~ or more wheels, ~~or one~~ 15405
~~wheel in front and two wheels in the rear, or two wheels in the~~ 15406
~~front and one wheel in the rear,~~ any of which is more than 15407
fourteen inches in diameter. 15408

(L) "Motorized bicycle" or "moped" means any vehicle that 15409
either has two tandem wheels or one wheel in the front and two 15410
wheels in the rear, that may be pedaled, and that is equipped with 15411
a helper motor of not more than fifty cubic centimeters piston 15412
displacement that produces no more than one brake horsepower and 15413
is capable of propelling the vehicle at a speed of no greater than 15414
twenty miles per hour on a level surface. 15415

(M) "Trailer" means any vehicle without motive power that is 15416
designed or used for carrying property or persons wholly on its 15417
own structure and for being drawn by a motor vehicle, and includes 15418
any such vehicle that is formed by or operated as a combination of 15419
a semitrailer and a vehicle of the dolly type such as that 15420
commonly known as a trailer dolly, a vehicle used to transport 15421
agricultural produce or agricultural production materials between 15422
a local place of storage or supply and the farm when drawn or 15423
towed on a public road or highway at a speed greater than 15424
twenty-five miles per hour, and a vehicle that is designed and 15425
used exclusively to transport a boat between a place of storage 15426
and a marina, or in and around a marina, when drawn or towed on a 15427
public road or highway for a distance of more than ten miles or at 15428
a speed of more than twenty-five miles per hour. "Trailer" does 15429
not include a manufactured home or travel trailer. 15430

(N) "Noncommercial trailer" means any trailer, except a 15431
travel trailer or trailer that is used to transport a boat as 15432
described in division (B) of this section, but, where applicable, 15433
includes a vehicle that is used to transport a boat as described 15434

in division (M) of this section, that has a gross weight of no more than ten thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

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

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

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

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

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

(3) It is not used for the purpose of engaging in intrastate

commerce. 15466

(4) It is not used for the purpose of commerce as defined in 15467
49 C.F.R. 383.5, as amended. 15468

(5) It is not regulated by the public utilities commission 15469
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 15470

(6) It is classed as one of the following: 15471

(a) "Travel trailer" or "house vehicle" means a 15472
nonselved-propelled recreational vehicle that does not exceed an 15473
overall length of forty feet, exclusive of bumper and tongue or 15474
coupling. "Travel trailer" includes a tent-type fold-out camping 15475
trailer as defined in section 4517.01 of the Revised Code. 15476

(b) "Motor home" means a self-propelled recreational vehicle 15477
that has no fifth wheel and is constructed with permanently 15478
installed facilities for cold storage, cooking and consuming of 15479
food, and for sleeping. 15480

(c) "Truck camper" means aonselved-propelled recreational 15481
vehicle that does not have wheels for road use and is designed to 15482
be placed upon and attached to a motor vehicle. "Truck camper" 15483
does not include truck covers that consist of walls and a roof, 15484
but do not have floors and facilities enabling them to be used as 15485
a dwelling. 15486

(d) "Fifth wheel trailer" means a vehicle that is of such 15487
size and weight as to be movable without a special highway permit, 15488
that is constructed with a raised forward section that allows a 15489
bi-level floor plan, and that is designed to be towed by a vehicle 15490
equipped with a fifth-wheel hitch ordinarily installed in the bed 15491
of a truck. 15492

(e) "Park trailer" means a vehicle that is commonly known as 15493
a park model recreational vehicle, meets the American national 15494
standard institute standard A119.5 (1988) for park trailers, is 15495

built on a single chassis, has a gross trailer area of four 15496
hundred square feet or less when set up, is designed for seasonal 15497
or temporary living quarters, and may be connected to utilities 15498
necessary for the operation of installed features and appliances. 15499

(R) "Pneumatic tires" means tires of rubber and fabric or 15500
tires of similar material, that are inflated with air. 15501

(S) "Solid tires" means tires of rubber or similar elastic 15502
material that are not dependent upon confined air for support of 15503
the load. 15504

(T) "Solid tire vehicle" means any vehicle that is equipped 15505
with two or more solid tires. 15506

(U) "Farm machinery" means all machines and tools that are 15507
used in the production, harvesting, and care of farm products, and 15508
includes trailers that are used to transport agricultural produce 15509
or agricultural production materials between a local place of 15510
storage or supply and the farm, agricultural tractors, threshing 15511
machinery, hay-baling machinery, corn shellers, hammermills, and 15512
machinery used in the production of horticultural, agricultural, 15513
and vegetable products. 15514

(V) "Owner" includes any person or firm, other than a 15515
manufacturer or dealer, that has title to a motor vehicle, except 15516
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 15517
includes in addition manufacturers and dealers. 15518

(W) "Manufacturer" and "dealer" include all persons and firms 15519
that are regularly engaged in the business of manufacturing, 15520
selling, displaying, offering for sale, or dealing in motor 15521
vehicles, at an established place of business that is used 15522
exclusively for the purpose of manufacturing, selling, displaying, 15523
offering for sale, or dealing in motor vehicles. A place of 15524
business that is used for manufacturing, selling, displaying, 15525
offering for sale, or dealing in motor vehicles shall be deemed to 15526

be used exclusively for those purposes even though snowmobiles or 15527
all-purpose vehicles are sold or displayed for sale thereat, even 15528
though farm machinery is sold or displayed for sale thereat, or 15529
even though repair, accessory, gasoline and oil, storage, parts, 15530
service, or paint departments are maintained thereat, or, in any 15531
county having a population of less than seventy-five thousand at 15532
the last federal census, even though a department in a place of 15533
business is used to dismantle, salvage, or rebuild motor vehicles 15534
by means of used parts, if such departments are operated for the 15535
purpose of furthering and assisting in the business of 15536
manufacturing, selling, displaying, offering for sale, or dealing 15537
in motor vehicles. Places of business or departments in a place of 15538
business used to dismantle, salvage, or rebuild motor vehicles by 15539
means of using used parts are not considered as being maintained 15540
for the purpose of assisting or furthering the manufacturing, 15541
selling, displaying, and offering for sale or dealing in motor 15542
vehicles. 15543

(X) "Operator" includes any person who drives or operates a 15544
motor vehicle upon the public highways. 15545

(Y) "Chauffeur" means any operator who operates a motor 15546
vehicle, other than a taxicab, as an employee for hire; or any 15547
operator whether or not the owner of a motor vehicle, other than a 15548
taxicab, who operates such vehicle for transporting, for gain, 15549
compensation, or profit, either persons or property owned by 15550
another. Any operator of a motor vehicle who is voluntarily 15551
involved in a ridesharing arrangement is not considered an 15552
employee for hire or operating such vehicle for gain, 15553
compensation, or profit. 15554

(Z) "State" includes the territories and federal districts of 15555
the United States, and the provinces of Canada. 15556

(AA) "Public roads and highways" for vehicles includes all 15557
public thoroughfares, bridges, and culverts. 15558

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

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

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

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

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

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

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

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

"Apportionable vehicle" does not include recreational 15589
vehicles, vehicles displaying restricted plates, city pick-up and 15590
delivery vehicles, buses used for the transportation of chartered 15591
parties, or vehicles owned and operated by the United States, this 15592
state, or any political subdivisions thereof. 15593

(GG) "Chartered party" means a group of persons who contract 15594
as a group to acquire the exclusive use of a passenger-carrying 15595
motor vehicle at a fixed charge for the vehicle in accordance with 15596
the carrier's tariff, lawfully on file with the United States 15597
department of transportation, for the purpose of group travel to a 15598
specified destination or for a particular itinerary, either agreed 15599
upon in advance or modified by the chartered group after having 15600
left the place of origin. 15601

(HH) "International registration plan" means a reciprocal 15602
agreement of member jurisdictions that is endorsed by the American 15603
association of motor vehicle administrators, and that promotes and 15604
encourages the fullest possible use of the highway system by 15605
authorizing apportioned registration of fleets of vehicles and 15606
recognizing registration of vehicles apportioned in member 15607
jurisdictions. 15608

(II) "Restricted plate" means a license plate that has a 15609
restriction of time, geographic area, mileage, or commodity, and 15610
includes license plates issued to farm trucks under division (J) 15611
of section 4503.04 of the Revised Code. 15612

(JJ) "Gross vehicle weight," with regard to any commercial 15613
car, trailer, semitrailer, or bus that is taxed at the rates 15614
established under section 4503.042 or 4503.65 of the Revised Code, 15615
means the unladen weight of the vehicle fully equipped plus the 15616
maximum weight of the load to be carried on the vehicle. 15617

(KK) "Combined gross vehicle weight" with regard to any 15618
combination of a commercial car, trailer, and semitrailer, that is 15619

taxed at the rates established under section 4503.042 or 4503.65 15620
of the Revised Code, means the total unladen weight of the 15621
combination of vehicles fully equipped plus the maximum weight of 15622
the load to be carried on that combination of vehicles. 15623

(LL) "Chauffeured limousine" means a motor vehicle that is 15624
designed to carry nine or fewer passengers and is operated for 15625
hire on an hourly basis pursuant to a prearranged contract for the 15626
transportation of passengers on public roads and highways along a 15627
route under the control of the person hiring the vehicle and not 15628
over a defined and regular route. "Prearranged contract" means an 15629
agreement, made in advance of boarding, to provide transportation 15630
from a specific location in a chauffeured limousine at a fixed 15631
rate per hour or trip. "Chauffeured limousine" does not include 15632
any vehicle that is used exclusively in the business of funeral 15633
directing. 15634

(MM) "Manufactured home" has the same meaning as in division 15635
(C)(4) of section 3781.06 of the Revised Code. 15636

(NN) "Acquired situs," with respect to a manufactured home or 15637
a mobile home, means to become located in this state by the 15638
placement of the home on real property, but does not include the 15639
placement of a manufactured home or a mobile home in the inventory 15640
of a new motor vehicle dealer or the inventory of a manufacturer, 15641
remanufacturer, or distributor of manufactured or mobile homes. 15642

(OO) "Electronic" includes electrical, digital, magnetic, 15643
optical, electromagnetic, or any other form of technology that 15644
entails capabilities similar to these technologies. 15645

(PP) "Electronic record" means a record generated, 15646
communicated, received, or stored by electronic means for use in 15647
an information system or for transmission from one information 15648
system to another. 15649

(QQ) "Electronic signature" means a signature in electronic 15650

form attached to or logically associated with an electronic 15651
record. 15652

(RR) "Financial transaction device" has the same meaning as 15653
in division (A) of section 113.40 of the Revised Code. 15654

(SS) "Electronic motor vehicle dealer" means a motor vehicle 15655
dealer licensed under Chapter 4517. of the Revised Code whom the 15656
registrar of motor vehicles determines meets the criteria 15657
designated in section 4503.035 of the Revised Code for electronic 15658
motor vehicle dealers and designates as an electronic motor 15659
vehicle dealer under that section. 15660

(TT) "Electric personal assistive mobility device" means a 15661
self-balancing two non-tandem wheeled device that is designed to 15662
transport only one person, has an electric propulsion system of an 15663
average of seven hundred fifty watts, and when ridden on a paved 15664
level surface by an operator who weighs one hundred seventy pounds 15665
has a maximum speed of less than twenty miles per hour. 15666

(UU) "Limited driving privileges" means the privilege to 15667
operate a motor vehicle that a court grants under section 4510.021 15668
of the Revised Code to a person whose driver's or commercial 15669
driver's license or permit or nonresident operating privilege has 15670
been suspended. 15671

(VV) "Utility vehicle" means a self-propelled vehicle 15672
designed with a bed, principally for the purpose of transporting 15673
material or cargo in connection with construction, agricultural, 15674
forestry, grounds maintenance, lawn and garden, materials 15675
handling, or similar activities. 15676

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 15677
vehicle with an attainable speed in one mile on a paved level 15678
surface of more than twenty miles per hour but not more than 15679
twenty-five miles per hour and with a gross vehicle weight rating 15680
less than three thousand pounds. 15681

(XX) "Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(YY) "Motor-driven cycle or motor scooter" means any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred fifty cubic centimeters piston displacement that produces not more than five brake horsepower and is capable of propelling the vehicle at a speed greater than twenty miles per hour on a level surface.

(ZZ) "Motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three wheels in contact with the ground, and having no occupant compartment top or occupant compartment top that can be installed or removed by the user.

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three wheels in contact with the ground, and having an occupant compartment top or an occupant compartment top that can be installed or removed by the user.

(BBB) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle

safety standards. 15714

Sec. 4503.04. Except as provided in sections 4503.042 and 15715
4503.65 of the Revised Code for the registration of commercial 15716
cars, trailers, semitrailers, and certain buses, the rates of the 15717
taxes imposed by section 4503.02 of the Revised Code shall be as 15718
follows: 15719

(A)(1) For motor vehicles having three wheels or less, the 15720
license tax is: 15721

(a) For each motorized bicycle or moped, ten dollars; 15722

(b) For each motorcycle, cab-enclosed motorcycle, 15723
motor-driven cycle, or motor scooter, fourteen dollars. 15724

(2) For each low-speed, under-speed, and utility vehicle, and 15725
each mini-truck, ten dollars. 15726

(B) For each passenger car, twenty dollars; 15727

(C) For each manufactured home, each mobile home, and each 15728
travel trailer or house vehicle, ten dollars; 15729

(D) For each noncommercial motor vehicle designed by the 15730
manufacturer to carry a load of no more than three-quarters of one 15731
ton and for each motor home, thirty-five dollars; for each 15732
noncommercial motor vehicle designed by the manufacturer to carry 15733
a load of more than three-quarters of one ton, but not more than 15734
one ton, seventy dollars; 15735

(E) For each noncommercial trailer, the license tax is: 15736

(1) Eighty-five cents for each one hundred pounds or part 15737
thereof for the first two thousand pounds or part thereof of 15738
weight of vehicle fully equipped; 15739

(2) One dollar and forty cents for each one hundred pounds or 15740
part thereof in excess of two thousand pounds up to and including 15741
ten thousand pounds. 15742

(F) Notwithstanding its weight, twelve dollars for any:	15743
(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;	15744 15745 15746
(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;	15747 15748 15749 15750
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	15751 15752
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	15753 15754 15755
(H) For each transit bus having motor power the license tax is twelve dollars.	15756 15757
"Transit bus" means either a motor vehicle having a seating capacity of more than seven persons which is operated and used by any person in the rendition of a public mass transportation service primarily in a municipal corporation or municipal corporations and provided at least seventy-five per cent of the annual mileage of such service and use is within such municipal corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a charitable or nonprofit corporation, but does not mean any motor vehicle having a seating capacity of more than seven persons when such vehicle is used in a ridesharing capacity or any bus described by division (F)(3) of this section.	15758 15759 15760 15761 15762 15763 15764 15765 15766 15767 15768 15769 15770
The application for registration of such transit bus shall be accompanied by an affidavit prescribed by the registrar of motor vehicles and signed by the person or an agent of the firm or	15771 15772 15773

corporation operating such bus stating that the bus has a seating 15774
capacity of more than seven persons, and that it is either to be 15775
operated and used in the rendition of a public mass transportation 15776
service and that at least seventy-five per cent of the annual 15777
mileage of such operation and use shall be within one or more 15778
municipal corporations or that it is to be operated solely for the 15779
transportation of persons associated with a charitable or 15780
nonprofit corporation. 15781

The form of the license plate, and the manner of its 15782
attachment to the vehicle, shall be prescribed by the registrar of 15783
motor vehicles. 15784

(I) Except as otherwise provided in division (A) or (J) of 15785
this section, the minimum tax for any vehicle having motor power 15786
is ten dollars and eighty cents, and for each noncommercial 15787
trailer, five dollars. 15788

(J)(1) Except as otherwise provided in division (J) of this 15789
section, for each farm truck, except a noncommercial motor 15790
vehicle, that is owned, controlled, or operated by one or more 15791
farmers exclusively in farm use as defined in this section, and 15792
not for commercial purposes, and provided that at least 15793
seventy-five per cent of such farm use is by or for the one or 15794
more owners, controllers, or operators of the farm in the 15795
operation of which a farm truck is used, the license tax is five 15796
dollars plus: 15797

(a) Fifty cents per one hundred pounds or part thereof for 15798
the first three thousand pounds; 15799

(b) Seventy cents per one hundred pounds or part thereof in 15800
excess of three thousand pounds up to and including four thousand 15801
pounds; 15802

(c) Ninety cents per one hundred pounds or part thereof in 15803
excess of four thousand pounds up to and including six thousand 15804

pounds;	15805
(d) Two dollars for each one hundred pounds or part thereof	15806
in excess of six thousand pounds up to and including ten thousand	15807
pounds;	15808
(e) Two dollars and twenty-five cents for each one hundred	15809
pounds or part thereof in excess of ten thousand pounds;	15810
(f) The minimum license tax for any farm truck shall be	15811
twelve dollars.	15812
(2) The owner of a farm truck may register the truck for a	15813
period of one-half year by paying one-half the registration tax	15814
imposed on the truck under this chapter and one-half the amount of	15815
any tax imposed on the truck under Chapter 4504. of the Revised	15816
Code.	15817
(3) A farm bus may be registered for a period of ninety two	15818
<u>hundred ten</u> days from the date of issue of the license plates for	15819
the bus, for a fee of ten dollars, provided such license plates	15820
shall not be issued for more than any two ninety day periods <u>one</u>	15821
<u>such period</u> in any calendar year. Such use does not include the	15822
operation of trucks by commercial processors of agricultural	15823
products.	15824
(4) License plates for farm trucks and for farm buses shall	15825
have some distinguishing marks, letters, colors, or other	15826
characteristics to be determined by the director of public safety.	15827
(5) Every person registering a farm truck or bus under this	15828
section shall furnish an affidavit certifying that the truck or	15829
bus licensed to that person is to be so used as to meet the	15830
requirements necessary for the farm truck or farm bus	15831
classification.	15832
Any farmer may use a truck owned by the farmer for commercial	15833
purposes by paying the difference between the commercial truck	15834

registration fee and the farm truck registration fee for the 15835
remaining part of the registration period for which the truck is 15836
registered. Such remainder shall be calculated from the beginning 15837
of the semiannual period in which application for such commercial 15838
license is made. 15839

Taxes at the rates provided in this section are in lieu of 15840
all taxes on or with respect to the ownership of such motor 15841
vehicles, except as provided in section 4503.042 and section 15842
4503.06 of the Revised Code. 15843

(K) Other than trucks registered under the international 15844
registration plan in another jurisdiction and for which this state 15845
has received an apportioned registration fee, the license tax for 15846
each truck which is owned, controlled, or operated by a 15847
nonresident, and licensed in another state, and which is used 15848
exclusively for the transportation of nonprocessed agricultural 15849
products intrastate, from the place of production to the place of 15850
processing, is twenty-four dollars. 15851

"Truck," as used in this division, means any pickup truck, 15852
straight truck, semitrailer, or trailer other than a travel 15853
trailer. Nonprocessed agricultural products, as used in this 15854
division, does not include livestock or grain. 15855

A license issued under this division shall be issued for a 15856
period of one hundred thirty days in the same manner in which all 15857
other licenses are issued under this section, provided that no 15858
truck shall be so licensed for more than one 15859
one-hundred-thirty-day period during any calendar year. 15860

The license issued pursuant to this division shall consist of 15861
a windshield decal to be designed by the director of public 15862
safety. 15863

Every person registering a truck under this division shall 15864
furnish an affidavit certifying that the truck licensed to the 15865

person is to be used exclusively for the purposes specified in 15866
this division. 15867

(L) Every person registering a motor vehicle as a 15868
noncommercial motor vehicle as defined in section 4501.01 of the 15869
Revised Code, or registering a trailer as a noncommercial trailer 15870
as defined in that section, shall furnish an affidavit certifying 15871
that the motor vehicle or trailer so licensed to the person is to 15872
be so used as to meet the requirements necessary for the 15873
noncommercial vehicle classification. 15874

(M) Every person registering a van or bus as provided in 15875
divisions (F)(2) and (3) of this section shall furnish a notarized 15876
statement certifying that the van or bus licensed to the person is 15877
to be used for the purposes specified in those divisions. The form 15878
of the license plate issued for such motor vehicles shall be 15879
prescribed by the registrar. 15880

(N) Every person registering as a passenger car a motor 15881
vehicle designed and used for carrying more than nine but not more 15882
than fifteen passengers, and every person registering a bus as 15883
provided in division (G) of this section, shall furnish an 15884
affidavit certifying that the vehicle so licensed to the person is 15885
to be used in a ridesharing arrangement and that the person will 15886
have in effect whenever the vehicle is used in a ridesharing 15887
arrangement a policy of liability insurance with respect to the 15888
motor vehicle in amounts and coverages no less than those required 15889
by section 4509.79 of the Revised Code. The form of the license 15890
plate issued for such a motor vehicle shall be prescribed by the 15891
registrar. 15892

(O)(1) Commencing on October 1, 2009, if an application for 15893
registration renewal is not applied for prior to the expiration 15894
date of the registration or within ~~seven~~ thirty days after that 15895
date, the registrar or deputy registrar shall collect a fee of 15896
~~twenty~~ ten dollars for the issuance of the vehicle registration. 15897

For any motor vehicle that is used on a seasonal basis, whether 15898
used for general transportation or not, and that has not been used 15899
on the public roads or highways since the expiration of the 15900
registration, the registrar or deputy registrar shall waive the 15901
fee established under this division if the application is 15902
accompanied by supporting evidence of seasonal use as the 15903
registrar may require. The registrar or deputy registrar may waive 15904
the fee for other good cause shown if the application is 15905
accompanied by supporting evidence as the registrar may require. 15906
The fee shall be in addition to all other fees established by this 15907
section. A deputy registrar shall retain fifty cents of the fee 15908
and shall transmit the remaining amount to the registrar at the 15909
time and in the manner provided by section 4503.10 of the Revised 15910
Code. The registrar shall deposit all moneys received under this 15911
division into the state highway safety fund established in section 15912
4501.06 of the Revised Code. 15913

(2) Division (O)(1) of this section does not apply to a farm 15914
truck or farm bus registered under division (J) of this section. 15915

(P) As used in this section: 15916

(1) "Van" means any motor vehicle having a single rear axle 15917
and an enclosed body without a second seat. 15918

(2) "Handicapped person" means any person who has lost the 15919
use of one or both legs, or one or both arms, or is blind, deaf, 15920
or so severely disabled as to be unable to move about without the 15921
aid of crutches or a wheelchair. 15922

(3) "Farm truck" means a truck used in the transportation 15923
from the farm of products of the farm, including livestock and its 15924
products, poultry and its products, floricultural and 15925
horticultural products, and in the transportation to the farm of 15926
supplies for the farm, including tile, fence, and every other 15927
thing or commodity used in agricultural, floricultural, 15928

horticultural, livestock, and poultry production and livestock, 15929
poultry, and other animals and things used for breeding, feeding, 15930
or other purposes connected with the operation of the farm. 15931

(4) "Farm bus" means a bus used only for the transportation 15932
of agricultural employees and used only in the transportation of 15933
such employees as are necessary in the operation of the farm. 15934

(5) "Farm supplies" includes fuel used exclusively in the 15935
operation of a farm, including one or more homes located on and 15936
used in the operation of one or more farms, and furniture and 15937
other things used in and around such homes. 15938

Sec. 4503.22. The identification license plate shall consist 15939
of a placard upon the face of which shall appear the distinctive 15940
number assigned to the motor vehicle as provided in section 15941
4503.19 of the Revised Code, in Arabic numerals or letters, or 15942
both. The dimensions of the numerals or letters and of each stroke 15943
shall be determined by the director of public safety. The license 15944
placard also shall contain the name of this state and the slogan 15945
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 15946
aluminum, plastic, or any other suitable material, and the 15947
background shall be treated with a reflective material that shall 15948
provide effective and dependable reflective brightness during the 15949
service period required of the placard. Specifications for the 15950
reflective and other materials and the design of the placard, the 15951
county identification stickers as provided by section 4503.19 of 15952
the Revised Code, and validation stickers as provided by section 15953
4503.191 of the Revised Code, shall be adopted by the director as 15954
rules under sections 119.01 to 119.13 of the Revised Code. The 15955
identification license plate of motorized bicycles or mopeds, 15956
motor-driven cycles or motor scooters, cab-enclosed motorcycles, 15957
and motorcycles shall consist of a single placard, the size of 15958
which shall be prescribed by the director. The identification 15959

plate of a vehicle registered in accordance with the international 15960
registration plan shall contain the word "apportioned." The 15961
director may prescribe the type of placard, or means of fastening 15962
the placard, or both; the placard or means of fastening may be so 15963
designed and constructed as to render difficult the removal of the 15964
placard after it has been fastened to a motor vehicle. 15965

Sec. 4507.05. (A) The registrar of motor vehicles, or a 15966
deputy registrar, upon receiving an application for a temporary 15967
instruction permit and a temporary instruction permit 15968
identification card for a driver's license from any person who is 15969
at least fifteen years six months of age, may issue such a permit 15970
and identification card entitling the applicant to drive a motor 15971
vehicle, other than a commercial motor vehicle, upon the highways 15972
under the following conditions: 15973

(1) If the permit is issued to a person who is at least 15974
fifteen years six months of age, but less than sixteen years of 15975
age: 15976

(a) The permit and identification card are in the holder's 15977
immediate possession; 15978

(b) The holder is accompanied by an eligible adult who 15979
actually occupies the seat beside the permit holder and does not 15980
have a prohibited concentration of alcohol in the whole blood, 15981
blood serum or plasma, breath, or urine as provided in division 15982
(A) of section 4511.19 of the Revised Code; 15983

(c) The total number of occupants of the vehicle does not 15984
exceed the total number of occupant restraining devices originally 15985
installed in the motor vehicle by its manufacturer, and each 15986
occupant of the vehicle is wearing all of the available elements 15987
of a properly adjusted occupant restraining device. 15988

(2) If the permit is issued to a person who is at least 15989

sixteen years of age: 15990

(a) The permit and identification card are in the holder's 15991
immediate possession; 15992

(b) The holder is accompanied by a licensed operator who is 15993
at least twenty-one years of age, is actually occupying a seat 15994
beside the driver, and does not have a prohibited concentration of 15995
alcohol in the whole blood, blood serum or plasma, breath, or 15996
urine as provided in division (A) of section 4511.19 of the 15997
Revised Code; 15998

(c) The total number of occupants of the vehicle does not 15999
exceed the total number of occupant restraining devices originally 16000
installed in the motor vehicle by its manufacturer, and each 16001
occupant of the vehicle is wearing all of the available elements 16002
of a properly adjusted occupant restraining device. 16003

(B) The registrar or a deputy registrar, upon receiving from 16004
any person an application for a temporary instruction permit and 16005
temporary instruction permit identification card to operate a 16006
motorcycle, motor-driven cycle or motor scooter, or motorized 16007
bicycle, may issue such a permit and identification card entitling 16008
the applicant, while having the permit and identification card in 16009
the applicant's immediate possession, to drive a motorcycle or 16010
motor-driven cycle or motor scooter, under the restrictions 16011
prescribed in section 4511.53 of the Revised Code, or to drive a 16012
motorized bicycle under restrictions determined by the registrar. 16013
A temporary instruction permit and temporary instruction permit 16014
identification card to operate a motorized bicycle may be issued 16015
to a person fourteen or fifteen years old. 16016

(C) Any permit and identification card issued under this 16017
section shall be issued in the same manner as a driver's license, 16018
upon a form to be furnished by the registrar. A temporary 16019
instruction permit to drive a motor vehicle other than a 16020

commercial motor vehicle shall be valid for a period of one year. 16021

(D) Any person having in the person's possession a valid and 16022
current driver's license or motorcycle operator's license or 16023
endorsement issued to the person by another jurisdiction 16024
recognized by this state is exempt from obtaining a temporary 16025
instruction permit for a driver's license, ~~but shall submit and~~ 16026
from submitting to the examination for a temporary instruction 16027
permit and the regular examination in for obtaining a driver's 16028
license or motorcycle operator's endorsement in this state if the 16029
person does all of the following: 16030

(1) Submits to and passes vision screening as provided in 16031
section 4507.12 of the Revised Code; 16032

(2) Surrenders to the registrar or deputy registrar the 16033
person's driver's license issued by the other jurisdiction; and 16034

(3) Complies with all other applicable requirements for 16035
issuance by this state of a driver's license, driver's license 16036
with a motorcycle operator's endorsement, or restricted license to 16037
operate a motorcycle. 16038

If the person does not comply with all the requirements of 16039
this division, the person shall submit to the regular examination 16040
for obtaining a driver's license or motorcycle operator's 16041
endorsement in this state in order to obtain such a license or 16042
endorsement. 16043

(E) The registrar may adopt rules governing the use of 16044
temporary instruction permits and temporary instruction permit 16045
identification cards. 16046

(F)(1) No holder of a permit issued under division (A) of 16047
this section shall operate a motor vehicle upon a highway or any 16048
public or private property used by the public for purposes of 16049
vehicular travel or parking in violation of the conditions 16050
established under division (A) of this section. 16051

(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.

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

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

(2) Notwithstanding any other provision of law to the

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

(H) As used in this section:

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

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

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

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

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

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

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

Sec. 4511.01. As used in this chapter and in Chapter 4513. of the Revised Code:

(A) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other

than a bicycle, that is moved by human power. 16113

(B) "Motor vehicle" means every vehicle propelled or drawn by 16114
power other than muscular power or power collected from overhead 16115
electric trolley wires, except motorized bicycles, road rollers, 16116
traction engines, power shovels, power cranes, and other equipment 16117
used in construction work and not designed for or employed in 16118
general highway transportation, hole-digging machinery, 16119
well-drilling machinery, ditch-digging machinery, farm machinery, 16120
and trailers designed and used exclusively to transport a boat 16121
between a place of storage and a marina, or in and around a 16122
marina, when drawn or towed on a street or highway for a distance 16123
of no more than ten miles and at a speed of twenty-five miles per 16124
hour or less. 16125

(C) "Motorcycle" means every motor vehicle, other than a 16126
tractor, having a seat or saddle for the use of the operator and 16127
designed to travel on not more than three wheels in contact with 16128
the ground, including, but not limited to, motor vehicles known as 16129
"motor-driven cycle," "motor scooter," "cab-enclosed motorcycle," 16130
or "motorcycle" without regard to weight or brake horsepower. 16131

(D) "Emergency vehicle" means emergency vehicles of 16132
municipal, township, or county departments or public utility 16133
corporations when identified as such as required by law, the 16134
director of public safety, or local authorities, and motor 16135
vehicles when commandeered by a police officer. 16136

(E) "Public safety vehicle" means any of the following: 16137

(1) Ambulances, including private ambulance companies under 16138
contract to a municipal corporation, township, or county, and 16139
private ambulances and nontransport vehicles bearing license 16140
plates issued under section 4503.49 of the Revised Code; 16141

(2) Motor vehicles used by public law enforcement officers or 16142
other persons sworn to enforce the criminal and traffic laws of 16143

the state; 16144

(3) Any motor vehicle when properly identified as required by 16145
the director of public safety, when used in response to fire 16146
emergency calls or to provide emergency medical service to ill or 16147
injured persons, and when operated by a duly qualified person who 16148
is a member of a volunteer rescue service or a volunteer fire 16149
department, and who is on duty pursuant to the rules or directives 16150
of that service. The state fire marshal shall be designated by the 16151
director of public safety as the certifying agency for all public 16152
safety vehicles described in division (E)(3) of this section. 16153

(4) Vehicles used by fire departments, including motor 16154
vehicles when used by volunteer fire fighters responding to 16155
emergency calls in the fire department service when identified as 16156
required by the director of public safety. 16157

Any vehicle used to transport or provide emergency medical 16158
service to an ill or injured person, when certified as a public 16159
safety vehicle, shall be considered a public safety vehicle when 16160
transporting an ill or injured person to a hospital regardless of 16161
whether such vehicle has already passed a hospital. 16162

(5) Vehicles used by the motor carrier enforcement unit for 16163
the enforcement of orders and rules of the public utilities 16164
commission as specified in section 5503.34 of the Revised Code. 16165

(F) "School bus" means every bus designed for carrying more 16166
than nine passengers that is owned by a public, private, or 16167
governmental agency or institution of learning and operated for 16168
the transportation of children to or from a school session or a 16169
school function, or owned by a private person and operated for 16170
compensation for the transportation of children to or from a 16171
school session or a school function, provided "school bus" does 16172
not include a bus operated by a municipally owned transportation 16173
system, a mass transit company operating exclusively within the 16174

territorial limits of a municipal corporation, or within such 16175
limits and the territorial limits of municipal corporations 16176
immediately contiguous to such municipal corporation, nor a common 16177
passenger carrier certified by the public utilities commission 16178
unless such bus is devoted exclusively to the transportation of 16179
children to and from a school session or a school function, and 16180
"school bus" does not include a van or bus used by a licensed 16181
child day-care center or type A family day-care home to transport 16182
children from the child day-care center or type A family day-care 16183
home to a school if the van or bus does not have more than fifteen 16184
children in the van or bus at any time. 16185

(G) "Bicycle" means every device, other than a ~~tricycle~~ 16186
device that is designed solely for use as a play vehicle by a 16187
child, that is propelled solely by human power upon which ~~any a~~ 16188
person may ride having, and that has two tandem or more wheels, ~~or~~ 16189
~~one wheel in the front and two wheels in the rear, or two wheels~~ 16190
~~in the front and one wheel in the rear,~~ any of which is more than 16191
fourteen inches in diameter. 16192

(H) "Motorized bicycle" or "moped" means any vehicle having 16193
either two tandem wheels or one wheel in the front and two wheels 16194
in the rear, that may be pedaled, and that is equipped with a 16195
helper motor of not more than fifty cubic centimeters piston 16196
displacement that produces no more than one brake horsepower and 16197
is capable of propelling the vehicle at a speed of no greater than 16198
twenty miles per hour on a level surface. 16199

(I) "Commercial tractor" means every motor vehicle having 16200
motive power designed or used for drawing other vehicles and not 16201
so constructed as to carry any load thereon, or designed or used 16202
for drawing other vehicles while carrying a portion of such other 16203
vehicles, or load thereon, or both. 16204

(J) "Agricultural tractor" means every self-propelling 16205
vehicle designed or used for drawing other vehicles or wheeled 16206

machinery but having no provision for carrying loads independently 16207
of such other vehicles, and used principally for agricultural 16208
purposes. 16209

(K) "Truck" means every motor vehicle, except trailers and 16210
semitrailers, designed and used to carry property. 16211

(L) "Bus" means every motor vehicle designed for carrying 16212
more than nine passengers and used for the transportation of 16213
persons other than in a ridesharing arrangement, and every motor 16214
vehicle, automobile for hire, or funeral car, other than a taxicab 16215
or motor vehicle used in a ridesharing arrangement, designed and 16216
used for the transportation of persons for compensation. 16217

(M) "Trailer" means every vehicle designed or used for 16218
carrying persons or property wholly on its own structure and for 16219
being drawn by a motor vehicle, including any such vehicle when 16220
formed by or operated as a combination of a "semitrailer" and a 16221
vehicle of the dolly type, such as that commonly known as a 16222
"trailer dolly," a vehicle used to transport agricultural produce 16223
or agricultural production materials between a local place of 16224
storage or supply and the farm when drawn or towed on a street or 16225
highway at a speed greater than twenty-five miles per hour, and a 16226
vehicle designed and used exclusively to transport a boat between 16227
a place of storage and a marina, or in and around a marina, when 16228
drawn or towed on a street or highway for a distance of more than 16229
ten miles or at a speed of more than twenty-five miles per hour. 16230

(N) "Semitrailer" means every vehicle designed or used for 16231
carrying persons or property with another and separate motor 16232
vehicle so that in operation a part of its own weight or that of 16233
its load, or both, rests upon and is carried by another vehicle. 16234

(O) "Pole trailer" means every trailer or semitrailer 16235
attached to the towing vehicle by means of a reach, pole, or by 16236
being boomed or otherwise secured to the towing vehicle, and 16237

ordinarily used for transporting long or irregular shaped loads 16238
such as poles, pipes, or structural members capable, generally, of 16239
sustaining themselves as beams between the supporting connections. 16240

(P) "Railroad" means a carrier of persons or property 16241
operating upon rails placed principally on a private right-of-way. 16242

(Q) "Railroad train" means a steam engine or an electric or 16243
other motor, with or without cars coupled thereto, operated by a 16244
railroad. 16245

(R) "Streetcar" means a car, other than a railroad train, for 16246
transporting persons or property, operated upon rails principally 16247
within a street or highway. 16248

(S) "Trackless trolley" means every car that collects its 16249
power from overhead electric trolley wires and that is not 16250
operated upon rails or tracks. 16251

(T) "Explosives" means any chemical compound or mechanical 16252
mixture that is intended for the purpose of producing an explosion 16253
that contains any oxidizing and combustible units or other 16254
ingredients in such proportions, quantities, or packing that an 16255
ignition by fire, by friction, by concussion, by percussion, or by 16256
a detonator of any part of the compound or mixture may cause such 16257
a sudden generation of highly heated gases that the resultant 16258
gaseous pressures are capable of producing destructive effects on 16259
contiguous objects, or of destroying life or limb. Manufactured 16260
articles shall not be held to be explosives when the individual 16261
units contain explosives in such limited quantities, of such 16262
nature, or in such packing, that it is impossible to procure a 16263
simultaneous or a destructive explosion of such units, to the 16264
injury of life, limb, or property by fire, by friction, by 16265
concussion, by percussion, or by a detonator, such as fixed 16266
ammunition for small arms, firecrackers, or safety fuse matches. 16267

(U) "Flammable liquid" means any liquid that has a flash 16268

point of seventy degrees fahrenheit, or less, as determined by a 16269
tagliabue or equivalent closed cup test device. 16270

(V) "Gross weight" means the weight of a vehicle plus the 16271
weight of any load thereon. 16272

(W) "Person" means every natural person, firm, 16273
co-partnership, association, or corporation. 16274

(X) "Pedestrian" means any natural person afoot. 16275

(Y) "Driver or operator" means every person who drives or is 16276
in actual physical control of a vehicle, trackless trolley, or 16277
streetcar. 16278

(Z) "Police officer" means every officer authorized to direct 16279
or regulate traffic, or to make arrests for violations of traffic 16280
regulations. 16281

(AA) "Local authorities" means every county, municipal, and 16282
other local board or body having authority to adopt police 16283
regulations under the constitution and laws of this state. 16284

(BB) "Street" or "highway" means the entire width between the 16285
boundary lines of every way open to the use of the public as a 16286
thoroughfare for purposes of vehicular travel. 16287

(CC) "Controlled-access highway" means every street or 16288
highway in respect to which owners or occupants of abutting lands 16289
and other persons have no legal right of access to or from the 16290
same except at such points only and in such manner as may be 16291
determined by the public authority having jurisdiction over such 16292
street or highway. 16293

(DD) "Private road or driveway" means every way or place in 16294
private ownership used for vehicular travel by the owner and those 16295
having express or implied permission from the owner but not by 16296
other persons. 16297

(EE) "Roadway" means that portion of a highway improved, 16298

designed, or ordinarily used for vehicular travel, except the berm 16299
or shoulder. If a highway includes two or more separate roadways 16300
the term "roadway" means any such roadway separately but not all 16301
such roadways collectively. 16302

(FF) "Sidewalk" means that portion of a street between the 16303
curb lines, or the lateral lines of a roadway, and the adjacent 16304
property lines, intended for the use of pedestrians. 16305

(GG) "Laned highway" means a highway the roadway of which is 16306
divided into two or more clearly marked lanes for vehicular 16307
traffic. 16308

(HH) "Through highway" means every street or highway as 16309
provided in section 4511.65 of the Revised Code. 16310

(II) "State highway" means a highway under the jurisdiction 16311
of the department of transportation, outside the limits of 16312
municipal corporations, provided that the authority conferred upon 16313
the director of transportation in section 5511.01 of the Revised 16314
Code to erect state highway route markers and signs directing 16315
traffic shall not be modified by sections 4511.01 to 4511.79 and 16316
4511.99 of the Revised Code. 16317

(JJ) "State route" means every highway that is designated 16318
with an official state route number and so marked. 16319

(KK) "Intersection" means: 16320

(1) The area embraced within the prolongation or connection 16321
of the lateral curb lines, or, if none, the lateral boundary lines 16322
of the roadways of two highways that join one another at, or 16323
approximately at, right angles, or the area within which vehicles 16324
traveling upon different highways that join at any other angle 16325
might come into conflict. The junction of an alley or driveway 16326
with a roadway or highway does not constitute an intersection 16327
unless the roadway or highway at the junction is controlled by a 16328
traffic control device. 16329

(2) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (KK)(2) of this section:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities

have placed signs indicating no crossing. 16360

(MM) "Safety zone" means the area or space officially set 16361
apart within a roadway for the exclusive use of pedestrians and 16362
protected or marked or indicated by adequate signs as to be 16363
plainly visible at all times. 16364

(NN) "Business district" means the territory fronting upon a 16365
street or highway, including the street or highway, between 16366
successive intersections within municipal corporations where fifty 16367
per cent or more of the frontage between such successive 16368
intersections is occupied by buildings in use for business, or 16369
within or outside municipal corporations where fifty per cent or 16370
more of the frontage for a distance of three hundred feet or more 16371
is occupied by buildings in use for business, and the character of 16372
such territory is indicated by official traffic control devices. 16373

(OO) "Residence district" means the territory, not comprising 16374
a business district, fronting on a street or highway, including 16375
the street or highway, where, for a distance of three hundred feet 16376
or more, the frontage is improved with residences or residences 16377
and buildings in use for business. 16378

(PP) "Urban district" means the territory contiguous to and 16379
including any street or highway which is built up with structures 16380
devoted to business, industry, or dwelling houses situated at 16381
intervals of less than one hundred feet for a distance of a 16382
quarter of a mile or more, and the character of such territory is 16383
indicated by official traffic control devices. 16384

(QQ) "Traffic control device" means a flagger, sign, signal, 16385
marking, or other device used to regulate, warn, or guide traffic, 16386
placed on, over, or adjacent to a street, highway, private road 16387
open to public travel, pedestrian facility, or shared-use path by 16388
authority of a public agency or official having jurisdiction, or, 16389
in the case of a private road open to public travel, by authority 16390

of the private owner or private official having jurisdiction. 16391

(RR) "Traffic control signal" means any highway traffic 16392
signal by which traffic is alternately directed to stop and 16393
permitted to proceed. 16394

(SS) "Railroad sign or signal" means any sign, signal, or 16395
device erected by authority of a public body or official or by a 16396
railroad and intended to give notice of the presence of railroad 16397
tracks or the approach of a railroad train. 16398

(TT) "Traffic" means pedestrians, ridden or herded animals, 16399
vehicles, streetcars, trackless trolleys, and other devices, 16400
either singly or together, while using for purposes of travel any 16401
highway or private road open to public travel. 16402

(UU) "Right-of-way" means either of the following, as the 16403
context requires: 16404

(1) The right of a vehicle, streetcar, trackless trolley, or 16405
pedestrian to proceed uninterruptedly in a lawful manner in the 16406
direction in which it or the individual is moving in preference to 16407
another vehicle, streetcar, trackless trolley, or pedestrian 16408
approaching from a different direction into its or the 16409
individual's path; 16410

(2) A general term denoting land, property, or the interest 16411
therein, usually in the configuration of a strip, acquired for or 16412
devoted to transportation purposes. When used in this context, 16413
right-of-way includes the roadway, shoulders or berm, ditch, and 16414
slopes extending to the right-of-way limits under the control of 16415
the state or local authority. 16416

(VV) "Rural mail delivery vehicle" means every vehicle used 16417
to deliver United States mail on a rural mail delivery route. 16418

(WW) "Funeral escort vehicle" means any motor vehicle, 16419
including a funeral hearse, while used to facilitate the movement 16420

of a funeral procession. 16421

(XX) "Alley" means a street or highway intended to provide 16422
access to the rear or side of lots or buildings in urban districts 16423
and not intended for the purpose of through vehicular traffic, and 16424
includes any street or highway that has been declared an "alley" 16425
by the legislative authority of the municipal corporation in which 16426
such street or highway is located. 16427

(YY) "Freeway" means a divided multi-lane highway for through 16428
traffic with all crossroads separated in grade and with full 16429
control of access. 16430

(ZZ) "Expressway" means a divided arterial highway for 16431
through traffic with full or partial control of access with an 16432
excess of fifty per cent of all crossroads separated in grade. 16433

(AAA) "Thruway" means a through highway whose entire roadway 16434
is reserved for through traffic and on which roadway parking is 16435
prohibited. 16436

(BBB) "Stop intersection" means any intersection at one or 16437
more entrances of which stop signs are erected. 16438

(CCC) "Arterial street" means any United States or state 16439
numbered route, controlled access highway, or other major radial 16440
or circumferential street or highway designated by local 16441
authorities within their respective jurisdictions as part of a 16442
major arterial system of streets or highways. 16443

(DDD) "Ridesharing arrangement" means the transportation of 16444
persons in a motor vehicle where such transportation is incidental 16445
to another purpose of a volunteer driver and includes ridesharing 16446
arrangements known as carpools, vanpools, and buspools. 16447

(EEE) "Motorized wheelchair" means any self-propelled vehicle 16448
designed for, and used by, a handicapped person and that is 16449
incapable of a speed in excess of eight miles per hour. 16450

(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 16451
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes. 16454
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(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley. 16460
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(III) "Predicate motor vehicle or traffic offense" means any of the following: 16462
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(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 16464
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(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code; 16476
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16478

(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated; 16479
16480
16481

(4) A violation of a municipal ordinance that is 16482
substantially similar to any section or provision set forth or 16483
described in division (III)(1), (2), or (3) of this section. 16484

(JJJ) "Road service vehicle" means wreckers, utility repair 16485
vehicles, and state, county, and municipal service vehicles 16486
equipped with visual signals by means of flashing, rotating, or 16487
oscillating lights. 16488

(KKK) "Beacon" means a highway traffic signal with one or 16489
more signal sections that operate in a flashing mode. 16490

(LLL) "Hybrid beacon" means a type of beacon that is 16491
intentionally placed in a dark mode between periods of operation 16492
where no indications are displayed and, when in operation, 16493
displays both steady and flashing traffic control signal 16494
indications. 16495

(MMM) "Highway traffic signal" means a power-operated traffic 16496
control device by which traffic is warned or directed to take some 16497
specific action. "Highway traffic signal" does not include a 16498
power-operated sign, steadily illuminated pavement marker, warning 16499
light, or steady burning electric lamp. 16500

(NNN) "Median" means the area between two roadways of a 16501
divided highway, measured from edge of traveled way to edge of 16502
traveled way, but excluding turn lanes. The width of a median may 16503
be different between intersections, between interchanges, and at 16504
opposite approaches of the same intersection. 16505

(OOO) "Private road open to public travel" means a private 16506
toll road or road, including any adjacent sidewalks that generally 16507
run parallel to the road, within a shopping center, airport, 16508
sports arena, or other similar business or recreation facility 16509
that is privately owned but where the public is allowed to travel 16510
without access restrictions. "Private road open to public travel" 16511
includes a gated toll road but does not include a road within a 16512

private gated property where access is restricted at all times, a 16513
parking area, a driving aisle within a parking area, or a private 16514
grade crossing. 16515

(PPP) "Shared-use path" means a bikeway outside the traveled 16516
way and physically separated from motorized vehicular traffic by 16517
an open space or barrier and either within the highway 16518
right-of-way or within an independent alignment. A shared-use path 16519
also may be used by pedestrians, including skaters, joggers, users 16520
of manual and motorized wheelchairs, and other authorized 16521
motorized and non-motorized users. 16522

Section 110.11. That the existing versions of sections 16523
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised 16524
Code that are scheduled to take effect January 1, 2017, are hereby 16525
repealed. 16526

Section 110.12. Sections 110.10 and 110.11 of this act take 16527
effect January 1, 2017. 16528

Section 201.10. Except as otherwise provided in this act, all 16529
appropriation items in this act are appropriated out of any moneys 16530
in the state treasury to the credit of the designated fund that 16531
are not otherwise appropriated. For all appropriations made in 16532
this act, the amounts in the first column are for fiscal year 2014 16533
and the amounts in the second column are for fiscal year 2015. 16534
16535

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 16536

FUND	TITLE	FY 2014	FY 2015	
Highway Operating Fund Group				16538
2120 772426	Highway	\$ 5,000,000	\$ 5,000,000	16539
	Infrastructure Bank -			

		Federal					
2120	772427	Highway	\$	10,350,000	\$	10,350,000	16540
		Infrastructure Bank -					
		State					
2120	772430	Infrastructure Debt	\$	525,000	\$	525,000	16541
		Reserve Title 23-49					
2130	772431	Roadway	\$	2,475,000	\$	2,475,000	16542
		Infrastructure Bank -					
		State					
2130	772433	Infrastructure Debt	\$	650,000	\$	650,000	16543
		Reserve - State					
2130	777477	Aviation	\$	1,000,000	\$	1,000,000	16544
		Infrastructure Bank -					
		State					
7002	771411	Planning and Research	\$	21,144,581	\$	21,738,277	16545
		- State					
7002	771412	Planning and Research	\$	28,835,906	\$	28,959,514	16546
		- Federal					
7002	772421	Highway Construction	\$	583,246,763	\$	585,240,020	16547
		- State					
7002	772422	Highway Construction	\$	1,065,253,182	\$	1,063,145,274	16548
		- Federal					
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000	16549
		- Other					
7002	772425	Highway Construction	\$	200,000,000	\$	300,000,000	16550
		- Turnpike					
7002	772437	GARVEE Debt Service -	\$	31,139,500	\$	31,635,300	16551
		State					
7002	772438	GARVEE Debt Service -	\$	136,039,500	\$	138,027,800	16552
		Federal					
7002	773431	Highway Maintenance -	\$	477,665,521	\$	490,006,152	16553
		State					
7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748	16554

	- Federal					
7002 775454	Public Transportation	\$ 1,500,000	\$ 1,500,000		16555	
	- Other					
7002 775459	Elderly and Disabled Special Equipment	\$ 4,730,000	\$ 4,730,000		16556	
7002 776462	Grade Crossings - Federal	\$ 14,136,500	\$ 14,129,500		16557	
7002 776669	Grade Crossings - Maintenance	\$ 7,500,000	\$ 7,500,000		16558	
7002 777472	Airport Improvements - Federal	\$ 405,000	\$ 405,000		16559	
7002 777475	Aviation Administration	\$ 4,875,000	\$ 4,935,000		16560	
7002 779491	Administration - State	\$ 91,218,054	\$ 92,543,982		16561	
TOTAL HOF Highway Operating Fund Group				\$ 2,795,280,255	\$ 2,912,086,567	16562 16563
State Special Revenue Fund Group						16564
4N40 776664	Rail Transportation - Other	\$ 2,875,800	\$ 2,875,800		16565	
5W90 777615	County Airport Maintenance	\$ 620,000	\$ 620,000		16566	
TOTAL SSR State Special Revenue Fund Group				\$ 3,495,800	\$ 3,495,800	16567 16568
Infrastructure Bank Obligations Fund Group						16569
7045 772428	Highway Infrastructure Bank - Bonds	\$ 96,092,215	\$ 97,000,000		16570	
TOTAL 045 Infrastructure Bank Obligations Fund Group				\$ 96,092,215	\$ 97,000,000	16571 16572
Highway Capital Improvement Fund Group						16573
7042 772723	Highway Construction	\$ 100,294,652	\$ 119,617,631		16574	

- Bonds

TOTAL 042 Highway Capital			16575
Improvement Fund Group	\$ 100,294,652	\$ 119,617,631	16576
TOTAL ALL BUDGET FUND GROUPS	\$ 2,995,162,922	\$ 3,132,199,998	16577

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 16579

Of the foregoing appropriation item 772421, Highway 16580
Construction - State, \$5,000,000 shall be used in each fiscal year 16581
for the construction, reconstruction, or maintenance of public 16582
access roads, including support features, to and within state 16583
facilities owned or operated by the Department of Natural 16584
Resources. 16585

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 16586
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 16587

Notwithstanding section 5511.06 of the Revised Code, of the 16588
foregoing appropriation item 772421, Highway Construction - State, 16589
\$2,228,000 in each fiscal year shall be used for the construction, 16590
reconstruction, or maintenance of park drives or park roads within 16591
the boundaries of metropolitan parks. 16592

The Department of Transportation may use the foregoing 16593
appropriation item 772421, Highway Construction - State, to 16594
perform related road work on behalf of the Ohio Expositions 16595
Commission at the state fairgrounds, including reconstruction or 16596
maintenance of public access roads and support features to and 16597
within fairgrounds facilities, as requested by the Commission and 16598
approved by the Director of Transportation. 16599

The Department of Transportation may use the foregoing 16600
appropriation item 772421, Highway Construction - State, to 16601
perform related road work on behalf of the Ohio Historical 16602
Society, including reconstruction or maintenance of public access 16603
roads and support features to and within Historical Society 16604

facilities, as requested by the Society and approved by the 16605
Director of Transportation. 16606

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 16607

(A) Notwithstanding section 5540.151 of the Revised Code, of 16608
the foregoing appropriation item 772421, Highway Construction - 16609
State, \$3,500,000 in each fiscal year shall be made available for 16610
distribution by the Director of Transportation to Transportation 16611
Improvement Districts that have facilitated funding for the cost 16612
of a project or projects in conjunction with and through other 16613
governmental agencies. 16614

(B) A Transportation Improvement District shall submit 16615
requests for project funding to the Ohio Department of 16616
Transportation not later than the first day of September in each 16617
fiscal year. The Ohio Department of Transportation shall notify 16618
the Transportation Improvement District whether the Department has 16619
approved or disapproved the project funding request within 90 days 16620
after the day the request was submitted by the Transportation 16621
Improvement District. 16622

(C) Any funding provided to a Transportation Improvement 16623
District specified in this section shall not be used for the 16624
purposes of administrative costs or administrative staffing and 16625
must be used to fund a specific project or projects within that 16626
District's area. The total amount of a specific project's cost 16627
shall not be fully funded by the amount of funds provided under 16628
this section. The total amount of funding provided for each 16629
project is limited to 10% of total project costs or \$250,000 per 16630
fiscal year, whichever is greater. Transportation Improvement 16631
Districts that are co-sponsoring a specific project may 16632
individually apply for up to \$250,000 for that project. However, 16633
not more than 10% of a project's total costs per biennium shall be 16634
funded through moneys provided under this section. 16635

(D) Funds provided under this section may be used for 16636
preliminary engineering, detailed design, right-of-way 16637
acquisition, and construction of the specific project and such 16638
other project costs that are defined in section 5540.01 of the 16639
Revised Code and approved by the Director of Transportation. Upon 16640
receipt of a copy of an invoice for work performed on the specific 16641
project, the Director of Transportation shall reimburse a 16642
Transportation Improvement District for the expenditures described 16643
above, subject to the requirements of this section. 16644

(E) Any Transportation Improvement District that is 16645
requesting funds under this section shall register with the 16646
Director of Transportation. The Director of Transportation shall 16647
register a Transportation Improvement District only if the 16648
district has a specific, eligible project and may cancel the 16649
registration of a Transportation Improvement District that is not 16650
eligible to receive funds under this section. The Director shall 16651
not provide funds to any Transportation Improvement District under 16652
this section if the district is not registered. The Director of 16653
Transportation shall not register a Transportation Improvement 16654
District and shall cancel the registration of a currently 16655
registered Transportation Improvement District unless at least one 16656
of the following applies: 16657

(1) The Transportation Improvement District, by a resolution 16658
or resolutions, designated a project or program of projects and 16659
facilitated, including in conjunction with and through other 16660
governmental agencies, funding for costs of a project or program 16661
of projects in an aggregate amount of not less than \$10,000,000 16662
within the eight-year period commencing January 1, 2005. 16663

(2) The Transportation Improvement District, by a resolution 16664
or resolutions, designated a project or program of projects and 16665
facilitated, including in conjunction with and through other 16666
governmental agencies, funding for costs of a project or program 16667

of projects in an aggregate amount of not less than \$15,000,000 16668
from the commencement date of the project or program of projects. 16669

(3) The Transportation Improvement District has designated, 16670
by a resolution or resolutions, a project or program of projects 16671
that has estimated aggregate costs in excess of \$10,000,000 and 16672
the County Engineer of the county in which the Transportation 16673
Improvement District is located has attested by a sworn affidavit 16674
that the costs of the project or program of projects exceeds 16675
\$10,000,000 and that the Transportation Improvement District is 16676
facilitating a portion of funding for that project or program of 16677
projects. 16678

(F) For purposes of this section: 16679

(1) "Project" shall have the same meaning as in division (D) 16680
of section 5540.01 of the Revised Code. 16681

(2) "Governmental agency" shall have the same meaning as in 16682
division (B) of section 5540.01 of the Revised Code. 16683

(3) "Cost" shall have the same meaning as in division (C) of 16684
section 5540.01 of the Revised Code. 16685

Section 203.40.10. GRADE CROSSINGS - MAINTENANCE 16686

The foregoing appropriation item 776669, Grade Crossings - 16687
Maintenance, shall be used for the maintenance of at-grade 16688
railroad highway crossings. Funds shall be used to reimburse 16689
operating railroads for grade crossing maintenance expenses in 16690
proportion to their share of at-grade railroad highway crossings 16691
in Ohio based on the Railroad Information System maintained by the 16692
Public Utilities Commission. 16693

Section 203.50. ISSUANCE OF BONDS 16694

The Treasurer of State, upon the request of the Director of 16695
Transportation, is authorized to issue and sell, in accordance 16696

with Section 2m of Article VIII, Ohio Constitution, and Chapter 16697
151. and particularly sections 151.01 and 151.06 of the Revised 16698
Code, obligations, including bonds and notes, in the aggregate 16699
amount of \$220,000,000 in addition to the original issuance of 16700
obligations authorized by prior acts of the General Assembly. 16701

The obligations shall be issued and sold from time to time in 16702
amounts necessary to provide sufficient moneys to the credit of 16703
the Highway Capital Improvement Fund (Fund 7042) created by 16704
section 5528.53 of the Revised Code to pay costs charged to the 16705
fund when due as estimated by the Director of Transportation, 16706
provided, however, that such obligations shall be issued and sold 16707
at such time or times so that not more than \$220,000,000 original 16708
principal amount of obligations, plus the principal amount of 16709
obligations that in prior fiscal years could have been, but were 16710
not, issued within the \$220,000,000 limit, may be issued in any 16711
fiscal year, and not more than \$1,200,000,000 original principal 16712
amount of such obligations are outstanding at any one time. 16713

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 16714
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 16715
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 16716
ADMINISTRATION 16717

The Director of Budget and Management may approve requests 16718
from the Director of Transportation for transfer of Highway 16719
Operating Fund (Fund 7002) appropriations for planning and 16720
research (appropriation items 771411 and 771412), highway 16721
construction and debt service (appropriation items 772421, 772422, 16722
772424, 772425, 772437, and 772438), highway maintenance 16723
(appropriation item 773431), public transportation - federal 16724
(appropriation item 775452), elderly and disabled special 16725
equipment (appropriation item 775459), rail grade crossings 16726
(appropriation item 776462), aviation (appropriation item 777475), 16727

and administration (appropriation item 779491). The Director of 16728
Budget and Management may not make transfers out of debt service 16729
appropriation items unless the Director determines that the 16730
appropriated amounts exceed the actual and projected debt service 16731
requirements. Transfers of appropriations may be made upon the 16732
written request of the Director of Transportation and with the 16733
approval of the Director of Budget and Management. The transfers 16734
shall be reported to the Controlling Board at the next regularly 16735
scheduled meeting of the board. 16736

This transfer authority is intended to provide for emergency 16737
situations and flexibility to meet unforeseen conditions that 16738
could arise during the budget period. It also is intended to allow 16739
the department to optimize the use of available resources and 16740
adjust to circumstances affecting the obligation and expenditure 16741
of federal funds. 16742

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 16743
AVIATION, AND RAIL AND LOCAL TRANSIT 16744

The Director of Budget and Management may approve written 16745
requests from the Director of Transportation for the transfer of 16746
appropriations between appropriation items 772422, Highway 16747
Construction - Federal, 775452, Public Transportation - Federal, 16748
775454, Public Transportation - Other, 775459, Elderly and 16749
Disabled Special Equipment, 776475, Federal Rail Administration, 16750
and 777472, Airport Improvements - Federal. The transfers shall be 16751
reported to the Controlling Board at its next regularly scheduled 16752
meeting. 16753

TRANSFER OF APPROPRIATIONS - ARRA 16754

The Director of Budget and Management may approve written 16755
requests from the Director of Transportation for the transfer of 16756
appropriations between appropriation items 771412, Planning and 16757
Research - Federal, 772422, Highway Construction - Federal, 16758

772424, Highway Construction - Other, 775452, Public 16759
Transportation - Federal, 776462, Grade Crossing - Federal, and 16760
777472, Airport Improvements - Federal, based upon the 16761
requirements of the American Recovery and Reinvestment Act of 2009 16762
that apply to the money appropriated. The transfers shall be 16763
reported to the Controlling Board at its next regularly scheduled 16764
meeting. 16765

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 16766
BANK 16767

The Director of Budget and Management may approve requests 16768
from the Director of Transportation for transfer of appropriations 16769
and cash of the Infrastructure Bank funds created in section 16770
5531.09 of the Revised Code, including transfers between fiscal 16771
years 2014 and 2015. The transfers shall be reported to the 16772
Controlling Board at its next regularly scheduled meeting. 16773

The Director of Budget and Management may approve requests 16774
from the Director of Transportation for transfer of appropriations 16775
and cash from the Highway Operating Fund (Fund 7002) to the 16776
Infrastructure Bank funds created in section 5531.09 of the 16777
Revised Code. The Director of Budget and Management may transfer 16778
from the Infrastructure Bank funds to the Highway Operating Fund 16779
up to the amounts originally transferred to the Infrastructure 16780
Bank funds under this section. However, the Director may not make 16781
transfers between modes or transfers between different funding 16782
sources. The transfers shall be reported to the Controlling Board 16783
at its next regularly scheduled meeting. 16784

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 16785

The Director of Budget and Management may approve requests 16786
from the Director of Transportation for transfer of appropriations 16787
and cash of the Ohio Toll Fund and any subaccounts created in 16788
section 5531.14 of the Revised Code, including transfers between 16789

fiscal years 2014 and 2015. The transfers shall be reported to the 16790
Controlling Board at its next regularly scheduled meeting. 16791

INCREASING APPROPRIATIONS: STATE FUNDS 16792

In the event that receipts or unexpended balances credited to 16793
the Highway Operating Fund (Fund 7002) exceed the estimates upon 16794
which the appropriations have been made in this act, upon the 16795
request of the Director of Transportation, the Controlling Board 16796
may increase those appropriations in the manner prescribed in 16797
section 131.35 of the Revised Code. 16798

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 16799

In the event that receipts or unexpended balances credited to 16800
the Highway Operating Fund (Fund 7002) or apportionments or 16801
allocations made available from the federal and local government 16802
exceed the estimates upon which the appropriations have been made 16803
in this act, upon the request of the Director of Transportation, 16804
the Controlling Board may increase those appropriations in the 16805
manner prescribed in section 131.35 of the Revised Code. 16806

REAPPROPRIATIONS 16807

In each fiscal year of the biennium ending June 30, 2015, the 16808
Director of Transportation may request that the Director of Budget 16809
and Management transfer any remaining unencumbered balances of 16810
prior years' appropriations to the Highway Operating Fund (Fund 16811
7002), the Highway Capital Improvement Fund (Fund 7042), and the 16812
Infrastructure Bank funds created in section 5531.09 of the 16813
Revised Code for the same purpose in the following fiscal year. In 16814
the request, the Director of Transportation shall identify the 16815
appropriate fund and appropriation item of the transfer, the 16816
requested transfer amount. The Director of Budget and Management 16817
may request additional information necessary for evaluating the 16818
transfer request, and the Director of Transportation shall provide 16819
the requested information to the Director of Budget and 16820

Management. Based on the information provided by the Director of 16821
Transportation, the Director of Budget and Management shall 16822
determine the amount to be transferred by fund and appropriation 16823
item, and those amounts are hereby reappropriated. The Director of 16824
Transportation shall report the reappropriations to the 16825
Controlling Board. 16826

Any balances of prior years' unencumbered appropriations to 16827
the Highway Operating Fund (Fund 7002), the Highway Capital 16828
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 16829
created in section 5531.09 of the Revised Code for which the 16830
Director of Transportation requests reappropriations, and for 16831
which reappropriations are approved by the Director of Budget and 16832
Management, are subject to the availability of revenue as 16833
determined by the Director of Transportation. 16834

LIQUIDATION OF UNFORESEEN LIABILITIES 16835

Any appropriation made from the Highway Operating Fund (Fund 16836
7002) not otherwise restricted by law is available to liquidate 16837
unforeseen liabilities arising from contractual agreements of 16838
prior years when the prior year encumbrance is insufficient. 16839

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 16840

The Director of Transportation may remove snow and ice and 16841
maintain, repair, improve, or provide lighting upon interstate 16842
highways that are located within the boundaries of municipal 16843
corporations, adequate to meet the requirements of federal law. 16844
When agreed in writing by the Director of Transportation and the 16845
legislative authority of a municipal corporation and 16846
notwithstanding sections 125.01 and 125.11 of the Revised Code, 16847
the Department of Transportation may reimburse a municipal 16848
corporation for all or any part of the costs, as provided by such 16849
agreement, incurred by the municipal corporation in maintaining, 16850
repairing, lighting, and removing snow and ice from the interstate 16851

system. 16852

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 16853

The Director of Transportation may use revenues from the 16854
state motor vehicle fuel tax to match approved federal grants 16855
awarded to the Department of Transportation, regional transit 16856
authorities, or eligible public transportation systems, for public 16857
transportation highway purposes, or to support local or state 16858
funded projects for public transportation highway purposes. Public 16859
transportation highway purposes include: the construction or 16860
repair of high-occupancy vehicle traffic lanes, the acquisition or 16861
construction of park-and-ride facilities, the acquisition or 16862
construction of public transportation vehicle loops, the 16863
construction or repair of bridges used by public transportation 16864
vehicles or that are the responsibility of a regional transit 16865
authority or other public transportation system, or other similar 16866
construction that is designated as an eligible public 16867
transportation highway purpose. Motor vehicle fuel tax revenues 16868
may not be used for operating assistance or for the purchase of 16869
vehicles, equipment, or maintenance facilities. 16870

Section 203.90. The federal payments made to the state for 16871
highway infrastructure or for transit agencies under Title XII of 16872
Division A of the American Recovery and Reinvestment Act of 2009 16873
shall be deposited to the credit of the Highway Operating Fund 16874
(Fund 7002), which is created in section 5735.291 of the Revised 16875
Code. 16876

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 16877

State Highway Safety Fund Group 16878

4W40 762321 Operating Expense - \$ 127,409,268 \$ 127,268,957 16879

BMV

5V10	762682	License Plate Contribution	\$	2,100,000	\$	2,100,000	16880
7036	761321	Operating Expense - Information and Education	\$	6,805,066	\$	6,749,331	16881
7036	761401	Lease Rental Payments	\$	2,472,300	\$	2,473,100	16882
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	16883
7036	764321	Operating Expense - Highway Patrol	\$	268,232,602	\$	270,232,602	16884
7036	764605	Motor Carrier Enforcement Expenses	\$	2,860,000	\$	2,860,000	16885
8300	761603	Salvage and Exchange - Administration	\$	20,053	\$	20,053	16886
8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	16887
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	16888
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	16889
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	16890
8310	765610	EMS - Federal	\$	225,000	\$	225,000	16891
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	16892
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	16893
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	16894
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	16895
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	16896
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	16897
83F0	764657	Law Enforcement	\$	8,500,000	\$	8,500,000	16898

		Automated Data System					
83G0	764633	OMVI	\$	641,927	\$	641,927	16899
		Enforcement/Education					
83J0	764693	Highway Patrol Justice	\$	2,100,000	\$	2,100,000	16900
		Contraband					
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	16901
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	16902
83R0	762639	Local Immobilization	\$	450,000	\$	450,000	16903
		Reimbursement					
83T0	764694	Highway Patrol	\$	21,000	\$	21,000	16904
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	16905
8400	764617	Security and	\$	8,793,865	\$	9,514,236	16906
		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	16907
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	16908
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	16909
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	16910
		Education					
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293	16911
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	512,050,460	\$	514,034,364	16912
		Group					
		General Services Fund Group					16913
4P60	768601	Justice Program	\$	900,000	\$	875,000	16914
		Services					
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	16915
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	16916
		Services Law					
		Enforcement Support					

TOTAL GSF General Services Fund	\$	6,290,946	\$	6,265,946	16917
Group					
Federal Special Revenue Fund Group					16918
3290 763645 Federal Mitigation	\$	10,413,642	\$	10,413,642	16919
Program					
3370 763609 Federal Disaster	\$	27,707,636	\$	27,707,636	16920
Relief					
3390 763647 Emergency Management	\$	70,934,765	\$	70,934,765	16921
Assistance and					
Training					
3CE0 768611 Justice Assistance	\$	400,000	\$	100,000	16922
Grants - FFY09					
3DE0 768612 Federal Stimulus -	\$	1,000,000	\$	300,000	16923
Justice Assistance					
Grants					
3DU0 762628 BMV Grants	\$	1,350,000	\$	1,325,000	16924
3EU0 768614 Justice Assistance	\$	830,000	\$	500,000	16925
Grants - FFY10					
3FK0 768615 Justice Assistance	\$	900,000	\$	900,000	16926
Grants - FFY11					
3FP0 767620 Ohio Investigative	\$	55,000	\$	55,000	16927
Unit Justice					
Contraband					
3FY0 768616 Justice Assistance	\$	2,200,000	\$	1,500,000	16928
Grants - FFY12					
3FZ0 768617 Justice Assistance	\$	7,000,000	\$	2,000,000	16929
Grants - FFY13					
3GA0 768618 Justice Assistance	\$	0	\$	7,500,000	16930
Grants - FFY14					
3L50 768604 Justice Program	\$	10,500,000	\$	10,500,000	16931
3N50 763644 U.S. Department of	\$	31,672	\$	31,672	16932
Energy Agreement					
TOTAL FED Federal Special Revenue	\$	133,322,715	\$	133,767,715	16933

Fund Group

		State Special Revenue Fund Group					16934
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	16935
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000	16936
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	16937
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	16938
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	16939
5BP0	764609	DPS Wireless 911 Administration	\$	290,000	\$	290,000	16940
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000	16941
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	16942
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	16943
5FL0	769634	Investigations	\$	899,300	\$	899,300	16944
5ML0	769635	Infrastructure Protection	\$	400,000	\$	400,000	16945
6220	767615	Investigative Contraband and Forfeiture	\$	325,000	\$	325,000	16946
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	16947
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	16948
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	16949

TOTAL SSR State Special Revenue	\$	15,049,767	\$	15,039,767	16950
Fund Group					
Agency Fund Group					16951
5J90 761678 Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	16952
TOTAL AGY Agency Fund Group	\$	1,500,000	\$	1,500,000	16953
Holding Account Redistribution Fund Group					16954
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000	16955
Vehicle Receipts					
R052 762623 Security Deposits	\$	350,000	\$	350,000	16956
TOTAL 090 Holding Account	\$	2,235,000	\$	2,235,000	16957
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	670,158,888	\$	672,552,792	16958
MOTOR VEHICLE REGISTRATION					16959
The Registrar of Motor Vehicles may deposit revenues to meet					16960
the cash needs of the State Bureau of Motor Vehicles Fund (Fund					16961
4W40) established in section 4501.25 of the Revised Code, obtained					16962
under sections 4503.02 and 4504.02 of the Revised Code, less all					16963
other available cash. Revenue deposited pursuant to this paragraph					16964
shall support, in part, appropriations for operating expenses and					16965
defray the cost of manufacturing and distributing license plates					16966
and license plate stickers and enforcing the law relative to the					16967
operation and registration of motor vehicles. Notwithstanding					16968
section 4501.03 of the Revised Code, the revenues shall be paid					16969
into Fund 4W40 before any revenues obtained pursuant to sections					16970
4503.02 and 4504.02 of the Revised Code are paid into any other					16971
fund. The deposit of revenues to meet the aforementioned cash					16972
needs shall be in approximately equal amounts on a monthly basis					16973
or as otherwise determined by the Director of Budget and					16974
Management pursuant to a plan submitted by the Registrar of Motor					16975
Vehicles.					16976
OPERATING EXPENSE - BMV					16977

Of the foregoing appropriation item 762321, Operating Expense 16978
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 16979
costs associated with improvements to the program to accept 16980
applications for registration transactions of apportionable 16981
vehicles electronically over the internet. 16982

LEASE RENTAL PAYMENTS 16983

The foregoing appropriation item 761401, Lease Rental 16984
Payments, shall be used for payments to the Treasurer of State for 16985
the period July 1, 2013, through June 30, 2015, under the primary 16986
leases and agreements for public safety related buildings. The 16987
appropriations are the source of funds pledged for bond service 16988
charges on obligations pursuant to Chapters 152. and 154. of the 16989
Revised Code. 16990

CASH TRANSFERS BETWEEN FUNDS 16991

Notwithstanding any provision of law to the contrary, the 16992
Director of Budget and Management, upon the written request of the 16993
Director of Public Safety, may transfer cash between the following 16994
six funds: the Trauma and Emergency Medical Services Fund (Fund 16995
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 16996
Fund (Fund 5FL0), the Emergency Management Agency Service and 16997
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 16998
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 16999
4W40). 17000

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 17001
PLATE CONTRIBUTION FUND 17002

On July 1, 2013, or as soon as possible thereafter, the 17003
Director of Budget and Management may transfer the cash balance in 17004
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 17005
Contribution Fund (Fund 5V10). Upon completion of the transfer, 17006
Fund 5JS0 is hereby abolished. 17007

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 17008

STATE HIGHWAY SAFETY FUND 17009

Not later than January 1, 2014, the Director of Budget and 17010
Management may transfer the cash balance in the Hilltop Utility 17011
Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund 17012
(Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby 17013
abolished. The Director shall cancel any existing encumbrances 17014
against appropriation item 766661, Hilltop Utility Reimbursement, 17015
and reestablish them against appropriation item 761321, Operating 17016
Expense - Information and Education. The reestablished encumbrance 17017
amounts are hereby appropriated. 17018

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 17019
SAFETY FUND 17020

On July 1, 2013, or as soon as possible thereafter, the 17021
Director of Budget and Management shall transfer the cash balance 17022
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 17023
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 17024
Fund 8380 is abolished. 17025

STATE DISASTER RELIEF 17026

The State Disaster Relief Fund (Fund 5330) may accept 17027
transfers of cash and appropriations from Controlling Board 17028
appropriation items for Ohio Emergency Management Agency disaster 17029
response costs and disaster program management costs, and may also 17030
be used for the following purposes: 17031

(A) To accept transfers of cash and appropriations from 17032
Controlling Board appropriation items for Ohio Emergency 17033
Management Agency public assistance and mitigation program match 17034
costs to reimburse eligible local governments and private 17035
nonprofit organizations for costs related to disasters; 17036

(B) To accept and transfer cash to reimburse the costs 17037
associated with Emergency Management Assistance Compact (EMAC) 17038
deployments; 17039

(C) To accept disaster related reimbursement from federal, 17040
state, and local governments. The Director of Budget and 17041
Management may transfer cash from reimbursements received by this 17042
fund to other funds of the state from which transfers were 17043
originally approved by the Controlling Board. 17044

(D) To accept transfers of cash and appropriations from 17045
Controlling Board appropriation items to fund the State Disaster 17046
Relief Program, for disasters that qualify for the program by 17047
written authorization of the Governor, and the State Individual 17048
Assistance Program for disasters that have been declared by the 17049
federal Small Business Administration and that qualify for the 17050
program by written authorization of the Governor. The Ohio 17051
Emergency Management Agency shall publish and make available 17052
application packets outlining procedures for the State Disaster 17053
Relief Program and the State Individual Assistance Program. 17054

JUSTICE ASSISTANCE GRANT FUND 17055

The federal payments made to the state for the Byrne Justice 17056
Assistance Grants Program under Title II of Division A of the 17057
American Recovery and Reinvestment Act of 2009 shall be deposited 17058
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 17059
which is hereby created in the state treasury. All investment 17060
earnings of the fund shall be credited to the fund. 17061

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 17062
AGENCY SERVICE AND REIMBURSEMENT FUND 17063

On July 1 of each fiscal year, or as soon as possible 17064
thereafter, the Director of Budget and Management shall transfer 17065
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 17066
Emergency Management Agency Service and Reimbursement Fund (Fund 17067
4V30) to be distributed to the Ohio Task Force One - Urban Search 17068
and Rescue Unit, other similar urban search and rescue units 17069
around the state, and for the maintenance of the statewide fire 17070

emergency response plan by an entity recognized by the Ohio 17071
Emergency Management Agency. 17072

FAMILY VIOLENCE PREVENTION FUND 17073

Notwithstanding any provision of law to the contrary, in each 17074
of fiscal years 2014 and 2015, the first \$750,000 received to the 17075
credit of the Family Violence Prevention Fund (Fund 5BK0) is 17076
appropriated to appropriation item 768689, Family Violence Shelter 17077
Programs, and the next \$400,000 received to the credit of Fund 17078
5BK0 in each of those fiscal years is appropriated to 17079
appropriation item 768687, Criminal Justice Services - Operating. 17080
Any moneys received to the credit of Fund 5BK0 in excess of the 17081
aforementioned appropriated amounts in each fiscal year shall, 17082
upon the approval of the Controlling Board, be used to provide 17083
grants to family violence shelters in Ohio. 17084

SARA TITLE III HAZMAT PLANNING 17085

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 17086
entitled to receive grant funds from the Emergency Response 17087
Commission to implement the Emergency Management Agency's 17088
responsibilities under Chapter 3750. of the Revised Code. 17089

COLLECTIVE BARGAINING INCREASES 17090

Notwithstanding division (D) of section 127.14 and division 17091
(B) of section 131.35 of the Revised Code, except for the General 17092
Revenue Fund, the Controlling Board may, upon the request of 17093
either the Director of Budget and Management, or the Department of 17094
Public Safety with the approval of the Director of Budget and 17095
Management, authorize expenditures in excess of appropriations and 17096
transfer appropriations, as necessary, for any fund used by the 17097
Department of Public Safety, to assist in paying the costs of 17098
increases in employee compensation that have occurred pursuant to 17099
collective bargaining agreements under Chapter 4117. of the 17100
Revised Code and, for exempt employees, under section 124.152 of 17101

the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated.

CASH BALANCE FUND REVIEW

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

AUTO REGISTRATION DISTRIBUTION FUND

Notwithstanding the amendment by this act to section 4501.03 of the Revised Code and the enactment by this act of section 4501.031 of the Revised Code, any license tax assessed under Chapters 4503. or 4504. of the Revised Code, and derived from registrations processed on business days prior to July 1, 2013, shall be deposited to the state treasury to the credit of the Auto Registration Distribution Fund (Fund 7051) created by section 4501.03 of the Revised Code, even if such deposit does not occur until on or after July 1, 2013. All license tax assessed on registrations under Chapters 4503. or 4504. of the Revised Code prior to July 1, 2013, shall be deposited, and distributed, in accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 4501.043 of the Revised Code as they existed prior to the amendments to those sections by this act.

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY

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

Section 209.10. PWC PUBLIC WORKS COMMISSION				17163
Local Transportation Improvements Fund Group				17164
7052 150402 Local Transportation	\$	292,526	\$	296,555
Improvement Program -				17165
Operating				
7052 150701 Local Transportation	\$	52,000,000	\$	52,000,000
Improvement Program				17166
TOTAL 052 Local Transportation				17167
Improvements Fund Group	\$	52,292,526	\$	52,296,555
Local Infrastructure Improvements Fund Group				17169
7038 150321 State Capital	\$	902,579	\$	909,665
Improvements Program				17170
- Operating Expenses				
TOTAL LIF Local Infrastructure				17171
Improvements Fund Group	\$	902,579	\$	909,665
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$	53,206,220
PUBLIC WORKS OPERATING EXPENSES				17174
The forgoing appropriation item 150321, State Capital				17175
Improvements Program-Operating Expenses, shall be used by the Ohio				17176
Public Works Commission to administer the State Capital				17177
Improvement Program under sections 164.01 to 164.16 of the Revised				17178
Code.				17179
DISTRICT ADMINISTRATION COSTS				17180
The Director of the Public Works Commission is authorized to				17181
create a District Administration Costs Program from interest				17182
earnings of the Capital Improvements Fund and Local Transportation				17183
Improvement Program Fund proceeds. The program shall be used to				17184
provide for the direct costs of district administration of the				17185
nineteen public works districts. Districts choosing to participate				17186
in the program shall only expend State Capital Improvements Fund				17187

moneys for State Capital Improvements Fund costs and Local 17188
Transportation Improvement Program Fund moneys for Local 17189
Transportation Improvement Program Fund costs. The account shall 17190
not exceed \$1,235,000 per fiscal year. Each public works district 17191
may be eligible for up to \$65,000 per fiscal year from its 17192
district allocation as provided in sections 164.08 and 164.14 of 17193
the Revised Code. 17194

The Director, by rule, shall define allowable and 17195
nonallowable costs for the purpose of the District Administration 17196
Costs Program. Nonallowable costs include indirect costs, elected 17197
official salaries and benefits, and project-specific costs. No 17198
district public works committee may participate in the District 17199
Administration Costs Program without the approval of those costs 17200
by the district public works committee under section 164.04 of the 17201
Revised Code. 17202

REAPPROPRIATIONS 17203

All capital appropriations from the Local Transportation 17204
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 17205
129th General Assembly remaining unencumbered as of June 30, 2013, 17206
are reappropriated for use during the period July 1, 2013, through 17207
June 30, 2014, for the same purpose. 17208

Notwithstanding division (B) of section 127.14 of the Revised 17209
Code, all capital appropriations and reappropriations from the 17210
Local Transportation Improvement Program Fund (Fund 7052) in this 17211
act remaining unencumbered as of June 30, 2014, are reappropriated 17212
for use during the period July 1, 2014, through June 30, 2015, for 17213
the same purposes, subject to the availability of revenue as 17214
determined by the Director of the Public Works Commission. 17215

TEMPORARY TRANSFERS 17216

Notwithstanding section 127.14 of the Revised Code, the 17217
Director of the Public Works Commission may request the Director 17218

of Budget and Management to transfer moneys from the Local 17219
Transportation Improvement Fund (Fund 7052) to the State Capital 17220
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 17221
(Fund 7056). The Director of Budget and Management may approve 17222
temporary transfers if such transfers are needed for capital 17223
outlays for which notes or bonds will be issued. Any transfers 17224
executed under this section shall be reported to the Controlling 17225
Board by June 30 of the fiscal year in which the transfer 17226
occurred. 17227

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 17228

There is hereby appropriated, from those funds designated by 17229
or pursuant to the applicable proceedings authorizing the issuance 17230
of state obligations, amounts computed at the time to represent 17231
the portion of investment income to be rebated or amounts in lieu 17232
of or in addition to any rebate amount to be paid to the federal 17233
government in order to maintain the exclusion from gross income 17234
for federal income tax purposes of interest on those state 17235
obligations under section 148(f) of the Internal Revenue Code. 17236

Rebate payments shall be approved and vouchered by the Office 17237
of Budget and Management. 17238

Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 17239
PURPOSES 17240

Appropriation item 725509, Parks Special Purposes, is hereby 17241
established in the General Revenue Fund with an appropriation of 17242
\$14,000,000 in fiscal year 2013. The appropriation item shall be 17243
used by the Department of Natural Resources to facilitate the 17244
mutual termination of a lease agreement between the City of 17245
Cleveland and the Department of Natural Resources for Cleveland 17246
Lakefront Parks and to operate and conduct necessary upgrades 17247
solely and exclusively to (1) Edgewater Park; (2) East 55th/Gordon 17248

Park North of Interstate 90 and including the East 55th Street 17249
Department of Natural Resources Headquarters and the East 72nd 17250
Street Maintenance Facility; (3) Euclid Beach Park; and (4) Villa 17251
Angela/Wildwood Park. Any unexpended and unencumbered portion of 17252
the foregoing appropriation item remaining at the end of fiscal 17253
year 2013 shall be reappropriated for the same purposes in fiscal 17254
year 2014. 17255

Section 506.10. Notwithstanding division (A)(3) of section 17256
4501.044 and division (A)(1) of section 4501.045 of the Revised 17257
Code, commencing July 1, 2013, and extending through June 30, 17258
2014, the Director of Public Safety shall deposit the money 17259
otherwise deposited and distributed in accordance with those 17260
divisions into the State Highway Safety Fund (Fund 7036) created 17261
by section 4501.06 of the Revised Code until such time as the 17262
deposits equal a cumulative total of \$35,000,000. At that point, 17263
the Director shall cease depositing any such money into Fund 7036 17264
and shall deposit and distribute that money as prescribed in 17265
division (A)(3) of section 4501.044 and division (A)(1) of section 17266
4501.045 of the Revised Code. 17267

Notwithstanding division (A)(3) of section 4501.044 and 17268
division (A)(1) of section 4501.045 of the Revised Code, 17269
commencing July 1, 2014, and extending through June 30, 2015, the 17270
Director of Public Safety shall deposit the money otherwise 17271
deposited and distributed in accordance with those divisions into 17272
the State Highway Safety Fund (Fund 7036) created by section 17273
4501.06 of the Revised Code until such time as the deposits equal 17274
a cumulative total of \$35,000,000. At that point, the Director 17275
shall cease depositing any such money into Fund 7036 and shall 17276
deposit and distribute that money as prescribed in division (A)(3) 17277
of section 4501.044 and division (A)(1) of section 4501.045 of the 17278
Revised Code. 17279

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 17280
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 17281

The Director of Budget and Management shall initiate and 17282
process payments from lease rental payment appropriation items 17283
during the period from July 1, 2013, to June 30, 2015, pursuant to 17284
the lease agreements for bonds or notes issued under Section 2i of 17285
Article VIII of the Ohio Constitution and Chapters 152. and 154. 17286
of the Revised Code. Payments shall be made upon certification by 17287
the Treasurer of State of the dates and amounts due on those 17288
dates. 17289

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 17290

Certain appropriations are in this act for the purpose of 17291
lease rental and other payments under leases and agreements 17292
relating to bonds or notes issued under the Ohio Constitution and 17293
acts of the General Assembly. If it is determined that additional 17294
appropriations are necessary for this purpose, such amounts are 17295
hereby appropriated. 17296

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 17297
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 17298

Upon the request of the Director of Transportation, the 17299
Director of Budget and Management may transfer cash from the 17300
Highway Operating Fund (Fund 7002) to the Highway Capital 17301
Improvement Fund (Fund 7042) created in section 5528.53 of the 17302
Revised Code. The Director of Budget and Management may transfer 17303
cash from Fund 7042 to Fund 7002 up to the amount of cash 17304
previously transferred to Fund 7042 under this section. 17305

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 17306

The Director of Budget and Management shall transfer cash in 17307

equal monthly increments totaling \$171,724,944 in fiscal year 2014 17308
and in equal monthly increments totaling \$173,884,776 in fiscal 17309
year 2015 from the Highway Operating Fund (Fund 7002), created in 17310
section 5735.291 of the Revised Code, to the Gasoline Excise Tax 17311
Fund (Fund 7060) created in division (A) of section 5735.27 of the 17312
Revised Code. The monthly amounts transferred under this section 17313
shall be distributed as follows: 42.86 per cent shall be 17314
distributed among the municipal corporations within the state 17315
under division (A)(2) of section 5735.27 of the Revised Code; 17316
37.14 per cent shall be distributed among the counties within the 17317
state under division (A)(3) of section 5735.27 of the Revised 17318
Code; and 20 per cent shall be distributed among the townships 17319
within the state under division (A)(5)(b) of section 5735.27 of 17320
the Revised Code. 17321

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 17322

On July 1, 2013, and on January 1, 2014, or as soon as 17323
possible thereafter, respectively, the Director of Budget and 17324
Management shall transfer \$200,000 in cash, for each period, from 17325
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 17326
General for ODOT Fund (Fund 5FA0). 17327

On July 1, 2014, and on January 1, 2015, or as soon as 17328
possible thereafter, respectively, the Director of Budget and 17329
Management shall transfer \$200,000 in cash, for each period, from 17330
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 17331
General for ODOT Fund (Fund 5FA0). 17332

Should additional amounts be necessary, the Inspector 17333
General, with the consent of the Director of Budget and 17334
Management, may seek Controlling Board approval for additional 17335
transfers of cash and to increase the amount appropriated from 17336
appropriation item 965603, Deputy Inspector General for ODOT, in 17337
the amount of the additional transfers. 17338

Section 601.10. That Section 10 of Am. Sub. H.B. 386 of the 17339
129th General Assembly be amended to read as follows: 17340

Sec. 10. ~~The~~ To the extent that sufficient cash is available, 17341
within three months after the receipt of moneys into the Casino 17342
Operator Settlement Fund created in section 3772.34 of the Revised 17343
Code, the Director of Budget and Management shall pay one million 17344
dollars ~~by December 31, 2012,~~ to the municipal corporation or 17345
township in which each commercial racetrack is located, including 17346
a municipal corporation or township to which a racetrack is to 17347
relocate as specified in the memorandum of understanding of 17348
February 17, 2012, between the Office of the Governor, State of 17349
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 17350
transfers, but excluding the previous municipal corporation or 17351
township of each moved track and excluding a municipal corporation 17352
or township in a county with a population between 1,100,000 and 17353
1,200,000 in the most recent federal decennial census. ~~The~~ 17354
~~Director shall transfer these payments, totaling six million~~ 17355
~~dollars, from the Casino Operator Settlement Fund created in~~ 17356
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 17357
within six months after the first payments made under this 17358
section, the Director of Budget and Management shall pay an 17359
additional one million dollars ~~by June 30, 2013,~~ to each of these 17360
municipal corporations and townships, ~~and shall transfer these~~ 17361
~~payments, totaling six million dollars, from the Casino Operator~~ 17362
~~Settlement Fund. These expenditures are hereby appropriated.~~ Each 17363
municipal corporation or township receiving such a payment shall 17364
use at least fifty per cent of the funds received for 17365
infrastructure or capital improvements. If after either of the 17366
payments referenced in this section, a municipal corporation or 17367
township loses a racetrack as a result of the racetrack permit 17368
holder's decision to relocate to another municipal corporation or 17369

township, the municipal corporation or township losing the 17370
racetrack becomes eligible for a payment from the Racetrack 17371
Facility Community Economic Redevelopment Fund provided for in 17372
Sections 7 and 8 of H.B. 386 of the 129th General Assembly after 17373
all of the communities that have already lost a racetrack permit 17374
holder's racetrack at the time the first payments referenced in 17375
this section are made have each been awarded up to \$3 million for 17376
the initial loss of such racetracks. Such a municipal corporation 17377
or township shall not receive more than the sum of \$3 million 17378
minus any payments made by the Director of Budget and Management 17379
in accordance with this section. The Director of Budget and 17380
Management is also authorized to establish any necessary 17381
appropriation items in the appropriate funds and agencies in order 17382
to make any payments required under this section. Any funds in 17383
such items are hereby appropriated. 17384

Section 601.11. That existing Section 10 of Am. Sub. H.B. 386 17385
 of the 129th General Assembly is hereby repealed. 17386

Section 601.20. That Sections 203.80 and 203.83 of Sub. H.B. 17387
 482 of the 129th General Assembly be amended to read as follows: 17388

Sec. 203.80. The items set forth in this section are hereby 17389
 appropriated out of any moneys in the state treasury to the credit 17390
 of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 17391
 not otherwise appropriated. 17392

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		17393
C72549	ODNR Facilities Development	\$ 500,000	17394
C725B7	Underground Fuel Storage Tank	\$ 250,000	17395
	Removal/Replacement - Department		
C725E1	NatureWorks Local Park Grants	\$ 4,790,000	17396

C725E5	Project Planning	\$	400,000	17397
C725M0	Dam Rehabilitation - Department	\$	10,000,000	17398
			<u>40,000,000</u>	
C725N5	Wastewater/Water Systems Upgrade - Department	\$	8,000,000	17399
Total Department of Natural Resources		\$	23,940,000	17400
			<u>53,940,000</u>	
TOTAL Ohio Parks and Natural Resources Fund		\$	23,940,000	17401
			<u>53,940,000</u>	

Sec. 203.83. The Ohio Public Facilities Commission is hereby 17403
authorized to issue and sell, in accordance with Section 21 of 17404
Article VIII, Ohio Constitution, and Chapter 151. and particularly 17405
sections 151.01 and 151.05 of the Revised Code, original 17406
obligations in an aggregate principal amount not to exceed 17407
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 17408
obligations heretofore authorized by prior acts of the General 17409
Assembly. These authorized obligations shall be issued, subject to 17410
applicable constitutional and statutory limitations, as needed to 17411
provide sufficient moneys to the credit of the Ohio Parks and 17412
Natural Resources Fund (Fund 7031) to pay costs of capital 17413
facilities as defined in sections 151.01 and 151.05 of the Revised 17414
Code. 17415

Section 601.21. That existing Sections 203.80 and 203.83 of 17416
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 17417

Section 701.20. To the extent permitted by federal law, 17418
federal money received by the state for fiscal stabilization and 17419
recovery purposes shall be used in accordance with the preferences 17420
for products and services made or performed in the United States 17421
and Ohio established in section 125.09 of the Revised Code. 17422

Section 737.10. Notwithstanding any provision of Chapter 17423

3769. of the Revised Code and through December 31, 2013, the State 17424
Racing Commission may issue a temporary permit to conduct live 17425
horse-racing meetings at a location where other permits to conduct 17426
live horse-racing meetings have been issued. Such permits shall be 17427
issued to a permit holder for a period not to aggregate more than 17428
one year from the first date of issuance. The Commission may adopt 17429
rules under Chapter 119. of the Revised Code to effectuate this 17430
section and to establish the procedures and conditions to apply 17431
for a temporary permit under this section. 17432

Section 747.10. On the effective date of the amendments made 17433
to section 4765.02 of the Revised Code by this act, the member of 17434
the renamed State Board of Emergency Medical, Fire, and 17435
Transportation Services who is an administrator of an adult or 17436
pediatric trauma center shall cease to be a member of the Board. 17437
On the effective date of the amendments made to section 4765.02 of 17438
the Revised Code by this act, the member of the renamed State 17439
Board of Emergency Medical, Fire, and Transportation Services who 17440
is a member of the Ohio Ambulance Association shall cease to be a 17441
member of the Board. On the effective date of the amendments made 17442
to section 4765.02 of the Revised Code by this act, the member of 17443
the renamed State Board of Emergency Medical, Fire, and 17444
Transportation Services who is a physician certified by the 17445
American board of surgery, American board of osteopathic surgery, 17446
American osteopathic board of emergency medicine, or American 17447
board of emergency medicine, is chief medical officer of an air 17448
medical agency, and is currently active in providing emergency 17449
medical services shall cease to be a member of the Board. On the 17450
effective date of the amendments made to section 4765.02 of the 17451
Revised Code by this act, of the members of the renamed State 17452
Board of Emergency Medical, Fire, and Transportation Services who 17453
were EMTs, AEMTs, or paramedics and were appointed to the Board in 17454

that capacity, only the members who are designated by the Governor 17455
to continue to be members of the Board shall continue to be so; 17456
the other persons shall cease to be members of the Board. On the 17457
effective date of the amendments made to section 4765.02 of the 17458
Revised Code by this act, the member of the renamed State Board of 17459
Emergency Medical, Fire, and Transportation Services who is a 17460
registered nurse and is in the active practice of emergency 17461
nursing shall cease to be a member of the Board. Not later than 17462
sixty days after the effective date of those amendments, the 17463
Governor shall appoint to the renamed State Board of Emergency 17464
Medical, Fire, and Transportation Services an adult or pediatric 17465
trauma program manager or trauma program director who is involved 17466
in the daily management of a verified trauma center. The Governor 17467
shall appoint this member from among three persons nominated by 17468
the Ohio Nurses Association, three persons nominated by the Ohio 17469
Society of Trauma Nurse Leaders, and three persons nominated by 17470
the Ohio State Council of the Emergency Nurses Association. 17471

On the effective date of the amendments made to section 17472
4765.02 of the Revised Code by this act, all members of the former 17473
State Board of Emergency Medical Services who do not cease to be 17474
members of the renamed State Board of Emergency Medical, Fire, and 17475
Transportation Services by the terms of this act shall continue to 17476
be members of the renamed State Board of Emergency Medical, Fire, 17477
and Transportation Services, and the dates on which the terms of 17478
the continuing members expire shall be the dates on which their 17479
terms as members of the former State Board of Emergency Medical 17480
Services expired. On the effective date of the amendments made to 17481
section 4765.02 of the Revised Code by this act, the following 17482
members of the former Ohio Medical Transportation Board shall 17483
become members of the State Board of Emergency Medical, Fire, and 17484
Transportation Services, and the dates on which those members' 17485
terms on the State Board of Emergency Medical, Fire, and 17486

Transportation Services expire shall be as follows: 17487

The person who owns or operates a private emergency medical 17488
service organization operating in this state, as designated by the 17489
Governor, term ends November 12, 2014; 17490

The person who owns or operates a nonemergency medical 17491
service organization that provides only ambulance services, term 17492
ends November 12, 2014; 17493

The person who is a member of the Ohio Association of 17494
Critical Care Transport and represents air-based services, term 17495
ends November 12, 2015; 17496

The person who is a member of the Ohio Association of 17497
Critical Care Transport and represents a ground-based mobile 17498
intensive care unit organization, term ends November 12, 2015. 17499

All subsequent terms of office for these four positions on 17500
the State Board of Emergency Medical, Fire, and Transportation 17501
Services shall be for three years as provided in section 4765.02 17502
of the Revised Code. 17503

On July 1, 2013, the Medical Transportation Board and all of 17504
its functions are transferred to the Department of Public Safety. 17505
As of such date, the Medical Transportation Board shall operate 17506
under the Department of Public Safety, which shall assume all of 17507
the Board's functions. All assets, liabilities, any capital 17508
spending authority related thereto, and equipment and records, 17509
regardless of form or medium, related to the Medical 17510
Transportation Board's functions are transferred to the Department 17511
of Public Safety on July 1, 2013. 17512

No validation, cure, right, privilege, remedy, obligation, or 17513
liability is lost or impaired by reason of the transfer. All of 17514
the Medical Transportation Board's rules, orders, and 17515
determinations continue in effect as rules, orders, and 17516
determinations of the Department of Public Safety until modified 17517

or rescinded by the Department of Public Safety. 17518

No action or proceeding pending on July 1, 2013, is affected 17519
by the transfer and any action or proceeding pending on July 1, 17520
2013, shall be prosecuted or defended in the name of the 17521
Department of Public Safety or its director. In all such actions 17522
and proceedings, the Department of Public Safety or its director, 17523
upon application to the court, shall be substituted as a party. 17524

On or after July 1, 2013, notwithstanding any provision of 17525
law to the contrary, the Director of Budget and Management shall 17526
take any action with respect to budget changes made necessary by 17527
the transfer. The Director may transfer cash balances between 17528
funds. The Director may cancel encumbrances in 915604, Operating 17529
Expenses, and reestablish encumbrances or parts of encumbrances in 17530
765624, Operating - EMS, as needed in the fiscal year in the 17531
appropriate fund and appropriation item for the same purpose and 17532
to the same vendor. As determined by the Director, encumbrances 17533
reestablished in the fiscal year in a different fund or 17534
appropriation item used by an agency or between agencies are 17535
appropriated. The Director shall reduce each year's appropriation 17536
balances by the amount of the encumbrance canceled in their 17537
respective funds and appropriation item. Any unencumbered or 17538
unallocated appropriation balances from the previous fiscal year 17539
may be transferred to the appropriate appropriation item to be 17540
used for the same purposes, as determined by the Director. Any 17541
such transfers are hereby appropriated. 17542

This section is exempt from the referendum under Ohio 17543
Constitution, Article II, Section 1d and section 1.471 of the 17544
Revised Code and therefore takes effect immediately when this act 17545
becomes law. 17546

Section 755.10. The Director of Transportation may enter into 17547
agreements as provided in this section with the United States or 17548

any department or agency of the United States, including, but not 17549
limited to, the United States Army Corps of Engineers, the United 17550
States Forest Service, the United States Environmental Protection 17551
Agency, and the United States Fish and Wildlife Service. An 17552
agreement entered into pursuant to this section shall be solely 17553
for the purpose of dedicating staff to the expeditious and timely 17554
review of environmentally related documents submitted by the 17555
Director of Transportation, as necessary for the approval of 17556
federal permits. The agreements may include provisions for advance 17557
payment by the Director of Transportation for labor and all other 17558
identifiable costs of the United States or any department or 17559
agency of the United States providing the services, as may be 17560
estimated by the United States, or the department or agency of the 17561
United States. The Director shall submit a request to the 17562
Controlling Board indicating the amount of the agreement, the 17563
services to be performed by the United States or the department or 17564
agency of the United States, and the circumstances giving rise to 17565
the agreement. 17566

Section 755.20. There is hereby created the Joint Legislative 17567
Task Force on Department of Transportation Funding. The Task Force 17568
shall consist of three members of the House Finance and 17569
Appropriations Committee, two of whom shall be appointed by the 17570
Speaker of the House of Representatives and one of whom shall be 17571
appointed by the Minority Leader of the House of Representatives, 17572
and three members of the Senate Transportation Committee, two of 17573
whom shall be appointed by the President of the Senate and one of 17574
whom shall be appointed by the Minority Leader of the Senate. 17575

The Task Force shall examine the funding needs of the Ohio 17576
Department of Transportation. The Task Force also shall study 17577
specifically the issue of the elimination of the Ohio motor fuel 17578
tax. Not later than December 15, 2014, the Task Force shall issue 17579

a report containing its findings and recommendations to the 17580
President of the Senate, the Minority Leader of the Senate, the 17581
Speaker of the House of Representatives, and the Minority Leader 17582
of the House of Representatives. At that time, the Task Force 17583
shall cease to exist. 17584

Section 755.30. On July 1, 2013, and on the first day of the 17585
month for each month thereafter, the Treasurer of State, before 17586
making any of the distributions specified in sections 5735.23, 17587
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 17588
the first two per cent of the amount of motor fuel tax received 17589
for the preceding calendar month to the credit of the Highway 17590
Operating Fund (Fund 7002). 17591

Section 755.40. It is the intent of the General Assembly that 17592
the amendments to section 4511.21 of the Revised Code contained in 17593
Section 101.01 of this act are not to result in any decrease of 17594
any speed limit on any freeway that is in effect on the effective 17595
date of those amendments. 17596

Section 755.50. Not later than July 1, 2013, the Director of 17597
Transportation shall establish a turnpike mitigation program to 17598
assist political subdivisions through which a portion of the Ohio 17599
Turnpike passes and address concerns resulting from the proximity 17600
of the Ohio Turnpike. The program may provide monetary and other 17601
resources, and shall address conditions including noise 17602
mitigation, bridge embankments, drainage, bridge repair, grade 17603
separations, and other related conditions. 17604

The Director may consult with affected political subdivisions 17605
in assessing needs and in developing the program. Upon 17606
establishing the program, the Director shall notify affected 17607
subdivisions in an appropriate manner of the availability of the 17608
program. 17609

As used in this section, "Ohio turnpike" has the same meaning 17610
as in section 5537.26 of the Revised Code. 17611

Section 757.10. Notwithstanding Chapter 5735. of the Revised 17612
Code, the following shall apply for the period of July 1, 2013, 17613
through June 30, 2015: 17614

(A) For the discount under section 5735.06 of the Revised 17615
Code, if the monthly report is timely filed and the tax is timely 17616
paid, one per cent of the total number of gallons of motor fuel 17617
received by the motor fuel dealer within the state during the 17618
preceding calendar month, less the total number of gallons 17619
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 17620
the Revised Code, less one-half of one per cent of the total 17621
number of gallons of motor fuel that were sold to a retail dealer 17622
during the preceding calendar month. 17623

(B) For the semiannual periods ending December 31, 2013, June 17624
30, 2014, December 31, 2014, and June 30, 2015, the refund 17625
provided to retail dealers under section 5735.141 of the Revised 17626
Code shall be one-half of one per cent of the Ohio motor fuel 17627
taxes paid on fuel purchased during those semiannual periods. 17628

Section 757.20. (A) The Department of Taxation shall notify 17629
taxpayers of the requirement to separately identify taxable gross 17630
receipts attributable to motor fuel used for propelling vehicles 17631
on public highways as distinguished from other taxable gross 17632
receipts. The Department shall collect data from taxpayers 17633
affected by the amendments to sections 5751.02, 5751.051, and 17634
5751.20 of the Revised Code to determine which of such taxpayers' 17635
receipts received between December 7, 2012, and June 30, 2013, 17636
were attributable to motor fuel used for propelling vehicles on 17637
public highways. 17638

(B)(1) On or before June 25, 2013, the Tax Commissioner shall 17639

certify to the Director of Budget and Management an estimated 17640
amount of commercial activity tax revenue received between 17641
December 7, 2012, and June 30, 2013, derived from taxable gross 17642
receipts attributable to motor fuel used for propelling vehicles 17643
on public highways. On or before June 30, 2013, the Director shall 17644
transfer the amount so certified from the General Revenue Fund to 17645
the Commercial Activity Tax Motor Fuel Receipts Fund. 17646

(2) Before the Director of Budget and Management completes 17647
the transfer required under division (B)(2) of section 5751.20 of 17648
the Revised Code on or before November 20, 2013, the Commissioner 17649
shall certify a reconciliation of the amount described in division 17650
(B)(1) of this section to the Director based on information the 17651
Commissioner receives from taxpayers affected by the amendment by 17652
this act of sections 5751.02, 5751.051, and 5751.20 of the Revised 17653
Code. The director shall use that certified, reconciled amount to 17654
offset or augment the transfer required to be made by the Director 17655
on or before November 20, 2013. 17656

(C) The Tax Commissioner shall make the first calculation and 17657
payment required under division (B)(2) of section 5751.20 of the 17658
Revised Code, as amended by this act, on or before November 20, 17659
2013, using, for the purpose of that calculation, taxable gross 17660
receipts attributed to motor fuel used for propelling vehicles on 17661
public highways as indicated by returns due by November 10, 2013. 17662

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 17663
APPROPRIATIONS 17664

Law contained in the main operating appropriations act of the 17665
130th General Assembly that is generally applicable to the 17666
appropriations made in the main operating appropriations act also 17667
is generally applicable to the appropriations made in this act. 17668

Section 801.20. As used in the uncodified law of this act, 17669

"American Recovery and Reinvestment Act of 2009" means the 17670
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 17671
111-5, 123 Stat. 115. 17672

Section 803.10. The repeal of section 3791.11 of the Revised 17673
Code does not cancel or otherwise terminate a bond that is in 17674
effect on the effective date of the repeal. Such a bond continues 17675
in effect and expires according to its terms. Upon expiration of 17676
the bond, the depositor is not required to renew the bond and any 17677
amount posted shall be returned to the depositor. 17678

Section 806.10. The items of law contained in this act, and 17679
their applications, are severable. If any item of law contained in 17680
this act, or if any application of any item of law contained in 17681
this act, is held invalid, the invalidity does not affect other 17682
items of law contained in this act and their applications that can 17683
be given effect without the invalid item or application. 17684

Section 812.10. Except as otherwise provided in this act, the 17685
amendment, enactment, or repeal by this act of a section of law is 17686
subject to the referendum under Ohio Constitution, Article II, 17687
Section 1c and therefore takes effect on the ninety-first day 17688
after this act is filed with the Secretary of State or, if a later 17689
effective date is specified below, on that date. 17690

Section 812.20. In this section, an "appropriation" includes 17691
another provision of law in this act that relates to the subject 17692
of the appropriation. 17693

An appropriation of money made in this act is not subject to 17694
the referendum insofar as a contemplated expenditure authorized 17695
thereby is wholly to meet a current expense within the meaning of 17696
Ohio Constitution, Article II, Section 1d and section 1.471 of the 17697

Revised Code. To that extent, the appropriation takes effect 17698
immediately when this act becomes law. Conversely, the 17699
appropriation is subject to the referendum insofar as a 17700
contemplated expenditure authorized thereby is wholly or partly 17701
not to meet a current expense within the meaning of Ohio 17702
Constitution, Article II, Section 1d and section 1.471 of the 17703
Revised Code. To that extent, the appropriation takes effect on 17704
the ninety-first day after this act is filed with the Secretary of 17705
State. 17706

Section 812.20.10. The amendment or enactment by this act of 17707
division (A)(3) of section 5751.051 of the Revised Code, division 17708
(J) of section 5751.20 of the Revised Code, and Section 757.20 of 17709
this act is exempt from the referendum under Ohio Constitution, 17710
Article II, Section 1d and section 1.471 of the Revised Code, and 17711
therefore takes effect immediately when this act becomes law. 17712

Section 812.20.20. The amendment by this act of sections 17713
5751.02, 5751.051, except for division (A)(3) of that section, and 17714
5751.20 of the Revised Code, except for division (J) of that 17715
section, take effect on July 1, 2013. 17716

Section 812.30. The amendment by this act of Section 10 of 17717
Am. Sub. H.B. 386 of the 129th General Assembly goes into 17718
immediate effect. 17719

Section 815.10. The General Assembly, applying the principle 17720
stated in division (B) of section 1.52 of the Revised Code that 17721
amendments are to be harmonized if reasonably capable of 17722
simultaneous operation, finds that the following sections, 17723
presented in this act as composites of the sections as amended by 17724
the acts indicated, are the resulting versions of the sections in 17725
effect prior to the effective date of the sections as presented in 17726
this act: 17727

Section 5739.02 of the Revised Code as amended by both Am.	17728
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	17729
Section 5747.01 of the Revised Code as amended by Am. H.B.	17730
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th	17731
General Assembly.	17732
Section 5751.01 of the Revised Code as amended by both Am.	17733
Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly.	17734
Section 5751.20 of the Revised Code as amended by both Am.	17735
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly.	17736