

As Reported by the Senate Transportation Committee

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 51

Representatives McGregor, Patmon

Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman,

Hackett, Huffman, Perales, Sears, Sprague, Stebelton, Terhar

Speaker Speaker Batchelder

—

A B I L L

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
2913.01, 2913.02, 2913.51, 2937.221, 3354.13, 4
3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 5
3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 6
4501.042, 4501.043, 4501.06, 4503.03, 4503.04, 7
4503.042, 4503.07, 4503.103, 4503.11, 4503.19, 8
4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 9
4504.19, 4504.21, 4505.11, 4506.08, 4506.09, 10
4507.011, 4507.05, 4507.23, 4511.01, 4511.13, 11
4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 12
4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 13
4561.08, 4561.09, 4561.12, 4561.21, 4582.06, 14
4737.04, 4737.99, 4743.05, 4765.02, 4765.03, 15
4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 16
4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 17
4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 18
4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 19
4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 20
4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 21

4765.38, 4765.39, 4765.40, 4765.42, 4765.48,	22
4765.49, 4765.55, 4765.56, 4766.01, 4766.03,	23
4766.04, 4766.05, 4766.07, 4766.08, 4766.09,	24
4766.10, 4766.11, 4766.12, 4766.13, 4766.15,	25
4766.22, 5501.03, 5501.17, 5501.31, 5501.73,	26
5501.77, 5502.01, 5503.01, 5503.03, 5503.04,	27
5503.31, 5503.32, 5513.01, 5517.02, 5525.01,	28
5525.16, 5526.01, 5533.121, 5533.31, 5537.01,	29
5537.02, 5537.03, 5537.04, 5537.05, 5537.051,	30
5537.06, 5537.07, 5537.08, 5537.09, 5537.11,	31
5537.12, 5537.13, 5537.14, 5537.15, 5537.16,	32
5537.17, 5537.19, 5537.20, 5537.21, 5537.22,	33
5537.24, 5537.25, 5537.26, 5537.27, 5537.28,	34
5537.30, 5577.05, 5728.01, 5735.05, 5735.23,	35
5739.02, 5747.01, 5747.08, 5747.98, 5751.01,	36
5751.02, 5751.051, and 5751.20; to enact sections	37
4501.031, 4503.192, 4503.83, 4582.171, 4765.59,	38
5517.021, 5537.18, 5553.051, 5577.044, and	39
5747.053; and to repeal sections 126.60, 126.601,	40
126.602, 126.603, 126.604, 126.605, 3791.11,	41
4766.02, 4766.20, 4981.36, 4981.361, and 5540.151	42
of the Revised Code; to amend Section 10 of Am.	43
Sub. H.B. 386 of the 129th General Assembly; and	44
to amend Sections 203.80 and 203.83 of Sub. H.B.	45
482 of the 129th General Assembly; to amend the	46
versions of sections 4501.01, 4503.04, 4503.22,	47
4507.05, and 4511.01 of the Revised Code that are	48
scheduled to take effect January 1, 2017, to	49
continue the amendments by this act on and after	50
that effective date; to make appropriations for	51
programs related to transportation and public	52
safety for the biennium beginning July 1, 2013,	53
and ending June 30, 2015, and to provide	54

authorization and conditions for the operation of 55
those programs. 56

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, 57
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 58
505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 2913.51, 59
2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 60
3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 61
4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 4503.11, 62
4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 4504.19, 63
4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 64
4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 65
4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 66
4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 4765.02, 67
4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 68
4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 69
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 70
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 71
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 72
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 73
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 74
4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 75
5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5503.31, 76
5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 5533.121, 77
5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 78
5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 79
5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 80
5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 81
5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 82
5747.98, 5751.01, 5751.02, 5751.051, and 5751.20 be amended, and 83
sections 4501.031, 4503.192, 4503.83, 4582.171, 4765.59, 5517.021, 84

5537.18, 5553.051, 5577.044, and 5747.053 of the Revised Code be 85
enacted to read as follows: 86

Sec. 9.33. As used in sections 9.33 to 9.335 of the Revised 87
Code: 88

(A) "Construction manager" means a person with substantial 89
discretion and authority to plan, coordinate, manage, and direct 90
all phases of a project for the construction, demolition, 91
alteration, repair, or reconstruction of any public building, 92
structure, or other improvement, but does not mean the person who 93
provides the professional design services or who actually performs 94
the construction, demolition, alteration, repair, or 95
reconstruction work on the project. 96

(B)(1) "Construction manager at risk" means a person with 97
substantial discretion and authority to plan, coordinate, manage, 98
direct, and construct all phases of a project for the 99
construction, demolition, alteration, repair, or reconstruction of 100
any public building, structure, or other improvement and who 101
provides the public authority a guaranteed maximum price as 102
determined in section 9.334 of the Revised Code. 103

(2) As used in division (B)(1) of this section: 104

(a) "Construct" includes performing, or subcontracting for 105
performing, construction, demolition, alteration, repair, or 106
reconstruction. 107

(b) "Manage" includes approving bidders and awarding 108
subcontracts for furnishing materials regarding, or for 109
performing, construction, demolition, alteration, repair, or 110
reconstruction. 111

(C) "Construction management contract" means a contract 112
between a public authority and another person obligating the 113
person to provide construction management services. 114

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

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

(1) Competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager's or construction manager at risk's personnel, especially the technical training, education, and experience of the construction manager's or construction manager at risk's employees who would be assigned to perform the services;

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

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

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

(5) Other similar factors.

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

(2) "Public authority" does not include ~~the Ohio turnpike commission~~ the director of transportation when exercising the

director's authority to prepare plans for, acquire rights-of-way 145
for, construct, or maintain roads, highways, bridges, or any other 146
department of transportation facilities. 147

(G) "Open book pricing method" means a method in which a 148
construction manager at risk provides the public authority, at the 149
public authority's request, all books, records, documents, and 150
other data in its possession pertaining to the bidding, pricing, 151
or performance of a construction management contract awarded to 152
the construction manager at risk. 153

Sec. 123.21. (A) The Ohio facilities construction commission 154
may perform any act and ensure the performance of any function 155
necessary or appropriate to carry out the purposes of, and 156
exercise the powers granted under this chapter or any other 157
provision of the Revised Code, including any of the following: 158

(1) Prepare, or contract to be prepared, by licensed 159
engineers or architects, surveys, general and detailed plans, 160
specifications, bills of materials, and estimates of cost for any 161
projects, improvements, or public buildings to be constructed by 162
state agencies that may be authorized by legislative 163
appropriations or any other funds made available therefor, 164
provided that the construction of the projects, improvements, or 165
public buildings is a statutory duty of the commission. This 166
section does not require the independent employment of an 167
architect or engineer as provided by section 153.01 of the Revised 168
Code in the cases to which section 153.01 of the Revised Code 169
applies. This section does not affect or alter the existing powers 170
of the director of transportation. 171

(2) Have general supervision over the construction of any 172
projects, improvements, or public buildings constructed for a 173
state agency and over the inspection of materials prior to their 174
incorporation into those projects, improvements, or buildings. 175

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

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

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

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

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

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

(B) The commission shall appoint, with the advice and consent of the senate, and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall exercise all powers that the commission possesses, supervise the operations of the commission, and perform such other

duties as delegated by the commission. The executive director also 207
shall employ and fix the compensation of such employees as will 208
facilitate the activities and purposes of the commission, who 209
shall serve at the pleasure of the executive director. The 210
employees of the commission are exempt from Chapter 4117. of the 211
Revised Code and are not considered public employees as defined in 212
section 4117.01 of the Revised Code. Any agreement entered into 213
prior to July 1, 2012, between the office of collective bargaining 214
and the exclusive representative for employees of the commission 215
is binding and shall continue to have effect. 216

(C) The attorney general shall serve as the legal 217
representative for the commission and may appoint other counsel as 218
necessary for that purpose in accordance with section 109.07 of 219
the Revised Code. 220

Sec. 126.06. The total operating fund consists of all funds 221
in the state treasury except the auto registration distribution 222
fund, local motor vehicle license tax fund, development bond 223
retirement fund, facilities establishment fund, gasoline excise 224
tax fund, higher education improvement fund, highway improvement 225
bond retirement fund, highway obligations bond retirement fund, 226
highway capital improvement fund, improvements bond retirement 227
fund, mental health facilities improvement fund, parks and 228
recreation improvement fund, public improvements bond retirement 229
fund, school district income tax fund, state agency facilities 230
improvement fund, state and local government highway distribution 231
fund, state highway safety fund, Vietnam conflict compensation 232
fund, any other fund determined by the director of budget and 233
management to be a bond fund or bond retirement fund, and such 234
portion of the highway operating fund as is determined by the 235
director of budget and management and the director of 236
transportation to be restricted by Section 5a of Article XII, Ohio 237
Constitution. 238

When determining the availability of money in the total 239
operating fund to pay claims chargeable to a fund contained within 240
the total operating fund, the director of budget and management 241
shall use the same procedures and criteria the director employs in 242
determining the availability of money in a fund contained within 243
the total operating fund. The director may establish limits on the 244
negative cash balance of the general revenue fund within the total 245
operating fund, but in no case shall the negative cash balance of 246
the general revenue fund exceed ten per cent of the total revenue 247
of the general revenue fund in the preceding fiscal year. 248

Sec. 126.503. All state agencies shall control ~~nonessential~~ 249
travel expenses by doing all of the following: 250

(A) Complying with any travel directives issued by the 251
director of budget and management; 252

(B) Using, when possible, the online travel authorization and 253
expense reimbursement process; 254

(C) Conducting meetings, whenever possible and in compliance 255
with section 121.22 of the Revised Code, using conference calls, 256
teleconferences, webinars, or other technology tools; 257

(D) Using fleet vehicles for official state travel whenever 258
possible; and 259

(E) Following restrictions set by the department of 260
administrative services regarding mileage reimbursement pursuant 261
to section 125.832 of the Revised Code. 262

In addition to the methods of travel expense control listed 263
above, a state agency may use a state-contracted rental vehicle 264
provider for employee vehicle travel exceeding one hundred miles. 265

The director of budget and management shall not reimburse any 266
state agency employee for unauthorized travel expenses. 267

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

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

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

(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;

(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, local motor vehicle license tax fund, 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 299
and recreation improvement fund, public improvements bond 300
retirement fund, school district income tax fund, state agency 301
facilities improvement fund, state and local government highway 302
distribution fund, state highway safety fund, state lottery fund, 303
undivided liquor permit fund, Vietnam conflict compensation bond 304
retirement fund, volunteer fire fighters' dependents fund, 305
waterways safety fund, wildlife fund, workers' compensation fund, 306
or any fund not specified in this division that the director of 307
budget and management determines to be a bond fund or bond 308
retirement fund; 309

(E) Transfers of all or part of those appropriations included 310
in the emergency purposes account of the controlling board; 311

(F) Temporary transfers of all or part of an appropriation or 312
other moneys into and between existing funds, or new funds, as may 313
be established by law when needed for capital outlays for which 314
notes or bonds will be issued; 315

(G) Transfer or release of all or part of an appropriation to 316
a state agency requiring controlling board approval of such 317
transfer or release as provided by law; 318

(H) Temporary transfer of funds included in the emergency 319
purposes appropriation of the controlling board. Such temporary 320
transfers may be made subject to conditions specified by the 321
controlling board at the time temporary transfers are authorized. 322
No transfers shall be made under this division for the purpose of 323
effecting new or changed levels of program service not authorized 324
by the general assembly. 325

As used in this section, "request" means an application by a 326
state agency or the director of budget and management seeking some 327
action by the controlling board. 328

When authorizing the transfer of all or part of an 329

appropriation under this section, the controlling board may 330
authorize the transfer to an existing appropriation item and the 331
creation of and transfer to a new appropriation item. 332

Whenever there is a transfer of all or part of funds included 333
in the emergency purposes appropriation by the controlling board, 334
pursuant to division (E) of this section, the state agency or the 335
director of budget and management receiving such transfer shall 336
keep a detailed record of the use of the transferred funds. At the 337
earliest scheduled meeting of the controlling board following the 338
accomplishment of the purposes specified in the request originally 339
seeking the transfer, or following the total expenditure of the 340
transferred funds for the specified purposes, the state agency or 341
the director of budget and management shall submit a report on the 342
expenditure of such funds to the board. The portion of any 343
appropriation so transferred which is not required to accomplish 344
the purposes designated in the original request to the controlling 345
board shall be returned to the proper appropriation of the 346
controlling board at this time. 347

Notwithstanding any provisions of law providing for the 348
deposit of revenues received by a state agency to the credit of a 349
particular fund in the state treasury, whenever there is a 350
temporary transfer of funds included in the emergency purposes 351
appropriation of the controlling board pursuant to division (H) of 352
this section, revenues received by any state agency receiving such 353
a temporary transfer of funds shall, as directed by the 354
controlling board, be transferred back to the emergency purposes 355
appropriation. 356

The board may delegate to the director of budget and 357
management authority to approve transfers among items of 358
appropriation under division (A) of this section. 359

Sec. 153.01. (A) Whenever any building or structure for the 360

use of the state or any institution supported in whole or in part 361
by the state or in or upon the public works of the state that is 362
administered by the Ohio facilities construction commission or by 363
any other state officer or state agency authorized by law to 364
administer a project, including an educational institution listed 365
in section 3345.50 of the Revised Code, is to be erected or 366
constructed, whenever additions, alterations, or structural or 367
other improvements are to be made, or whenever heating, cooling, 368
or ventilating plants or other equipment is to be installed or 369
material supplied therefor, the estimated cost of which amounts to 370
two hundred thousand dollars or more, or the amount determined 371
pursuant to section 153.53 of the Revised Code or more, each 372
officer, board, or other authority upon which devolves the duty of 373
constructing, erecting, altering, or installing the same, referred 374
to in sections 153.01 to 153.60 of the Revised Code as the public 375
authority, shall cause to be made, by an architect or engineer 376
whose contract of employment shall be prepared and approved by the 377
attorney general, the following: 378

(1) Full and accurate plans, suitable for the use of 379
mechanics and other builders in the construction, improvement, 380
addition, alteration, or installation; 381

(2) Details to scale and full-sized, so drawn and represented 382
as to be easily understood; 383

(3) Definite and complete specifications of the work to be 384
performed, together with directions that will enable a competent 385
mechanic or other builder to carry them out and afford bidders all 386
needful information; 387

(4) A full and accurate estimate of each item of expense and 388
the aggregate cost of those items of expense; 389

(5) A life-cycle cost analysis; 390

(6) Further data as may be required by the Ohio facilities 391

construction commission. 392

(B)(1) Division (A) of this section shall not be required 393
with respect to a construction management contract entered into 394
with a construction manager at risk as described in section 9.334 395
of the Revised Code or a design-build contract entered into with a 396
design-build firm as described in section 153.693 of the Revised 397
Code. 398

(2) Nothing in this chapter shall interfere with the power of 399
the director of transportation to prepare plans for, acquire 400
rights-of-way for, construct, or maintain roads, highways, 401
bridges, or any other department of transportation facilities, or 402
to let contracts for those purposes. 403

Sec. 153.65. As used in sections 153.65 to 153.73 of the 404
Revised Code: 405

(A)(1) "Public authority" means the state, a state 406
institution of higher education as defined in section 3345.011 of 407
the Revised Code, a county, township, municipal corporation, 408
school district, or other political subdivision, or any public 409
agency, authority, board, commission, instrumentality, or special 410
purpose district of the state or of a political subdivision. 411

(2) "Public authority" does not include ~~the Ohio turnpike 412~~
~~commission~~ the director of transportation when exercising the 413
director's authority to prepare plans for, acquire rights-of-way 414
for, construct, or maintain roads, highways, bridges, or any other 415
department of transportation facilities. 416

(B) "Professional design firm" means any person legally 417
engaged in rendering professional design services. 418

(C) "Professional design services" means services within the 419
scope of practice of an architect or landscape architect 420
registered under Chapter 4703. of the Revised Code or a 421

professional engineer or surveyor registered under Chapter 4733. 422
of the Revised Code. 423

(D) "Qualifications" means all of the following: 424

(1)(a) For a professional design firm, competence to perform 425
the required professional design services as indicated by the 426
technical training, education, and experience of the firm's 427
personnel, especially the technical training, education, and 428
experience of the employees within the firm who would be assigned 429
to perform the services; 430

(b) For a design-build firm, competence to perform the 431
required design-build services as indicated by the technical 432
training, education, and experience of the design-build firm's 433
personnel and key consultants, especially the technical training, 434
education, and experience of the employees and consultants of the 435
design-build firm who would be assigned to perform the services, 436
including the proposed architect or engineer of record. 437

(2) Ability of the firm in terms of its workload and the 438
availability of qualified personnel, equipment, and facilities to 439
perform the required professional design services or design-build 440
services competently and expeditiously; 441

(3) Past performance of the firm as reflected by the 442
evaluations of previous clients with respect to such factors as 443
control of costs, quality of work, and meeting of deadlines; 444

(4) Any other relevant factors as determined by the public 445
authority; 446

(5) With respect to a design-build firm, compliance with 447
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 448
including the use of a licensed design professional for all design 449
services. 450

(E) "Design-build contract" means a contract between a public 451

authority and another person that obligates the person to provide 452
design-build services. 453

(F) "Design-build firm" means a person capable of providing 454
design-build services. 455

(G) "Design-build services" means services that form an 456
integrated delivery system for which a person is responsible to a 457
public authority for both the design and construction, demolition, 458
alteration, repair, or reconstruction of a public improvement. 459

(H) "Architect or engineer of record" means the architect or 460
engineer that serves as the final signatory on the plans and 461
specifications for the design-build project. 462

(I) "Criteria architect or engineer" means the architect or 463
engineer retained by a public authority to prepare conceptual 464
plans and specifications, to assist the public authority in 465
connection with the establishment of the design criteria for a 466
design-build project, and, if requested by the public authority, 467
to serve as the representative of the public authority and 468
provide, during the design-build project, other design and 469
construction administration services on behalf of the public 470
authority, including but not limited to, confirming that the 471
design prepared by the design-build firm reflects the original 472
design intent established in the design criteria package. 473

(J) "Open book pricing method" means a method in which a 474
design-build firm provides the public authority, at the public 475
authority's request, all books, records, documents, contracts, 476
subcontracts, purchase orders, and other data in its possession 477
pertaining to the bidding, pricing, or performance of a contract 478
for design-build services awarded to the design-build firm. 479

Sec. 164.05. (A) The director of the Ohio public works 480
commission shall do all of the following: 481

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

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

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

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

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

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

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

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the

director determines are necessary to carry out the director's 513
duties under this chapter and fix the compensation for their 514
services~~†~~. From among these employees, the director shall appoint 515
a deputy with the necessary qualifications to act as the director 516
when the director is absent or temporarily unable to carry out the 517
duties of office. 518

(4) Adopt rules establishing the procedures for making 519
applications, reviewing, approving, and rejecting projects for 520
which assistance is authorized under this chapter, and any other 521
rules needed to implement the provisions of this chapter. Such 522
rules shall be adopted under Chapter 119. of the Revised Code. 523

(5) Provide information and other assistance to local 524
subdivisions and district public works integrating committees in 525
developing their requests for financial assistance for capital 526
improvements under this chapter and encourage cooperation and 527
coordination of requests and the development of multisubdivision 528
and multidistrict projects in order to maximize the benefits that 529
may be derived by districts from each year's allocation; 530

(6) Require local subdivisions, to the extent practicable, to 531
use Ohio products, materials, services, and labor in connection 532
with any capital improvement project financed in whole or in part 533
under this chapter; 534

(7) Notify the director of budget and management of all 535
approved projects, and supply all information necessary to track 536
approved projects through the state accounting system; 537

(8) Appoint the administrator of the Ohio small government 538
capital improvements commission; 539

(9) Do all other acts, enter into contracts, and execute all 540
instruments necessary or appropriate to carry out this chapter; 541

(10) Develop a standardized methodology for evaluating 542
capital improvement needs which will be used by local subdivisions 543

in preparing the plans required by division (C) of section 164.06 544
of the Revised Code. The director shall develop this methodology 545
not later than July 1, 1991. 546

(11) Establish a program to provide local subdivisions with 547
technical assistance in preparing project applications. The 548
program shall be designed to assist local subdivisions that lack 549
the financial or technical resources to prepare project 550
applications on their own. 551

(B) When the director of the Ohio public works commission 552
decides to conditionally approve or disapprove projects, the 553
director's decisions and the reasons for which they are made shall 554
be made in writing. These written decisions shall be conclusive 555
for the purposes of the validity and enforceability of such 556
determinations. 557

(C) Fees, charges, rates of interest, times of payment of 558
interest and principal, and other terms, conditions, and 559
provisions of and security for financial assistance provided 560
pursuant to the provisions of this chapter shall be such as the 561
director determines to be appropriate. If any payments required by 562
a loan agreement entered into pursuant to this chapter are not 563
paid, the funds which would otherwise be apportioned to the local 564
subdivision from the county undivided local government fund, 565
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 566
at the direction of the director of the Ohio public works 567
commission, be reduced by the amount payable. The county treasurer 568
shall, at the direction of the director, pay the amount of such 569
reductions to the state capital improvements revolving loan fund. 570
The director may renegotiate a loan repayment schedule with a 571
local subdivision whose payments from the county undivided local 572
government fund could be reduced pursuant to this division, but 573
such a renegotiation may occur only one time with respect to any 574
particular loan agreement. 575

(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;

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

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

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

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS
Year 1	0%
Year 2	0%

Year 3	10%	607
Year 4	12%	608
Year 5	15%	609
Year 6	20%	610
Year 7, 8, 9, and 10	22%	611

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 1	0%	619
Year 2	0%	620
Year 3	3%	621
Year 4	5%	622
Year 5	5%	623
Year 6	7%	624
Year 7	7%	625
Year 8	8%	626
Year 9	8%	627
Year 10	8%	628

(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 639
divisions (B)(1) and (5) of section 164.08 of the Revised Code 640
which can be used for new or expanded infrastructure is limited as 641
follows: 642

YEAR IN WHICH	PORTION WHICH MAY	
MONEYS ARE ALLOCATED	BE USED FOR NEW OR	
	EXPANSION INFRASTRUCTURE	
Year 1	5%	646
Year 2	5%	647
Year 3	10%	648
Year 4	10%	649
Year 5	10%	650
Year 6	15%	651
Year 7	15%	652
Year 8	20%	653
Year 9	20%	654
Year 10 and each year		655
thereafter	20%	656

(I) The following portion of a district public works 657
integrating committee's annual allocation share pursuant to 658
section 164.08 of the Revised Code shall be awarded to 659
subdivisions in the form of interest-free, low-interest, market 660
rate of interest, or blended-rate loans, or local debt support and 661
credit enhancements: 662

YEAR IN WHICH	PORTION USED FOR LOANS	
MONEYS ARE ALLOCATED	OR LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 11 and each year		666
thereafter	20%	667

(J) No project shall be approved under this section unless 668
the project is designed to have a useful life of at least seven 669
years. In addition, the average useful life of all projects for 670

which grants or loans are awarded in each district during a 671
program year shall not be less than twenty years. 672

Sec. 307.05. As used in this section, "emergency medical 673
service organization" has the same meaning as in section 4765.01 674
of the Revised Code. 675

A board of county commissioners may operate an ambulance 676
service organization or emergency medical service organization, 677
or, in counties with a population of forty thousand or less, may 678
operate a nonemergency patient transport service organization, or 679
may enter into a contract with one or more counties, townships, 680
municipal corporations, nonprofit corporations, joint emergency 681
medical services districts, fire and ambulance districts, or 682
private ambulance owners, regardless of whether such counties, 683
townships, municipal corporations, nonprofit corporations, joint 684
emergency medical services districts, fire and ambulance 685
districts, or private ambulance owners are located within or 686
without the state, in order to furnish or obtain the services of 687
ambulance service organizations, to furnish or obtain additional 688
services from ambulance service organizations in times of 689
emergency, to furnish or obtain the services of emergency medical 690
service organizations, or, in counties with a population of forty 691
thousand or less, to furnish or obtain services of nonemergency 692
patient transport service organizations, or may enter into a 693
contract with any such entity to furnish or obtain the interchange 694
of services from ambulance or emergency medical service 695
organizations, or, within counties with a population of forty 696
thousand or less, to furnish or obtain the interchange of services 697
from nonemergency patient transport service organizations, within 698
the territories of the contracting subdivisions. Except in the 699
case of a contract with a joint emergency medical services 700
district to obtain the services of emergency medical service 701
organizations, such contracts shall not be entered into with a 702

public agency or nonprofit corporation that receives more than 703
half of its operating funds from governmental entities with the 704
intention of directly competing with the operation of other 705
ambulance service organizations, nonemergency patient transport 706
service organizations, or emergency medical service organizations 707
in the county unless the public agency or nonprofit corporation is 708
awarded the contract after submitting the lowest and best bid to 709
the board of county commissioners. Any county wishing to commence 710
operation of a nonemergency patient transport service organization 711
or wishing to enter into a contract for the first time to furnish 712
or obtain services from a nonemergency patient transport service 713
organization on or after March 1, 1993, including a county in 714
which a private provider has been providing the service, shall 715
demonstrate the need for public funding for the service to, and 716
obtain approval from, the state board of emergency medical, fire, 717
and transportation services or its immediate successor board prior 718
to operating or funding the organization. 719

When such an organization is operated by the board, the 720
organization may be administered by the board, by the county 721
sheriff, or by another county officer or employee designated by 722
the board. All rules, including the determining of reasonable 723
rates, necessary for the establishment, operation, and maintenance 724
of such an organization shall be adopted by the board. 725

A contract for services of an ambulance service, nonemergency 726
patient transport service, or emergency medical service 727
organization shall include the terms, conditions, and stipulations 728
as agreed to by the parties to the contract. It may provide for a 729
fixed annual charge to be paid at the times agreed upon and 730
stipulated in the contract, or for compensation based upon a 731
stipulated price for each run, call, or emergency or the number of 732
persons or pieces of apparatus employed, or the elapsed time of 733
service required in such run, call, or emergency, or any 734

combination thereof. 735

Sec. 307.051. As used in this section, "emergency medical 736
service organization" has the same meaning as in section 4766.01 737
of the Revised Code. 738

A board of county commissioners, by adoption of an 739
appropriate resolution, may choose to have the ~~Ohio~~ state board of 740
emergency medical, fire, and transportation board services license 741
any emergency medical service organization it operates. If a board 742
adopts such a resolution, Chapter 4766. of the Revised Code, 743
except for sections 4766.06 and 4766.99 of the Revised Code, 744
applies to the county emergency medical service organization. All 745
rules adopted under the applicable sections of that chapter also 746
apply to the organization. A board, by adoption of an appropriate 747
resolution, may remove its emergency medical service organization 748
from the jurisdiction of the ~~Ohio~~ state board of emergency 749
medical, fire, and transportation board services. 750

Sec. 307.055. (A) Subject to the terms and conditions of the 751
joint resolution creating it, each joint emergency medical 752
services district may furnish ambulance services and emergency 753
medical services by one of the following methods: 754

(1) By operating an emergency medical service organization as 755
defined in section 4765.01 of the Revised Code; 756

(2) By contracting for the operation of one or more 757
facilities pursuant to division (C) or (D) of this section; 758

(3) By providing necessary services and equipment to the 759
district either directly or under a contract entered into pursuant 760
to division (B) of this section; 761

(4) By providing service through any combination of methods 762
described in divisions (A)(1) to (3) of this section. 763

(B) In order to obtain ambulance service, to obtain 764
additional ambulance service in times of emergency, or to obtain 765
emergency medical services, a joint emergency medical services 766
district may enter into a contract, for a period not to exceed 767
three years, with one or more counties, townships, municipal 768
corporations, joint fire districts, other governmental units that 769
provide ambulance service or emergency medical services, nonprofit 770
corporations, or private ambulance owners, regardless of whether 771
the entities contracted with are located within or outside this 772
state, upon such terms as are agreed to, to furnish or receive 773
ambulance services or the interchange of ambulance services or 774
emergency medical services within the several territories of the 775
contracting subdivisions, if the contract is first authorized by 776
all boards of trustees and legislative authorities in the 777
territories to be served. 778

Such a contract may provide for a fixed annual charge to be 779
paid at the times agreed upon and stipulated in the contract; or 780
for compensation based on a stipulated price for each run, call, 781
or emergency or based on the elapsed time of service required for 782
each run, call, or emergency, or based on any combination of 783
these. 784

Expenditures of a district for ambulance service or emergency 785
medical service, whether pursuant to contract or otherwise, are 786
lawful expenditures, regardless of whether the district or the 787
party with which it contracts charges an additional fee to users 788
of the service. 789

(C) The board of trustees may enter into a contract with any 790
person, municipal corporation, township, or other political 791
subdivision, and any political subdivision may contract with the 792
board, for the operation and maintenance of emergency medical 793
services facilities regardless of whether the facilities used are 794
owned or leased by the district, by another political subdivision, 795

or by the contractor. 796

(D) The district may purchase, lease, and maintain all 797
materials, buildings, land, and equipment, including vehicles, the 798
board considers necessary for the district. 799

When the board finds, by resolution, that the district has 800
personal property that is not needed for public use, or is 801
obsolete or unfit for the use for which it was acquired, the board 802
may dispose of the property in the same manner as provided in 803
section 307.12 of the Revised Code. 804

(E) Except in the case of a contract with a board of county 805
commissioners for the provision of services of an emergency 806
medical service organization, any contract entered into by a joint 807
emergency medical services district shall conform to the same 808
bidding requirements that apply to county contracts under sections 809
307.86 to 307.92 of the Revised Code. 810

(F) A county participating in a joint district may contribute 811
any of its rights or interests in real or personal property, 812
including money, and may contribute services to the district. Any 813
such contributions shall be made by a written agreement between 814
the contributing county and the district, specifying the 815
contribution as well as the rights of the participating counties 816
in the contributed property. Written agreements shall also be 817
prepared specifying the rights of participating counties in 818
property acquired by the district other than by contribution of a 819
participating county. Written agreements required by this division 820
may be amended only by written agreement of all parties to the 821
original agreement. 822

(G) A district's board of trustees, by adoption of an 823
appropriate resolution, may choose to have the ~~Ohio~~ state board of 824
emergency medical, fire, and transportation board services license 825
any emergency medical service organization the district operates. 826

If a 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 district emergency medical service organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board, by adoption of an appropriate resolution, may remove the district emergency medical service organization from the jurisdiction of the ~~Ohio state board of emergency medical, fire, and transportation board services.~~

Sec. 505.37. (A) The board of township trustees may establish all necessary rules to guard against the occurrence of fires and to protect the property and lives of the citizens against damage and accidents, and may, with the approval of the specifications by the prosecuting attorney or, if the township has adopted limited home rule government under Chapter 504. of the Revised Code, with the approval of the specifications by the township's law director, purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, mechanical resuscitators, or other equipment, appliances, materials, fire hydrants, and water supply for fire-fighting purposes that seems advisable to the board. The board shall provide for the care and maintenance of fire equipment, and, for these purposes, may purchase, lease, lease with an option to purchase, or construct and maintain necessary buildings, and it may establish and maintain lines of fire-alarm communications within the limits of the township. The board may employ one or more persons to maintain and operate fire-fighting equipment, or it may enter into an agreement with a volunteer fire company for the use and operation of fire-fighting equipment. The board may compensate the members of a volunteer fire company on any basis and in any amount that it considers equitable.

When the estimated cost to purchase fire apparatus, mechanical resuscitators, other equipment, appliances, materials,

fire hydrants, buildings, or fire-alarm communications equipment 859
or services exceeds fifty thousand dollars, the contract shall be 860
let by competitive bidding. When competitive bidding is required, 861
the board shall advertise once a week for not less than two 862
consecutive weeks in a newspaper of general circulation within the 863
township. The board may also cause notice to be inserted in trade 864
papers or other publications designated by it or to be distributed 865
by electronic means, including posting the notice on the board's 866
internet web site. If the board posts the notice on its web site, 867
it may eliminate the second notice otherwise required to be 868
published in a newspaper of general circulation within the 869
township, provided that the first notice published in such 870
newspaper meets all of the following requirements: 871

(1) It is published at least two weeks before the opening of 872
bids. 873

(2) It includes a statement that the notice is posted on the 874
board's internet web site. 875

(3) It includes the internet address of the board's internet 876
web site. 877

(4) It includes instructions describing how the notice may be 878
accessed on the board's internet web site. 879

The advertisement shall include the time, date, and place 880
where the clerk of the township, or the clerk's designee, will 881
read bids publicly. The time, date, and place of bid openings may 882
be extended to a later date by the board of township trustees, 883
provided that written or oral notice of the change shall be given 884
to all persons who have received or requested specifications not 885
later than ninety-six hours prior to the original time and date 886
fixed for the opening. The board may reject all the bids or accept 887
the lowest and best bid, provided that the successful bidder meets 888
the requirements of section 153.54 of the Revised Code when the 889

contract is for the construction, demolition, alteration, repair, 890
or reconstruction of an improvement. 891

(B) The boards of township trustees of any two or more 892
townships, or the legislative authorities of any two or more 893
political subdivisions, or any combination of these, may, through 894
joint action, unite in the joint purchase, lease, lease with an 895
option to purchase, maintenance, use, and operation of 896
fire-fighting equipment, or for any other purpose designated in 897
sections 505.37 to 505.42 of the Revised Code, and may prorate the 898
expense of the joint action on any terms that are mutually agreed 899
upon. 900

(C) The board of township trustees of any township may, by 901
resolution, whenever it is expedient and necessary to guard 902
against the occurrence of fires or to protect the property and 903
lives of the citizens against damages resulting from their 904
occurrence, create a fire district of any portions of the township 905
that it considers necessary. The board may purchase, lease, lease 906
with an option to purchase, or otherwise provide any fire 907
apparatus, appliances, materials, fire hydrants, and water supply 908
for fire-fighting purposes, or may contract for the fire 909
protection for the fire district as provided in section 9.60 of 910
the Revised Code. The fire district so created shall be given a 911
separate name by which it shall be known. 912

Additional unincorporated territory of the township may be 913
added to a fire district upon the board's adoption of a resolution 914
authorizing the addition. A municipal corporation that is within 915
or adjoining the township may be added to a fire district upon the 916
board's adoption of a resolution authorizing the addition and the 917
municipal legislative authority's adoption of a resolution or 918
ordinance requesting the addition of the municipal corporation to 919
the fire district. 920

If the township fire district imposes a tax, additional 921

unincorporated territory of the township or a municipal 922
corporation that is within or adjoining the township shall become 923
part of the fire district only after all of the following have 924
occurred: 925

(1) Adoption by the board of township trustees of a 926
resolution approving the expansion of the territorial limits of 927
the district and, if the resolution proposes to add a municipal 928
corporation, adoption by the municipal legislative authority of a 929
resolution or ordinance requesting the addition of the municipal 930
corporation to the district; 931

(2) Adoption by the board of township trustees of a 932
resolution recommending the extension of the tax to the additional 933
territory; 934

(3) Approval of the tax by the electors of the territory 935
proposed for addition to the district. 936

Each resolution of the board adopted under division (C)(2) of 937
this section shall state the name of the fire district, a 938
description of the territory to be added, and the rate and 939
termination date of the tax, which shall be the rate and 940
termination date of the tax currently in effect in the fire 941
district. 942

The board of trustees shall certify each resolution adopted 943
under division (C)(2) of this section to the board of elections in 944
accordance with section 5705.19 of the Revised Code. The election 945
required under division (C)(3) of this section shall be held, 946
canvassed, and certified in the manner provided for the submission 947
of tax levies under section 5705.25 of the Revised Code, except 948
that the question appearing on the ballot shall read: 949

"Shall the territory within 950
(description of the proposed territory to be added) be added to 951
..... (name) fire district, and a property tax 952

at a rate of taxation not exceeding (here insert tax rate) 953
be in effect for (here insert the number of years the 954
tax is to be in effect or "a continuing period of time," as 955
applicable)?" 956

If the question is approved by at least a majority of the 957
electors voting on it, the joinder shall be effective as of the 958
first day of July of the year following approval, and on that 959
date, the township fire district tax shall be extended to the 960
taxable property within the territory that has been added. If the 961
territory that has been added is a municipal corporation and if it 962
had adopted a tax levy for fire purposes, the levy is terminated 963
on the effective date of the joinder. 964

Any municipal corporation may withdraw from a township fire 965
district created under division (C) of this section by the 966
adoption by the municipal legislative authority of a resolution or 967
ordinance ordering withdrawal. On the first day of July of the 968
year following the adoption of the resolution or ordinance of 969
withdrawal, the municipal corporation withdrawing ceases to be a 970
part of the district, and the power of the fire district to levy a 971
tax upon taxable property in the withdrawing municipal corporation 972
terminates, except that the fire district shall continue to levy 973
and collect taxes for the payment of indebtedness within the 974
territory of the fire district as it was composed at the time the 975
indebtedness was incurred. 976

Upon the withdrawal of any municipal corporation from a 977
township fire district created under division (C) of this section, 978
the county auditor shall ascertain, apportion, and order a 979
division of the funds on hand, moneys and taxes in the process of 980
collection except for taxes levied for the payment of 981
indebtedness, credits, and real and personal property, either in 982
money or in kind, on the basis of the valuation of the respective 983
tax duplicates of the withdrawing municipal corporation and the 984

remaining territory of the fire district. 985

A board of township trustees may remove unincorporated 986
territory of the township from the fire district upon the adoption 987
of a resolution authorizing the removal. On the first day of July 988
of the year following the adoption of the resolution, the 989
unincorporated township territory described in the resolution 990
ceases to be a part of the district, and the power of the fire 991
district to levy a tax upon taxable property in that territory 992
terminates, except that the fire district shall continue to levy 993
and collect taxes for the payment of indebtedness within the 994
territory of the fire district as it was composed at the time the 995
indebtedness was incurred. 996

(D) The board of township trustees of any township, the board 997
of fire district trustees of a fire district created under section 998
505.371 of the Revised Code, or the legislative authority of any 999
municipal corporation may purchase, lease, or lease with an option 1000
to purchase the necessary fire-fighting equipment, buildings, and 1001
sites for the township, fire district, or municipal corporation 1002
and issue securities for that purpose with maximum maturities as 1003
provided in section 133.20 of the Revised Code. The board of 1004
township trustees, board of fire district trustees, or legislative 1005
authority may also construct any buildings necessary to house 1006
fire-fighting equipment and issue securities for that purpose with 1007
maximum maturities as provided in section 133.20 of the Revised 1008
Code. 1009

The board of township trustees, board of fire district 1010
trustees, or legislative authority may issue the securities of the 1011
township, fire district, or municipal corporation, signed by the 1012
board or designated officer of the municipal corporation and 1013
attested by the signature of the township fiscal officer, fire 1014
district clerk, or municipal clerk, covering any deferred payments 1015
and payable at the times provided, which securities shall bear 1016

interest not to exceed the rate determined as provided in section 1017
9.95 of the Revised Code, and shall not be subject to Chapter 133. 1018
of the Revised Code. The legislation authorizing the issuance of 1019
the securities shall provide for levying and collecting annually 1020
by taxation, amounts sufficient to pay the interest on and 1021
principal of the securities. The securities shall be offered for 1022
sale on the open market or given to the vendor or contractor if no 1023
sale is made. 1024

Section 505.40 of the Revised Code does not apply to any 1025
securities issued, or any lease with an option to purchase entered 1026
into, in accordance with this division. 1027

(E) A board of township trustees of any township or a board 1028
of fire district trustees of a fire district created under section 1029
505.371 of the Revised Code may purchase a policy or policies of 1030
liability insurance for the officers, employees, and appointees of 1031
the fire department, fire district, or joint fire district 1032
governed by the board that includes personal injury liability 1033
coverage as to the civil liability of those officers, employees, 1034
and appointees for false arrest, detention, or imprisonment, 1035
malicious prosecution, libel, slander, defamation or other 1036
violation of the right of privacy, wrongful entry or eviction, or 1037
other invasion of the right of private occupancy, arising out of 1038
the performance of their duties. 1039

When a board of township trustees cannot, by deed of gift or 1040
by purchase and upon terms it considers reasonable, procure land 1041
for a township fire station that is needed in order to respond in 1042
reasonable time to a fire or medical emergency, the board may 1043
appropriate land for that purpose under sections 163.01 to 163.22 1044
of the Revised Code. If it is necessary to acquire additional 1045
adjacent land for enlarging or improving the fire station, the 1046
board may purchase, appropriate, or accept a deed of gift for the 1047
land for these purposes. 1048

(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 emergency medical, fire, and transportation board services.

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

(b) If a joint fire district created under section 505.371 of the Revised Code or a joint ambulance district created under section 505.71 of the Revised Code is dissolved to facilitate the creation of a fire and ambulance district under division (A)(1)(a)

of this section, the townships and municipal corporations forming 1080
the fire and ambulance district may transfer to the fire and 1081
ambulance district any of the funds on hand, moneys and taxes in 1082
the process of collection, credits, and real and personal property 1083
apportioned to them under division (D) of section 505.371 of the 1084
Revised Code or section 505.71 of the Revised Code, as applicable, 1085
for use by the fire and ambulance district in accordance with this 1086
section. 1087

(2)(a) The board of trustees of a joint ambulance district 1088
created under section 505.71 of the Revised Code and the board of 1089
fire district trustees of a joint fire district created under 1090
section 505.371 of the Revised Code may negotiate to combine their 1091
two joint districts into a single fire and ambulance district for 1092
the delivery of both fire and ambulance services, if the 1093
geographic area covered by the combining joint districts is 1094
exactly the same. Both boards shall adopt a joint resolution 1095
ratifying the agreement and setting a date on which the fire and 1096
ambulance district shall come into being. 1097

(b) On that date, the joint fire district and the joint 1098
ambulance district shall cease to exist, and the power of each to 1099
levy a tax upon taxable property shall terminate, except that any 1100
levy of a tax for the payment of indebtedness within the territory 1101
of the joint fire or joint ambulance district as it was composed 1102
at the time the indebtedness was incurred shall continue to be 1103
collected by the successor fire and ambulance district if the 1104
indebtedness remains unpaid. All funds and other property of the 1105
joint districts shall become the property of the fire and 1106
ambulance district, unless otherwise provided in the negotiated 1107
agreement. The agreement shall provide for the settlement of all 1108
debts and obligations of the joint districts. 1109

(B)(1) The governing body of a fire and ambulance district 1110
created under division (A)(1) or (2) of this section shall be a 1111

board of trustees of at least three but no more than nine members, 1112
appointed as provided in the agreement creating the district. 1113
Members of the board may be compensated at a rate not to exceed 1114
thirty dollars per meeting for not more than fifteen meetings per 1115
year, and may be reimbursed for all necessary expenses incurred, 1116
as provided in the agreement creating the district. 1117

(2) The board shall employ a clerk and other employees as it 1118
considers best, including a fire chief or fire prevention 1119
officers, and shall fix their compensation. Neither this section 1120
nor any other section of the Revised Code requires, or shall be 1121
construed to require, that the fire chief of a fire and ambulance 1122
district be a resident of the district. 1123

Before entering upon the duties of office, the clerk shall 1124
execute a bond, in the amount and with surety to be approved by 1125
the board, payable to the state, conditioned for the faithful 1126
performance of all of the clerk's official duties. The clerk shall 1127
deposit the bond with the presiding officer of the board, who 1128
shall file a copy of it, certified by the presiding officer, with 1129
the county auditor of the county containing the most territory in 1130
the district. 1131

The board also shall provide for the appointment of a fiscal 1132
officer for the district and may enter into agreements with 1133
volunteer fire companies for the use and operation of 1134
fire-fighting equipment. Volunteer firefighters acting under such 1135
an agreement are subject to the requirements for volunteer 1136
firefighters set forth in division (A) of section 505.38 of the 1137
Revised Code. 1138

(3) Employees of the district shall not be removed from 1139
office except as provided by sections 733.35 to 733.39 of the 1140
Revised Code, except that, to initiate removal proceedings, the 1141
board shall designate a private citizen or, if the employee is 1142
employed as a firefighter, the board may designate the fire chief, 1143

to investigate, conduct the proceedings, and prepare the necessary 1144
charges in conformity with those sections, and except that the 1145
board shall perform the functions and duties specified for the 1146
municipal legislative authority under those sections. The board 1147
may pay reasonable compensation to any private citizen hired for 1148
services rendered in the matter. 1149

(4) No person shall be appointed as a permanent full-time 1150
paid member of the district whose duties include fire fighting, or 1151
be appointed as a volunteer firefighter, unless that person has 1152
received a certificate issued under former section 3303.07 or 1153
section 4765.55 of the Revised Code evidencing satisfactory 1154
completion of a firefighter training program. The board may send 1155
its officers and firefighters to schools of instruction designed 1156
to promote the efficiency of firefighters and, if authorized in 1157
advance, may pay their necessary expenses from the funds used for 1158
the maintenance and operation of the district. 1159

The board may choose, by adoption of an appropriate 1160
resolution, to have the Ohio state board of emergency medical, 1161
fire, and transportation board services license any emergency 1162
medical service organization it operates. If the board adopts such 1163
a resolution, Chapter 4766. of the Revised Code, except for 1164
sections 4766.06 and 4766.99 of the Revised Code, applies to the 1165
organization. All rules adopted under the applicable sections of 1166
that chapter also apply to the organization. The board may remove, 1167
by resolution, its emergency medical service organization from the 1168
jurisdiction of the Ohio state board of emergency medical, fire, 1169
and transportation board services. 1170

(C) The board of trustees of a fire and ambulance district 1171
created under division (A)(1) or (2) of this section may exercise 1172
the following powers: 1173

(1) Purchase or otherwise provide any fire apparatus, 1174
mechanical resuscitators, or other fire or ambulance equipment, 1175

appliances, or materials; fire hydrants; and water supply for	1176
firefighting purposes that seems advisable to the board;	1177
(2) Provide for the care and maintenance of equipment and,	1178
for that purpose, purchase, lease, lease with an option to	1179
purchase, or construct and maintain necessary buildings;	1180
(3) Establish and maintain lines of fire-alarm communications	1181
within the limits of the district;	1182
(4) Appropriate land for a fire station or medical emergency	1183
unit needed in order to respond in reasonable time to a fire or	1184
medical emergency, in accordance with Chapter 163. of the Revised	1185
Code;	1186
(5) Purchase, appropriate, or accept a deed or gift of land	1187
to enlarge or improve a fire station or medical emergency unit;	1188
(6) Purchase, lease, lease with an option to purchase,	1189
maintain, and use all materials, equipment, vehicles, buildings,	1190
and land necessary to perform its duties;	1191
(7) Contract for a period not to exceed three years with one	1192
or more townships, municipal corporations, counties, joint fire	1193
districts, joint ambulance districts, governmental agencies,	1194
nonprofit corporations, or private ambulance owners located either	1195
within or outside the state, to furnish or receive ambulance	1196
services or emergency medical services within the several	1197
territories of the contracting parties, if the contract is first	1198
authorized by all boards of trustees and legislative authorities	1199
concerned;	1200
(8) Establish reasonable charges for the use of ambulance or	1201
emergency medical services under the same conditions under which a	1202
board of fire district trustees may establish those charges under	1203
section 505.371 of the Revised Code;	1204
(9) Establish all necessary rules to guard against the	1205

occurrence of fires and to protect property and lives against 1206
damage and accidents; 1207

(10) Adopt a standard code pertaining to fire, fire hazards, 1208
and fire prevention prepared and promulgated by the state or by a 1209
public or private organization that publishes a model or standard 1210
code; 1211

(11) Provide for charges for false alarms at commercial 1212
establishments in the same manner as joint fire districts are 1213
authorized to do under section 505.391 of the Revised Code; 1214

(12) Issue bonds and other evidences of indebtedness, subject 1215
to Chapter 133. of the Revised Code, but only after approval by a 1216
vote of the electors of the district as provided by section 133.18 1217
of the Revised Code; 1218

(13) To provide the services and equipment it considers 1219
necessary, levy a sufficient tax, subject to Chapter 5705. of the 1220
Revised Code, on all the taxable property in the district. 1221

(D) Any municipal corporation or township may join an 1222
existing fire and ambulance district, whether created under 1223
division (A)(1) or (2) of this section, by its legislative 1224
authority's adoption of a resolution requesting the membership and 1225
upon approval of the board of trustees of the district. Any 1226
municipal corporation or township may withdraw from a district, 1227
whether created under division (A)(1) or (2) of this section, by 1228
its legislative authority's adoption of a resolution ordering 1229
withdrawal. Upon its withdrawal, the municipal corporation or 1230
township ceases to be a part of the district, and the district's 1231
power to levy a tax on taxable property in the withdrawing 1232
township or municipal corporation terminates, except that the 1233
district shall continue to levy and collect taxes for the payment 1234
of indebtedness within the territory of the district as it was 1235
composed at the time the indebtedness was incurred. 1236

Upon the withdrawal of any township or municipal corporation 1237
from a district, the county auditor of the county containing the 1238
most territory in the district shall ascertain, apportion, and 1239
order a division of the funds on hand, including funds in the 1240
ambulance and emergency medical services fund, moneys and taxes in 1241
the process of collection, except for taxes levied for the payment 1242
of indebtedness, credits, and real and personal property on the 1243
basis of the valuation of the respective tax duplicates of the 1244
withdrawing municipal corporation or township and the remaining 1245
territory of the district. 1246

(E) As used in this section: 1247

(1) "Governmental agency" includes all departments, boards, 1248
offices, commissions, agencies, colleges, universities, 1249
institutions, and other instrumentalities of this or another 1250
state. 1251

(2) "Emergency medical service organization" has the same 1252
meaning as in section 4766.01 of the Revised Code. 1253

Sec. 505.44. As used in this section: 1254

(A) "Emergency medical service organization" has the same 1255
meaning as in section 4765.01 of the Revised Code. 1256

(B) "State agency" means all departments, boards, offices, 1257
commissions, agencies, colleges, universities, institutions, and 1258
other instrumentalities of this or another state. 1259

In order to obtain the services of ambulance service 1260
organizations, to obtain additional services from ambulance 1261
service organizations in times of emergency, to obtain the 1262
services of emergency medical service organizations, or, if the 1263
township is located in a county with a population of forty 1264
thousand or less, to obtain the services of nonemergency patient 1265
transport service organizations, a township may enter into a 1266

contract with one or more state agencies, townships, municipal 1267
corporations, counties, nonprofit corporations, joint emergency 1268
medical services districts, fire and ambulance districts, or 1269
private ambulance owners, regardless of whether such state 1270
agencies, townships, municipal corporations, counties, nonprofit 1271
corporations, joint emergency medical services districts, fire and 1272
ambulance districts, or private ambulance owners are located 1273
within or outside the state, upon such terms as are agreed to by 1274
them, to furnish or receive services from ambulance or emergency 1275
medical service organizations or, if the township is located in a 1276
county with a population of forty thousand or less, to furnish or 1277
receive services from nonemergency patient transport service 1278
organizations, or may enter into a contract for the interchange of 1279
services from ambulance or emergency medical service organizations 1280
or, if the township is located in a county with a population of 1281
forty thousand or less, the interchange of services from 1282
nonemergency patient transport service organizations, within the 1283
several territories of the contracting parties, if the contract is 1284
first authorized by the respective boards of township trustees, 1285
the other legislative bodies, or the officer or body authorized to 1286
contract on behalf of the state agency. Such contracts shall not 1287
be entered into with a state agency or nonprofit corporation that 1288
receives more than half of its operating funds from governmental 1289
entities with the intention of directly competing with the 1290
operation of other ambulance, emergency medical, or nonemergency 1291
patient transport service organizations in the township unless the 1292
state agency or nonprofit corporation is awarded the contract 1293
after submitting the lowest and best bid to the board of township 1294
trustees. 1295

The contract may provide for compensation upon such terms as 1296
the parties may agree. 1297

Any township wishing to commence providing or wishing to 1298

enter into a contract for the first time to furnish or obtain 1299
services from nonemergency patient transport service organizations 1300
on or after March 1, 1993, including a township in which a private 1301
provider has been providing the service, shall demonstrate the 1302
need for public funding for the service to, and obtain approval 1303
from, the state board of emergency medical, fire, and 1304
transportation services or its immediate successor board prior to 1305
the establishment of a township-operated or township-funded 1306
service. 1307

Sec. 505.72. (A) The board of trustees of a joint ambulance 1308
district shall provide for the employment of such employees as it 1309
considers best, and shall fix their compensation. Such employees 1310
shall continue in office until removed as provided by sections 1311
733.35 to 733.39 of the Revised Code. To initiate removal 1312
proceedings, and for such purpose, the board shall designate a 1313
private citizen to investigate the conduct and prepare the 1314
necessary charges in conformity with sections 733.35 to 733.39 of 1315
the Revised Code. The board may pay reasonable compensation to 1316
such person for the person's services. 1317

In case of the removal of an employee of the district, an 1318
appeal may be had from the decision of the board to the court of 1319
common pleas of the county in which such district, or part of it, 1320
is situated, to determine the sufficiency of the cause of removal. 1321
Such appeal from the findings of the board shall be taken within 1322
ten days. 1323

(B) As used in this division, "emergency medical service 1324
organization" has the same meaning as in section 4765.01 of the 1325
Revised Code. 1326

(1) In order to obtain the services of ambulance service 1327
organizations, to obtain additional services from ambulance 1328
service organizations in times of emergency, or to obtain the 1329

services of emergency medical service organizations, a district 1330
may enter into a contract, for a period not to exceed three years, 1331
with one or more townships, municipal corporations, joint fire 1332
districts, nonprofit corporations, any other governmental unit 1333
that provides ambulance services or emergency medical services, or 1334
with private ambulance owners, regardless of whether such 1335
townships, municipal corporations, joint fire districts, nonprofit 1336
corporations, governmental unit, or private ambulance owners are 1337
located within or without this state, upon such terms as are 1338
agreed to, to furnish or receive services from ambulance or 1339
emergency medical service organizations or the interchange of 1340
services from ambulance or emergency medical service organizations 1341
within the several territories of the contracting subdivisions, if 1342
such contract is first authorized by all boards of trustees and 1343
legislative authorities concerned. 1344

The contract may provide for a fixed annual charge to be paid 1345
at the times agreed upon and stipulated in the contract, or for 1346
compensation based upon a stipulated price for each run, call, or 1347
emergency, or the elapsed time of service required in such run, 1348
call, or emergency, or any combination thereof. 1349

(2) Expenditures of a district for the services of ambulance 1350
service organizations or emergency medical service organizations, 1351
whether pursuant to contract or otherwise, are lawful 1352
expenditures, regardless of whether the district or the party with 1353
which it contracts charges additional fees to users of the 1354
services. 1355

(3) A district's board of trustees, by adoption of an 1356
appropriate resolution, may choose to have the ~~Ohio~~ state board of 1357
emergency medical, fire, and transportation board services license 1358
any emergency medical service organization the district operates. 1359
If a board adopts such a resolution, Chapter 4766. of the Revised 1360
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1361

applies to the district emergency medical service organization. 1362
All rules adopted under the applicable sections of that chapter 1363
also apply to the organization. A board, by adoption of an 1364
appropriate resolution, may remove the district emergency medical 1365
service organization from the jurisdiction of the ~~Ohio state board~~ 1366
of emergency medical, fire, and transportation board services. 1367

(C) Ambulance services or emergency medical services rendered 1368
for a joint ambulance district under this section and section 1369
505.71 of the Revised Code shall be deemed services of the 1370
district. These sections do not authorize suits against a district 1371
or any township or municipal corporation providing or receiving, 1372
or contracting to provide or receive, such services under these 1373
sections for damages for injury or loss to persons or property or 1374
for wrongful death caused by persons providing such services. 1375

Sec. 718.01. (A) As used in this chapter: 1376

(1) "Adjusted federal taxable income" means a C corporation's 1377
federal taxable income before net operating losses and special 1378
deductions as determined under the Internal Revenue Code, adjusted 1379
as follows: 1380

(a) Deduct intangible income to the extent included in 1381
federal taxable income. The deduction shall be allowed regardless 1382
of whether the intangible income relates to assets used in a trade 1383
or business or assets held for the production of income. 1384

(b) Add an amount equal to five per cent of intangible income 1385
deducted under division (A)(1)(a) of this section, but excluding 1386
that portion of intangible income directly related to the sale, 1387
exchange, or other disposition of property described in section 1388
1221 of the Internal Revenue Code; 1389

(c) Add any losses allowed as a deduction in the computation 1390
of federal taxable income if the losses directly relate to the 1391

sale, exchange, or other disposition of an asset described in 1392
section 1221 or 1231 of the Internal Revenue Code; 1393

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 1394
section, deduct income and gain included in federal taxable income 1395
to the extent the income and gain directly relate to the sale, 1396
exchange, or other disposition of an asset described in section 1397
1221 or 1231 of the Internal Revenue Code; 1398

(ii) Division (A)(1)(d)(i) of this section does not apply to 1399
the extent the income or gain is income or gain described in 1400
section 1245 or 1250 of the Internal Revenue Code. 1401

(e) Add taxes on or measured by net income allowed as a 1402
deduction in the computation of federal taxable income; 1403

(f) In the case of a real estate investment trust and 1404
regulated investment company, add all amounts with respect to 1405
dividends to, distributions to, or amounts set aside for or 1406
credited to the benefit of investors and allowed as a deduction in 1407
the computation of federal taxable income; 1408

(g) Deduct, to the extent not otherwise deducted or excluded 1409
in computing federal taxable income, any income ~~derived from~~ 1410
~~providing public services under a contract through a project owned~~ 1411
~~by the state, as described in section 126.604 of the Revised Code~~ 1412
~~or~~ derived from a transfer agreement or from the enterprise 1413
transferred under that agreement under section 4313.02 of the 1414
Revised Code. 1415

If the taxpayer is not a C corporation and is not an 1416
individual, the taxpayer shall compute adjusted federal taxable 1417
income as if the taxpayer were a C corporation, except guaranteed 1418
payments and other similar amounts paid or accrued to a partner, 1419
former partner, member, or former member shall not be allowed as a 1420
deductible expense; amounts paid or accrued to a qualified 1421
self-employed retirement plan with respect to an owner or 1422

owner-employee of the taxpayer, amounts paid or accrued to or for 1423
health insurance for an owner or owner-employee, and amounts paid 1424
or accrued to or for life insurance for an owner or owner-employee 1425
shall not be allowed as a deduction. 1426

Nothing in division (A)(1) of this section shall be construed 1427
as allowing the taxpayer to add or deduct any amount more than 1428
once or shall be construed as allowing any taxpayer to deduct any 1429
amount paid to or accrued for purposes of federal self-employment 1430
tax. 1431

Nothing in this chapter shall be construed as limiting or 1432
removing the ability of any municipal corporation to administer, 1433
audit, and enforce the provisions of its municipal income tax. 1434

(2) "Internal Revenue Code" means the Internal Revenue Code 1435
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 1436

(3) "Schedule C" means internal revenue service schedule C 1437
filed by a taxpayer pursuant to the Internal Revenue Code. 1438

(4) "Form 2106" means internal revenue service form 2106 1439
filed by a taxpayer pursuant to the Internal Revenue Code. 1440

(5) "Intangible income" means income of any of the following 1441
types: income yield, interest, capital gains, dividends, or other 1442
income arising from the ownership, sale, exchange, or other 1443
disposition of intangible property including, but not limited to, 1444
investments, deposits, money, or credits as those terms are 1445
defined in Chapter 5701. of the Revised Code, and patents, 1446
copyrights, trademarks, tradenames, investments in real estate 1447
investment trusts, investments in regulated investment companies, 1448
and appreciation on deferred compensation. "Intangible income" 1449
does not include prizes, awards, or other income associated with 1450
any lottery winnings or other similar games of chance. 1451

(6) "S corporation" means a corporation that has made an 1452
election under subchapter S of Chapter 1 of Subtitle A of the 1453

Internal Revenue Code for its taxable year. 1454

(7) For taxable years beginning on or after January 1, 2004, 1455
"net profit" for a taxpayer other than an individual means 1456
adjusted federal taxable income and "net profit" for a taxpayer 1457
who is an individual means the individual's profit required to be 1458
reported on schedule C, schedule E, or schedule F, other than any 1459
amount allowed as a deduction under division (E)(2) or (3) of this 1460
section or amounts described in division (H) of this section. 1461

(8) "Taxpayer" means a person subject to a tax on income 1462
levied by a municipal corporation. Except as provided in division 1463
(L) of this section, "taxpayer" does not include any person that 1464
is a disregarded entity or a qualifying subchapter S subsidiary 1465
for federal income tax purposes, but "taxpayer" includes any other 1466
person who owns the disregarded entity or qualifying subchapter S 1467
subsidiary. 1468

(9) "Taxable year" means the corresponding tax reporting 1469
period as prescribed for the taxpayer under the Internal Revenue 1470
Code. 1471

(10) "Tax administrator" means the individual charged with 1472
direct responsibility for administration of a tax on income levied 1473
by a municipal corporation and includes: 1474

(a) The central collection agency and the regional income tax 1475
agency and their successors in interest, and other entities 1476
organized to perform functions similar to those performed by the 1477
central collection agency and the regional income tax agency; 1478

(b) A municipal corporation acting as the agent of another 1479
municipal corporation; and 1480

(c) Persons retained by a municipal corporation to administer 1481
a tax levied by the municipal corporation, but only if the 1482
municipal corporation does not compensate the person in whole or 1483
in part on a contingency basis. 1484

(11) "Person" includes individuals, firms, companies, 1485
 business trusts, estates, trusts, partnerships, limited liability 1486
 companies, associations, corporations, governmental entities, and 1487
 any other entity. 1488

(12) "Schedule E" means internal revenue service schedule E 1489
 filed by a taxpayer pursuant to the Internal Revenue Code. 1490

(13) "Schedule F" means internal revenue service schedule F 1491
 filed by a taxpayer pursuant to the Internal Revenue Code. 1492

(B) No municipal corporation shall tax income at other than a 1493
 uniform rate. 1494

(C) No municipal corporation shall levy a tax on income at a 1495
 rate in excess of one per cent without having obtained the 1496
 approval of the excess by a majority of the electors of the 1497
 municipality voting on the question at a general, primary, or 1498
 special election. The legislative authority of the municipal 1499
 corporation shall file with the board of elections at least ninety 1500
 days before the day of the election a copy of the ordinance 1501
 together with a resolution specifying the date the election is to 1502
 be held and directing the board of elections to conduct the 1503
 election. The ballot shall be in the following form: "Shall the 1504
 Ordinance providing for a ... per cent levy on income for (Brief 1505
 description of the purpose of the proposed levy) be passed? 1506

	FOR THE INCOME TAX	"
	AGAINST THE INCOME TAX	

1507
 1508
 1509
 1510

In the event of an affirmative vote, the proceeds of the levy 1511
 may be used only for the specified purpose. 1512

(D)(1) Except as otherwise provided in this section, no 1513
 municipal corporation shall exempt from a tax on income 1514

compensation for personal services of individuals over eighteen 1515
years of age or the net profit from a business or profession. 1516

(2)(a) For taxable years beginning on or after January 1, 1517
2004, no municipal corporation shall tax the net profit from a 1518
business or profession using any base other than the taxpayer's 1519
adjusted federal taxable income. 1520

(b) Division (D)(2)(a) of this section does not apply to any 1521
taxpayer required to file a return under section 5745.03 of the 1522
Revised Code or to the net profit from a sole proprietorship. 1523

(E)(1) The legislative authority of a municipal corporation 1524
may, by ordinance or resolution, exempt from withholding and from 1525
a tax on income the following: 1526

(a) Compensation arising from the sale, exchange, or other 1527
disposition of a stock option, the exercise of a stock option, or 1528
the sale, exchange, or other disposition of stock purchased under 1529
a stock option; or 1530

(b) Compensation attributable to a nonqualified deferred 1531
compensation plan or program described in section 3121(v)(2)(C) of 1532
the Internal Revenue Code. 1533

(2) The legislative authority of a municipal corporation may 1534
adopt an ordinance or resolution that allows a taxpayer who is an 1535
individual to deduct, in computing the taxpayer's municipal income 1536
tax liability, an amount equal to the aggregate amount the 1537
taxpayer paid in cash during the taxable year to a health savings 1538
account of the taxpayer, to the extent the taxpayer is entitled to 1539
deduct that amount on internal revenue service form 1040. 1540

(3) The legislative authority of a municipal corporation may 1541
adopt an ordinance or resolution that allows a taxpayer who has a 1542
net profit from a business or profession that is operated as a 1543
sole proprietorship to deduct from that net profit the amount that 1544
the taxpayer paid during the taxable year for medical care 1545

insurance premiums for the taxpayer, the taxpayer's spouse, and dependents as defined in section 5747.01 of the Revised Code. The deduction shall be allowed to the same extent the taxpayer is entitled to deduct the premiums on internal revenue service form 1040. The deduction allowed under this division shall be net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received by the taxpayer during the taxable year.

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

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

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

(H) A municipal corporation shall not tax any of the

following:	1578
(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;	1579 1580 1581
(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;	1582 1583 1584 1585 1586
(3) Except as otherwise provided in division (I) of this section, intangible income;	1587 1588
(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	1589 1590 1591 1592 1593 1594 1595
(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation;	1596 1597 1598 1599 1600 1601 1602 1603 1604
(6) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745. of the Revised Code:	1605 1606 1607 1608

(a) Beginning January 1, 2002, the income of an electric company or combined company;	1609 1610
(b) Beginning January 1, 2004, the income of a telephone company.	1611 1612
As used in division (H)(6) of this section, "combined company," "electric company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code.	1613 1614 1615
(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code;	1616 1617
(8) On and after January 1, 2001, compensation paid to a nonresident individual to the extent prohibited under section 718.011 of the Revised Code;	1618 1619 1620
(9)(a) Except as provided in division <u>divisions</u> (H)(9)(b) and (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.	1621 1622 1623 1624 1625 1626 1627
(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.	1628 1629 1630 1631 1632 1633 1634
(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and	1635 1636 1637 1638 1639

(2) of section 5733.05 of the Revised Code if the S corporation 1640
were a corporation subject to taxes imposed under Chapter 5733. of 1641
the Revised Code, the municipal corporation may continue to impose 1642
the tax on such distributive shares to the extent such shares 1643
would be so allocated or apportioned to this state only until 1644
December 31, 2004, unless a majority of the electors of the 1645
municipal corporation voting on the question of continuing to tax 1646
such shares after that date vote in favor of that question at an 1647
election held November 2, 2004. If a majority of those electors 1648
vote in favor of the question, the municipal corporation may 1649
continue after December 31, 2004, to impose the tax on such 1650
distributive shares only to the extent such shares would be so 1651
allocated or apportioned to this state. 1652

(d) For the purposes of division (D) of section 718.14 of the 1653
Revised Code, a municipal corporation shall be deemed to have 1654
elected to tax S corporation shareholders' distributive shares of 1655
net profits of the S corporation in the hands of the shareholders 1656
if a majority of the electors of a municipal corporation vote in 1657
favor of a question at an election held under division (H)(9)(b) 1658
or (c) of this section. The municipal corporation shall specify by 1659
ordinance or rule that the tax applies to the distributive share 1660
of a shareholder of an S corporation in the hands of the 1661
shareholder of the S corporation. 1662

(10) Employee compensation that is not "qualifying wages" as 1663
defined in section 718.03 of the Revised Code; 1664

(11) Beginning August 1, 2007, compensation paid to a person 1665
employed within the boundaries of a United States air force base 1666
under the jurisdiction of the United States air force that is used 1667
for the housing of members of the United States air force and is a 1668
center for air force operations, unless the person is subject to 1669
taxation because of residence or domicile. If the compensation is 1670
subject to taxation because of residence or domicile, municipal 1671

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 municipal corporation of residence or domicile.

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

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

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

(2) Nothing in this chapter requires a municipal corporation 1704
to allow a net operating loss carryforward. 1705

(L)(1) A single member limited liability company that is a 1706
disregarded entity for federal tax purposes may elect to be a 1707
separate taxpayer from its single member in all Ohio municipal 1708
corporations in which it either filed as a separate taxpayer or 1709
did not file for its taxable year ending in 2003, if all of the 1710
following conditions are met: 1711

(a) The limited liability company's single member is also a 1712
limited liability company; 1713

(b) The limited liability company and its single member were 1714
formed and doing business in one or more Ohio municipal 1715
corporations for at least five years before January 1, 2004; 1716

(c) Not later than December 31, 2004, the limited liability 1717
company and its single member each make an election to be treated 1718
as a separate taxpayer under division (L) of this section; 1719

(d) The limited liability company was not formed for the 1720
purpose of evading or reducing Ohio municipal corporation income 1721
tax liability of the limited liability company or its single 1722
member; 1723

(e) The Ohio municipal corporation that is the primary place 1724
of business of the sole member of the limited liability company 1725
consents to the election. 1726

(2) For purposes of division (L)(1)(e) of this section, a 1727
municipal corporation is the primary place of business of a 1728
limited liability company if, for the limited liability company's 1729
taxable year ending in 2003, its income tax liability is greater 1730
in that municipal corporation than in any other municipal 1731
corporation in Ohio, and that tax liability to that municipal 1732
corporation for its taxable year ending in 2003 is at least four 1733
hundred thousand dollars. 1734

Sec. 2913.01. As used in this chapter, unless the context 1735
requires that a term be given a different meaning: 1736

(A) "Deception" means knowingly deceiving another or causing 1737
another to be deceived by any false or misleading representation, 1738
by withholding information, by preventing another from acquiring 1739
information, or by any other conduct, act, or omission that 1740
creates, confirms, or perpetuates a false impression in another, 1741
including a false impression as to law, value, state of mind, or 1742
other objective or subjective fact. 1743

(B) "Defraud" means to knowingly obtain, by deception, some 1744
benefit for oneself or another, or to knowingly cause, by 1745
deception, some detriment to another. 1746

(C) "Deprive" means to do any of the following: 1747

(1) Withhold property of another permanently, or for a period 1748
that appropriates a substantial portion of its value or use, or 1749
with purpose to restore it only upon payment of a reward or other 1750
consideration; 1751

(2) Dispose of property so as to make it unlikely that the 1752
owner will recover it; 1753

(3) Accept, use, or appropriate money, property, or services, 1754
with purpose not to give proper consideration in return for the 1755
money, property, or services, and without reasonable justification 1756
or excuse for not giving proper consideration. 1757

(D) "Owner" means, unless the context requires a different 1758
meaning, any person, other than the actor, who is the owner of, 1759
who has possession or control of, or who has any license or 1760
interest in property or services, even though the ownership, 1761
possession, control, license, or interest is unlawful. 1762

(E) "Services" include labor, personal services, professional 1763
services, rental services, public utility services including 1764

wireless service as defined in division (F)(1) of section 5507.01 1765
of the Revised Code, common carrier services, and food, drink, 1766
transportation, entertainment, and cable television services and, 1767
for purposes of section 2913.04 of the Revised Code, include cable 1768
services as defined in that section. 1769

(F) "Writing" means any computer software, document, letter, 1770
memorandum, note, paper, plate, data, film, or other thing having 1771
in or upon it any written, typewritten, or printed matter, and any 1772
token, stamp, seal, credit card, badge, trademark, label, or other 1773
symbol of value, right, privilege, license, or identification. 1774

(G) "Forge" means to fabricate or create, in whole or in part 1775
and by any means, any spurious writing, or to make, execute, 1776
alter, complete, reproduce, or otherwise purport to authenticate 1777
any writing, when the writing in fact is not authenticated by that 1778
conduct. 1779

(H) "Utter" means to issue, publish, transfer, use, put or 1780
send into circulation, deliver, or display. 1781

(I) "Coin machine" means any mechanical or electronic device 1782
designed to do both of the following: 1783

(1) Receive a coin, bill, or token made for that purpose; 1784

(2) In return for the insertion or deposit of a coin, bill, 1785
or token, automatically dispense property, provide a service, or 1786
grant a license. 1787

(J) "Slug" means an object that, by virtue of its size, 1788
shape, composition, or other quality, is capable of being inserted 1789
or deposited in a coin machine as an improper substitute for a 1790
genuine coin, bill, or token made for that purpose. 1791

(K) "Theft offense" means any of the following: 1792

(1) A violation of section 2911.01, 2911.02, 2911.11, 1793
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1794

2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1795
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1796
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1797
2913.51, 2915.05, or 2921.41, ~~or division (B)(2) of section~~ 1798
~~4737.04~~ of the Revised Code; 1799

(2) A violation of an existing or former municipal ordinance 1800
or law of this or any other state, or of the United States, 1801
substantially equivalent to any section listed in division (K)(1) 1802
of this section or a violation of section 2913.41, 2913.81, or 1803
2915.06 of the Revised Code as it existed prior to July 1, 1996; 1804

(3) An offense under an existing or former municipal 1805
ordinance or law of this or any other state, or of the United 1806
States, involving robbery, burglary, breaking and entering, theft, 1807
embezzlement, wrongful conversion, forgery, counterfeiting, 1808
deceit, or fraud; 1809

(4) A conspiracy or attempt to commit, or complicity in 1810
committing, any offense under division (K)(1), (2), or (3) of this 1811
section. 1812

(L) "Computer services" includes, but is not limited to, the 1813
use of a computer system, computer network, computer program, data 1814
that is prepared for computer use, or data that is contained 1815
within a computer system or computer network. 1816

(M) "Computer" means an electronic device that performs 1817
logical, arithmetic, and memory functions by the manipulation of 1818
electronic or magnetic impulses. "Computer" includes, but is not 1819
limited to, all input, output, processing, storage, computer 1820
program, or communication facilities that are connected, or 1821
related, in a computer system or network to an electronic device 1822
of that nature. 1823

(N) "Computer system" means a computer and related devices, 1824
whether connected or unconnected, including, but not limited to, 1825

data input, output, and storage devices, data communications 1826
links, and computer programs and data that make the system capable 1827
of performing specified special purpose data processing tasks. 1828

(O) "Computer network" means a set of related and remotely 1829
connected computers and communication facilities that includes 1830
more than one computer system that has the capability to transmit 1831
among the connected computers and communication facilities through 1832
the use of computer facilities. 1833

(P) "Computer program" means an ordered set of data 1834
representing coded instructions or statements that, when executed 1835
by a computer, cause the computer to process data. 1836

(Q) "Computer software" means computer programs, procedures, 1837
and other documentation associated with the operation of a 1838
computer system. 1839

(R) "Data" means a representation of information, knowledge, 1840
facts, concepts, or instructions that are being or have been 1841
prepared in a formalized manner and that are intended for use in a 1842
computer, computer system, or computer network. For purposes of 1843
section 2913.47 of the Revised Code, "data" has the additional 1844
meaning set forth in division (A) of that section. 1845

(S) "Cable television service" means any services provided by 1846
or through the facilities of any cable television system or other 1847
similar closed circuit coaxial cable communications system, or any 1848
microwave or similar transmission service used in connection with 1849
any cable television system or other similar closed circuit 1850
coaxial cable communications system. 1851

(T) "Gain access" means to approach, instruct, communicate 1852
with, store data in, retrieve data from, or otherwise make use of 1853
any resources of a computer, computer system, or computer network, 1854
or any cable service or cable system both as defined in section 1855
2913.04 of the Revised Code. 1856

(U) "Credit card" includes, but is not limited to, a card, 1857
code, device, or other means of access to a customer's account for 1858
the purpose of obtaining money, property, labor, or services on 1859
credit, or for initiating an electronic fund transfer at a 1860
point-of-sale terminal, an automated teller machine, or a cash 1861
dispensing machine. It also includes a county procurement card 1862
issued under section 301.29 of the Revised Code. 1863

(V) "Electronic fund transfer" has the same meaning as in 92 1864
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1865

(W) "Rented property" means personal property in which the 1866
right of possession and use of the property is for a short and 1867
possibly indeterminate term in return for consideration; the 1868
rentee generally controls the duration of possession of the 1869
property, within any applicable minimum or maximum term; and the 1870
amount of consideration generally is determined by the duration of 1871
possession of the property. 1872

(X) "Telecommunication" means the origination, emission, 1873
dissemination, transmission, or reception of data, images, 1874
signals, sounds, or other intelligence or equivalence of 1875
intelligence of any nature over any communications system by any 1876
method, including, but not limited to, a fiber optic, electronic, 1877
magnetic, optical, digital, or analog method. 1878

(Y) "Telecommunications device" means any instrument, 1879
equipment, machine, or other device that facilitates 1880
telecommunication, including, but not limited to, a computer, 1881
computer network, computer chip, computer circuit, scanner, 1882
telephone, cellular telephone, pager, personal communications 1883
device, transponder, receiver, radio, modem, or device that 1884
enables the use of a modem. 1885

(Z) "Telecommunications service" means the providing, 1886
allowing, facilitating, or generating of any form of 1887

telecommunication through the use of a telecommunications device 1888
over a telecommunications system. 1889

(AA) "Counterfeit telecommunications device" means a 1890
telecommunications device that, alone or with another 1891
telecommunications device, has been altered, constructed, 1892
manufactured, or programmed to acquire, intercept, receive, or 1893
otherwise facilitate the use of a telecommunications service or 1894
information service without the authority or consent of the 1895
provider of the telecommunications service or information service. 1896
"Counterfeit telecommunications device" includes, but is not 1897
limited to, a clone telephone, clone microchip, tumbler telephone, 1898
or tumbler microchip; a wireless scanning device capable of 1899
acquiring, intercepting, receiving, or otherwise facilitating the 1900
use of telecommunications service or information service without 1901
immediate detection; or a device, equipment, hardware, or software 1902
designed for, or capable of, altering or changing the electronic 1903
serial number in a wireless telephone. 1904

(BB)(1) "Information service" means, subject to division 1905
(BB)(2) of this section, the offering of a capability for 1906
generating, acquiring, storing, transforming, processing, 1907
retrieving, utilizing, or making available information via 1908
telecommunications, including, but not limited to, electronic 1909
publishing. 1910

(2) "Information service" does not include any use of a 1911
capability of a type described in division (BB)(1) of this section 1912
for the management, control, or operation of a telecommunications 1913
system or the management of a telecommunications service. 1914

(CC) "Elderly person" means a person who is sixty-five years 1915
of age or older. 1916

(DD) "Disabled adult" means a person who is eighteen years of 1917
age or older and has some impairment of body or mind that makes 1918

the person unable to work at any substantially remunerative 1919
employment that the person otherwise would be able to perform and 1920
that will, with reasonable probability, continue for a period of 1921
at least twelve months without any present indication of recovery 1922
from the impairment, or who is eighteen years of age or older and 1923
has been certified as permanently and totally disabled by an 1924
agency of this state or the United States that has the function of 1925
so classifying persons. 1926

(EE) "Firearm" and "dangerous ordnance" have the same 1927
meanings as in section 2923.11 of the Revised Code. 1928

(FF) "Motor vehicle" has the same meaning as in section 1929
4501.01 of the Revised Code. 1930

(GG) "Dangerous drug" has the same meaning as in section 1931
4729.01 of the Revised Code. 1932

(HH) "Drug abuse offense" has the same meaning as in section 1933
2925.01 of the Revised Code. 1934

(II)(1) "Computer hacking" means any of the following: 1935

(a) Gaining access or attempting to gain access to all or 1936
part of a computer, computer system, or a computer network without 1937
express or implied authorization with the intent to defraud or 1938
with intent to commit a crime; 1939

(b) Misusing computer or network services including, but not 1940
limited to, mail transfer programs, file transfer programs, proxy 1941
servers, and web servers by performing functions not authorized by 1942
the owner of the computer, computer system, or computer network or 1943
other person authorized to give consent. As used in this division, 1944
"misuse of computer and network services" includes, but is not 1945
limited to, the unauthorized use of any of the following: 1946

(i) Mail transfer programs to send mail to persons other than 1947
the authorized users of that computer or computer network; 1948

(ii) File transfer program proxy services or proxy servers to 1949
access other computers, computer systems, or computer networks; 1950

(iii) Web servers to redirect users to other web pages or web 1951
servers. 1952

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1953
using a group of computer programs commonly known as "port 1954
scanners" or "probes" to intentionally access any computer, 1955
computer system, or computer network without the permission of the 1956
owner of the computer, computer system, or computer network or 1957
other person authorized to give consent. The group of computer 1958
programs referred to in this division includes, but is not limited 1959
to, those computer programs that use a computer network to access 1960
a computer, computer system, or another computer network to 1961
determine any of the following: the presence or types of computers 1962
or computer systems on a network; the computer network's 1963
facilities and capabilities; the availability of computer or 1964
network services; the presence or versions of computer software 1965
including, but not limited to, operating systems, computer 1966
services, or computer contaminants; the presence of a known 1967
computer software deficiency that can be used to gain unauthorized 1968
access to a computer, computer system, or computer network; or any 1969
other information about a computer, computer system, or computer 1970
network not necessary for the normal and lawful operation of the 1971
computer initiating the access. 1972

(ii) The group of computer programs referred to in division 1973
(II)(1)(c)(i) of this section does not include standard computer 1974
software used for the normal operation, administration, 1975
management, and test of a computer, computer system, or computer 1976
network including, but not limited to, domain name services, mail 1977
transfer services, and other operating system services, computer 1978
programs commonly called "ping," "tcpdump," and "traceroute" and 1979
other network monitoring and management computer software, and 1980

computer programs commonly known as "nslookup" and "whois" and 1981
other systems administration computer software. 1982

(d) The intentional use of a computer, computer system, or a 1983
computer network in a manner that exceeds any right or permission 1984
granted by the owner of the computer, computer system, or computer 1985
network or other person authorized to give consent. 1986

(2) "Computer hacking" does not include the introduction of a 1987
computer contaminant, as defined in section 2909.01 of the Revised 1988
Code, into a computer, computer system, computer program, or 1989
computer network. 1990

(JJ) "Police dog or horse" has the same meaning as in section 1991
2921.321 of the Revised Code. 1992

(KK) "Anhydrous ammonia" is a compound formed by the 1993
combination of two gaseous elements, nitrogen and hydrogen, in the 1994
manner described in this division. Anhydrous ammonia is one part 1995
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 1996
weight is fourteen parts nitrogen to three parts hydrogen, which 1997
is approximately eighty-two per cent nitrogen to eighteen per cent 1998
hydrogen. 1999

(LL) "Assistance dog" has the same meaning as in section 2000
955.011 of the Revised Code. 2001

(MM) "Federally licensed firearms dealer" has the same 2002
meaning as in section 5502.63 of the Revised Code. 2003

Sec. 2913.02. (A) No person, with purpose to deprive the 2004
owner of property or services, shall knowingly obtain or exert 2005
control over either the property or services in any of the 2006
following ways: 2007

(1) Without the consent of the owner or person authorized to 2008
give consent; 2009

(2) Beyond the scope of the express or implied consent of the 2010

owner or person authorized to give consent;	2011
(3) By deception;	2012
(4) By threat;	2013
(5) By intimidation.	2014
(B)(1) Whoever violates this section is guilty of theft.	2015
(2) Except as otherwise provided in this division or division	2016
(B)(3), (4), (5), (6), (7), or (8) , <u>or (9)</u> of this section, a	2017
violation of this section is petty theft, a misdemeanor of the	2018
first degree. If the value of the property or services stolen is	2019
one thousand dollars or more and is less than seven thousand five	2020
hundred dollars or if the property stolen is any of the property	2021
listed in section 2913.71 of the Revised Code, a violation of this	2022
section is theft, a felony of the fifth degree. If the value of	2023
the property or services stolen is seven thousand five hundred	2024
dollars or more and is less than one hundred fifty thousand	2025
dollars, a violation of this section is grand theft, a felony of	2026
the fourth degree. If the value of the property or services stolen	2027
is one hundred fifty thousand dollars or more and is less than	2028
seven hundred fifty thousand dollars, a violation of this section	2029
is aggravated theft, a felony of the third degree. If the value of	2030
the property or services is seven hundred fifty thousand dollars	2031
or more and is less than one million five hundred thousand	2032
dollars, a violation of this section is aggravated theft, a felony	2033
of the second degree. If the value of the property or services	2034
stolen is one million five hundred thousand dollars or more, a	2035
violation of this section is aggravated theft of one million five	2036
hundred thousand dollars or more, a felony of the first degree.	2037
(3) Except as otherwise provided in division (B)(4), (5),	2038
(6), (7), or (8) , <u>or (9)</u> of this section, if the victim of the	2039
offense is an elderly person or disabled adult, a violation of	2040
this section is theft from an elderly person or disabled adult,	2041

and division (B)(3) of this section applies. Except as otherwise 2042
provided in this division, theft from an elderly person or 2043
disabled adult is a felony of the fifth degree. If the value of 2044
the property or services stolen is one thousand dollars or more 2045
and is less than seven thousand five hundred dollars, theft from 2046
an elderly person or disabled adult is a felony of the fourth 2047
degree. If the value of the property or services stolen is seven 2048
thousand five hundred dollars or more and is less than 2049
thirty-seven thousand five hundred dollars, theft from an elderly 2050
person or disabled adult is a felony of the third degree. If the 2051
value of the property or services stolen is thirty-seven thousand 2052
five hundred dollars or more and is less than one hundred fifty 2053
thousand dollars, theft from an elderly person or disabled adult 2054
is a felony of the second degree. If the value of the property or 2055
services stolen is one hundred fifty thousand dollars or more, 2056
theft from an elderly person or disabled adult is a felony of the 2057
first degree. 2058

(4) If the property stolen is a firearm or dangerous 2059
ordnance, a violation of this section is grand theft. Except as 2060
otherwise provided in this division, grand theft when the property 2061
stolen is a firearm or dangerous ordnance is a felony of the third 2062
degree, and there is a presumption in favor of the court imposing 2063
a prison term for the offense. If the firearm or dangerous 2064
ordnance was stolen from a federally licensed firearms dealer, 2065
grand theft when the property stolen is a firearm or dangerous 2066
ordnance is a felony of the first degree. The offender shall serve 2067
a prison term imposed for grand theft when the property stolen is 2068
a firearm or dangerous ordnance consecutively to any other prison 2069
term or mandatory prison term previously or subsequently imposed 2070
upon the offender. 2071

(5) If the property stolen is a motor vehicle, a violation of 2072
this section is grand theft of a motor vehicle, a felony of the 2073

fourth degree. 2074

(6) If the property stolen is any dangerous drug, a violation 2075
of this section is theft of drugs, a felony of the fourth degree, 2076
or, if the offender previously has been convicted of a felony drug 2077
abuse offense, a felony of the third degree. 2078

(7) If the property stolen is a police dog or horse or an 2079
assistance dog and the offender knows or should know that the 2080
property stolen is a police dog or horse or an assistance dog, a 2081
violation of this section is theft of a police dog or horse or an 2082
assistance dog, a felony of the third degree. 2083

(8) If the property stolen is anhydrous ammonia, a violation 2084
of this section is theft of anhydrous ammonia, a felony of the 2085
third degree. 2086

(9) Except as provided in division (B)(2) of this section 2087
with respect to property with a value of seven thousand five 2088
hundred dollars or more and division (B)(3) of this section with 2089
respect to property with a value of one thousand dollars or more, 2090
if the property stolen is a special purpose article as defined in 2091
section 4737.04 of the Revised Code or is a bulk merchandise 2092
container as defined in section 4737.012 of the Revised Code, a 2093
violation of this section is theft of a special purpose article or 2094
articles or theft of a bulk merchandise container or containers, a 2095
felony of the fifth degree. 2096

(10) In addition to the penalties described in division 2097
(B)(2) of this section, if the offender committed the violation by 2098
causing a motor vehicle to leave the premises of an establishment 2099
at which gasoline is offered for retail sale without the offender 2100
making full payment for gasoline that was dispensed into the fuel 2101
tank of the motor vehicle or into another container, the court may 2102
do one of the following: 2103

(a) Unless division (B)~~(9)~~(10)(b) of this section applies, 2104

suspend for not more than six months the offender's driver's 2105
license, probationary driver's license, commercial driver's 2106
license, temporary instruction permit, or nonresident operating 2107
privilege; 2108

(b) If the offender's driver's license, probationary driver's 2109
license, commercial driver's license, temporary instruction 2110
permit, or nonresident operating privilege has previously been 2111
suspended pursuant to division (B)~~(9)~~(10)(a) of this section, 2112
impose a class seven suspension of the offender's license, permit, 2113
or privilege from the range specified in division (A)(7) of 2114
section 4510.02 of the Revised Code, provided that the suspension 2115
shall be for at least six months. 2116

(c) The court, in lieu of suspending the offender's driver's 2117
or commercial driver's license, probationary driver's license, 2118
temporary instruction permit, or nonresident operating privilege 2119
pursuant to division (B)~~(9)~~(10)(a) or (b) of this section, instead 2120
may require the offender to perform community service for a number 2121
of hours determined by the court. 2122

~~(10)~~(11) In addition to the penalties described in division 2123
(B)(2) of this section, if the offender committed the violation by 2124
stealing rented property or rental services, the court may order 2125
that the offender make restitution pursuant to section 2929.18 or 2126
2929.28 of the Revised Code. Restitution may include, but is not 2127
limited to, the cost of repairing or replacing the stolen 2128
property, or the cost of repairing the stolen property and any 2129
loss of revenue resulting from deprivation of the property due to 2130
theft of rental services that is less than or equal to the actual 2131
value of the property at the time it was rented. Evidence of 2132
intent to commit theft of rented property or rental services shall 2133
be determined pursuant to the provisions of section 2913.72 of the 2134
Revised Code. 2135

(C) The sentencing court that suspends an offender's license, 2136

permit, or nonresident operating privilege under division 2137
(B)~~(9)~~(10) of this section may grant the offender limited driving 2138
privileges during the period of the suspension in accordance with 2139
Chapter 4510. of the Revised Code. 2140

Sec. 2913.51. (A) No person shall receive, retain, or dispose 2141
of property of another knowing or having reasonable cause to 2142
believe that the property has been obtained through commission of 2143
a theft offense. 2144

(B) It is not a defense to a charge of receiving stolen 2145
property in violation of this section that the property was 2146
obtained by means other than through the commission of a theft 2147
offense if the property was explicitly represented to the accused 2148
person as being obtained through the commission of a theft 2149
offense. 2150

(C) Whoever violates this section is guilty of receiving 2151
stolen property. Except as otherwise provided in this division or 2152
division (D) of this section, receiving stolen property is a 2153
misdemeanor of the first degree. If the value of the property 2154
involved is one thousand dollars or more and is less than seven 2155
thousand five hundred dollars, if the property involved is any of 2156
the property listed in section 2913.71 of the Revised Code, 2157
receiving stolen property is a felony of the fifth degree. If the 2158
property involved is a motor vehicle, as defined in section 2159
4501.01 of the Revised Code, if the property involved is a 2160
dangerous drug, as defined in section 4729.01 of the Revised Code, 2161
if the value of the property involved is seven thousand five 2162
hundred dollars or more and is less than one hundred fifty 2163
thousand dollars, or if the property involved is a firearm or 2164
dangerous ordnance, as defined in section 2923.11 of the Revised 2165
Code, receiving stolen property is a felony of the fourth degree. 2166
If the value of the property involved is one hundred fifty 2167

thousand dollars or more, receiving stolen property is a felony of 2168
the third degree. 2169

(D) Except as provided in division (C) of this section with 2170
respect to property involved in a violation of this section with a 2171
value of seven thousand five hundred dollars or more, if the 2172
property involved in violation of this section is a special 2173
purchase article as defined in section 4737.04 of the Revised Code 2174
or a bulk merchandise container as defined in section 4737.012 of 2175
the Revised Code, a violation of this section is receiving a 2176
stolen special purchase article or articles or receiving a stolen 2177
bulk merchandise container or containers, a felony of the fifth 2178
degree. 2179

Sec. 2937.221. (A) A person arrested without warrant for any 2180
violation listed in division (B) of this section, and having a 2181
current valid Ohio driver's or commercial driver's license, if the 2182
person has been notified of the possible consequences of the 2183
person's actions as required by division (C) of this section, may 2184
post bond by depositing the license with the arresting officer if 2185
the officer and person so choose, or with the local court having 2186
jurisdiction if the court and person so choose. The license may be 2187
used as bond only during the period for which it is valid. 2188

When an arresting officer accepts the driver's or commercial 2189
driver's license as bond, the officer shall note the date, time, 2190
and place of the court appearance on "the violator's notice to 2191
appear," and the notice shall serve as a valid Ohio driver's or 2192
commercial driver's license until the date and time appearing 2193
thereon. The arresting officer immediately shall forward the 2194
license to the appropriate court. 2195

When a local court accepts the license as bond or continues 2196
the case to another date and time, it shall provide the person 2197
with a card in a form approved by the registrar of motor vehicles 2198

setting forth the license number, name, address, the date and time 2199
of the court appearance, and a statement that the license is being 2200
held as bond. The card shall serve as a valid license until the 2201
date and time contained in the card. 2202

The court may accept other bond at any time and return the 2203
license to the person. The court shall return the license to the 2204
person when judgment is satisfied, including, but not limited to, 2205
compliance with any court orders, unless a suspension or 2206
cancellation is part of the penalty imposed. 2207

Neither "the violator's notice to appear" nor a court- 2208
granted card shall continue driving privileges beyond the 2209
expiration date of the license. 2210

If the person arrested fails to appear in court at the date 2211
and time set by the court or fails to satisfy the judgment of the 2212
court, including, but not limited to, compliance with all court 2213
orders within the time allowed by the court, the court may declare 2214
the forfeiture of the person's license. Thirty days after the 2215
declaration of the forfeiture, the court shall forward the 2216
person's license to the registrar. The court also shall enter 2217
information relative to the forfeiture on a form approved and 2218
furnished by the registrar and send the form to the registrar. The 2219
registrar shall suspend the person's license and send written 2220
notification of the suspension to the person at the person's last 2221
known address. No valid driver's or commercial driver's license 2222
shall be granted to the person until the court having jurisdiction 2223
orders that the forfeiture be terminated. The court shall inform 2224
the registrar of the termination of the forfeiture by entering 2225
information relative to the termination on a form approved and 2226
furnished by the registrar and sending the form to the registrar. 2227
Upon the termination, the person shall pay to the bureau of motor 2228
vehicles a reinstatement fee of fifteen dollars to cover the costs 2229
of the bureau in administering this section. The registrar shall 2230

deposit the fees so paid into the state bureau of motor vehicles 2231
fund created by section 4501.25 of the Revised Code. 2232

In addition, upon receipt from the court of the copy of the 2233
declaration of forfeiture, neither the registrar nor any deputy 2234
registrar shall accept any application for the registration or 2235
transfer of registration of any motor vehicle owned by or leased 2236
in the name of the person named in the declaration of forfeiture 2237
until the court having jurisdiction over the offense that led to 2238
the suspension issues an order terminating the forfeiture. 2239
However, for a motor vehicle leased in the name of a person named 2240
in a declaration of forfeiture, the registrar shall not implement 2241
the preceding sentence until the registrar adopts procedures for 2242
that implementation under section 4503.39 of the Revised Code. 2243
Upon receipt by the registrar of such an order, the registrar also 2244
shall take the measures necessary to permit the person to register 2245
a motor vehicle the person owns or leases or to transfer the 2246
registration of a motor vehicle the person owns or leases if the 2247
person later makes a proper application and otherwise is eligible 2248
to be issued or to transfer a motor vehicle registration. 2249

(B) Division (A) of this section applies to persons arrested 2250
for violation of: 2251

(1) Any of the provisions of Chapter 4511. or 4513. of the 2252
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 2253
4513.36 of the Revised Code; 2254

(2) Any municipal ordinance substantially similar to a 2255
section included in division (B)(1) of this section; 2256

(3) Any bylaw, rule, or regulation of the Ohio turnpike and 2257
infrastructure commission substantially similar to a section 2258
included in division (B)(1) of this section. 2259

Division (A) of this section does not apply to those persons 2260
issued a citation for the commission of a minor misdemeanor under 2261

section 2935.26 of the Revised Code. 2262

(C) No license shall be accepted as bond by an arresting 2263
officer or by a court under this section until the officer or 2264
court has notified the person that, if the person deposits the 2265
license with the officer or court and either does not appear on 2266
the date and at the time set by the officer or the court, if the 2267
court sets a time, or does not satisfy any judgment rendered, 2268
including, but not limited to, compliance with all court orders, 2269
the license will be suspended, and the person will not be eligible 2270
for reissuance of the license or issuance of a new license, or the 2271
issuance of a certificate of registration for a motor vehicle 2272
owned or leased by the person until the person appears and 2273
complies with any order issued by the court. The person also is 2274
subject to any criminal penalties that may apply to the person. 2275

(D) The registrar shall not restore the person's driving or 2276
vehicle registration privileges until the person pays the 2277
reinstatement fee as provided in this section. 2278

Sec. 3354.13. The ownership of a community college created 2279
and established pursuant to provisions of sections 3354.02 and 2280
3354.04 of the Revised Code, including all right, title, and 2281
interest in and to all property, both real and personal, 2282
pertaining thereto, shall be vested in the board of trustees of 2283
the community college district in which such college is situated, 2284
except as may be provided in a contract entered into under the 2285
authority of division (A) of section 3354.09 of the Revised Code. 2286
The board may acquire by appropriation any land, rights, rights of 2287
way, franchises, easements, or other property necessary or proper 2288
for the construction or the efficient operation of any facility of 2289
the community college district, pursuant to the procedure provided 2290
in section 5537.06 of the Revised Code, with respect to the Ohio 2291
turnpike and infrastructure commission, and insofar as such 2292

procedure is applicable. 2293

Any instrument by which real property is acquired pursuant to 2294
this section shall identify the agency of the state that has the 2295
use and benefit of the real property as specified in section 2296
5301.012 of the Revised Code. 2297

Sec. 3355.10. The ownership of the university branch campus, 2298
created and established pursuant to sections 3355.01 to 3355.14 of 2299
the Revised Code, including all right, title, and interest in and 2300
to all property, both real and personal, pertaining thereto, shall 2301
be vested in the managing authority of the university branch 2302
district. The board may acquire by appropriation any land, rights, 2303
rights of way, franchises, easements, or other property necessary 2304
or proper for the construction or the efficient operation of any 2305
facility of the university branch district, pursuant to section 2306
5537.06 of the Revised Code, with respect to the Ohio turnpike and 2307
infrastructure commission, and insofar as such procedure is 2308
applicable. 2309

University branch district bonds, issued pursuant to section 2310
3355.08 of the Revised Code, are lawful investments of banks, 2311
savings banks, trust companies, trustees, boards of trustees of 2312
sinking funds of municipal corporations, school districts, 2313
counties, the administrator of workers' compensation, the state 2314
teachers retirement system, the public employees retirement 2315
system, and the school employees retirement system, and also are 2316
acceptable as security for the deposit of public moneys. 2317

Any instrument by which real property is acquired pursuant to 2318
this section shall identify the agency of the state that has the 2319
use and benefit of the real property as specified in section 2320
5301.012 of the Revised Code. 2321

Sec. 3357.12. The ownership of a technical college, created 2322

and established pursuant to section 3357.07 of the Revised Code, 2323
including all right, title, and interest in and to all property, 2324
both real and personal, pertaining thereto, shall be vested in the 2325
board of trustees of the technical college district in which such 2326
college is situated. The board may acquire by appropriation any 2327
land, rights, rights-of-way, franchises, easements, or other 2328
property necessary or proper for the construction or the efficient 2329
operation of any facility of the technical college district, 2330
pursuant to the procedure provided in section 5537.06 of the 2331
Revised Code, with respect to the Ohio turnpike and infrastructure 2332
commission, and insofar as such procedure is applicable. 2333

Any instrument by which real property is acquired pursuant to 2334
this section shall identify the agency of the state that has the 2335
use and benefit of the real property as specified in section 2336
5301.012 of the Revised Code. 2337

Sec. 3705.242. (A)(1) The director of health, a person 2338
authorized by the director, a local commissioner of health, or a 2339
local registrar of vital statistics shall charge and collect a fee 2340
of one dollar and fifty cents for each certified copy of a birth 2341
record, each certification of birth, and each copy of a death 2342
record. The fee is in addition to the fee imposed by section 2343
3705.24 or any other section of the Revised Code. A local 2344
commissioner of health or local registrar of vital statistics may 2345
retain an amount of each additional fee collected, not to exceed 2346
three per cent of the amount of the additional fee, to be used for 2347
costs directly related to the collection of the fee and the 2348
forwarding of the fee to the department of health. 2349

The additional fees collected by the director of health or a 2350
person authorized by the director and the additional fees 2351
collected but not retained by a local commissioner of health or a 2352
local registrar of vital statistics shall be forwarded to the 2353

department of health not later than thirty days following the end 2354
of each quarter. Not later than two days after the fees are 2355
forwarded to the department each quarter, the department shall pay 2356
the collected fees to the treasurer of state in accordance with 2357
rules adopted by the treasurer of state under section 113.08 of 2358
the Revised Code. 2359

(2) On the filing of a divorce decree under section 3105.10 2360
or a decree of dissolution under section 3105.65 of the Revised 2361
Code, a court of common pleas shall charge and collect a fee of 2362
five dollars and fifty cents. The fee is in addition to any other 2363
court costs or fees. The county clerk of courts may retain an 2364
amount of each additional fee collected, not to exceed three per 2365
cent of the amount of the additional fee, to be used for costs 2366
directly related to the collection of the fee and the forwarding 2367
of the fee to the treasurer of state. The additional fees 2368
collected, but not retained, under division (A)(2) of this section 2369
shall be forwarded to the treasurer of state not later than twenty 2370
days following the end of each month. 2371

(B) The treasurer of state shall deposit the fees paid or 2372
forwarded under this section in the state treasury to the credit 2373
of the family violence prevention fund, which is hereby created. A 2374
person or government entity that fails to pay or forward the fees 2375
in a timely the manner, ~~as determined by the treasurer of state~~ 2376
described in this section, shall send to the ~~treasurer of state,~~ 2377
~~in addition to the fees,~~ department of public safety a penalty 2378
equal to ten per cent of the fees. The department of public safety 2379
shall forward all collected late fees to the treasurer of state 2380
for deposit into the family violence prevention fund in accordance 2381
with rules adopted by the treasurer of state under section 113.08 2382
of the Revised Code. 2383

The treasurer of state shall invest the moneys in the fund. 2384
All earnings resulting from investment of the fund shall be 2385

credited to the fund, except that actual administration costs 2386
incurred by the treasurer of state in administering the fund may 2387
be deducted from the earnings resulting from investments. The 2388
amount that may be deducted shall not exceed three per cent of the 2389
total amount of fees credited to the fund in each fiscal year. The 2390
balance of the investment earnings shall be credited to the fund. 2391

(C) The director of public safety shall use money credited to 2392
the fund to provide grants to family violence shelters in Ohio and 2393
to operate the division of criminal justice services. 2394

Sec. 3791.12. (A) As used in this section and section 3791.13 2395
of the Revised Code: 2396

(1) "Service station" means any facility designed and 2397
constructed primarily for use in the retail sale of gasoline, 2398
other petroleum products, and related accessories; except that 2399
"service station" does not include any such facility that has been 2400
converted for use for another bona fide business purpose, on and 2401
after the date of commencement of such other use. 2402

(2) "Abandoned service station" means any service station 2403
that has not been used for the retail sale of gasoline, other 2404
petroleum products, and related accessories for a continuous 2405
period of six months, whenever failure to reasonably secure 2406
station buildings from ready access by unauthorized persons and to 2407
reasonably maintain the station's premises has resulted in 2408
conditions that endanger the public health, welfare, safety, or 2409
morals; provided, that such conditions include, but are not 2410
limited to, the presence of defective or deteriorated electrical 2411
wiring, heating apparatus, and gas connections, or of unprotected 2412
gasoline storage tanks, piping, and valves, or any combination of 2413
the foregoing; and provided further that the casual and 2414
intermittent use of a service station for the retail sale of any 2415
item described in division (A)(1) of this section during such 2416

six-month period shall not be held to prevent the station from 2417
being determined an abandoned service station if it meets the 2418
other qualifications of this division. 2419

(B) The executive authority of each municipal corporation and 2420
the board of county commissioners of each county shall designate a 2421
suitable person to make inspections, within their respective 2422
territorial jurisdictions, of any service stations that are, or 2423
appear to be, no longer in use for the purposes described in 2424
division (A)(1) of this section ~~3791.11 of the Revised Code~~, or 2425
for any other bona fide business purpose. Inspections of service 2426
stations under this section shall be made at the order of the 2427
executive authority or board, or upon the complaint of any person 2428
claiming to be adversely affected by the condition of a service 2429
station. Any inspector designated under this section shall have 2430
the right to enter upon and inspect any service station that is, 2431
or appears to be, no longer in use as described in this section. 2432
No inspector, while in the lawful pursuit of official duties for 2433
such purpose, shall be subject to arrest for trespass while so 2434
engaged or for such cause thereafter. 2435

~~(B)~~(C) Whenever an inspector, upon inspecting a service 2436
station as provided in this section, has reasonable cause to 2437
believe that it qualifies as an abandoned service station, the 2438
inspector shall prepare a written report of the condition of the 2439
station's buildings and premises. The report shall be filed 2440
immediately with the executive authority or board. Upon receipt of 2441
the report, the executive authority or board shall fix a place and 2442
time, not less than thirty days nor more than sixty days after 2443
receipt of the report, for a hearing to determine whether the 2444
service station is an abandoned service station. The executive 2445
authority or board shall send written notice of the place and date 2446
of the hearing, together with a copy of the inspector's report and 2447
information that the service station may be ordered repaired or 2448

removed if determined to be abandoned, to all persons listed in 2449
the ~~bond filed under division (C) of section 3791.11 of the~~ 2450
~~Revised Code~~ records of the county recorder as an owner of the 2451
affected property, and to all persons listed in the records of the 2452
county recorder or county clerk of courts as holding a lien on the 2453
affected property. Such notice shall be sent by certified mail to 2454
the address shown on such records. 2455

~~(C)~~(D) In hearing the matter and deciding the issue, the 2456
executive authority or board shall consider the testimony of any 2457
persons appearing pursuant to the notice or their authorized 2458
representatives, the testimony of any witnesses appearing on 2459
behalf of such persons, the inspector's report or testimony, or 2460
both, and any other evidence pertinent to the matter. If the 2461
executive authority or board thereupon determines that the service 2462
station is an abandoned service station in such condition as to 2463
constitute a danger to the public health, welfare, safety, or 2464
morals, it shall order the satisfactory repair, or removal, of the 2465
service station and its appurtenances, and restoration of the 2466
property, within such period of time, not less than thirty days, 2467
as the executive authority or board thereupon determines 2468
reasonable. Notice of the findings and order shall be sent to all 2469
persons required to be notified by division ~~(B)~~(C) of this section 2470
in the same manner as provided in that division. 2471

~~(D)~~(E) If an abandoned service station is not satisfactorily 2472
repaired or removed within the period of time provided in an order 2473
made under division ~~(C)~~(D) of this section, the municipal 2474
corporation or county may enter the land and complete the repair, 2475
if repair was ordered, or remove the service station and its 2476
appurtenances, if removal was ordered, and restore the property. 2477

~~(E)~~(F) Any person aggrieved by an order of an executive 2478
authority or board made under division ~~(C)~~(D) of this section, may 2479
appeal as provided in Chapter 2506. of the Revised Code within 2480

thirty days of the mailing of notice of the order. 2481

~~(F)~~(G) In the event that no persons notified as provided in 2482
division ~~(B)~~(C) of this section, or their authorized 2483
representatives, appear at the hearing, respond to an order of the 2484
executive authority or board, or appeal within thirty days of the 2485
mailing of notice of the order as provided in division ~~(E)~~(F) of 2486
this section, the municipal corporation or county may proceed as 2487
provided in division ~~(D)~~(E) of this section. 2488

Sec. 3791.13. (A) When a municipal corporation or county 2489
enters and repairs or removes an abandoned service station and its 2490
appurtenances and restores the property as provided in division 2491
~~(D)~~(E) or ~~(F)~~(G) of section 3791.12 of the Revised Code, it may 2492
bring an action ~~on the bond filed pursuant to division (C) of~~ 2493
~~section 3791.11 of the Revised Code~~ to recover the costs of repair 2494
or removal and restoration, plus the costs of the suit. ~~If the~~ 2495
~~costs of repair or removal and restoration exceed the amount~~ 2496
~~collected on the bond, the~~ The owner of the property and any 2497
lessee, other than a person leasing and operating the service 2498
station pursuant to a contract with a supplier of gasoline and 2499
other petroleum products, shall be jointly and severally liable 2500
for the ~~deficiency~~ costs. 2501

(B) Sections ~~3791.11~~, 3791.12, 3791.13 and 3791.99 of the 2502
Revised Code shall be an alternative remedy for the removal of 2503
abandoned service stations and shall not invalidate municipal 2504
ordinances regulating the use, requiring maintenance or repair, or 2505
providing for the removal of service stations. 2506

Sec. 3791.99. (A) Whoever violates ~~division (B) of section~~ 2507
~~3791.11 or~~ division (D) of section 3791.21 of the Revised Code is 2508
guilty of a minor misdemeanor, and each day the violation 2509
continues constitutes a separate offense. 2510

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

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

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

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

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, 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, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are 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 public road or highway for a 2542
distance of no more than ten miles and at a speed of twenty-five 2543
miles per hour or less. 2544

(C) "Agricultural tractor" and "traction engine" mean any 2545
self-propelling vehicle that is designed or used for drawing other 2546
vehicles or wheeled machinery, but has no provisions for carrying 2547
loads independently of such other vehicles, and that is used 2548
principally for agricultural purposes. 2549

(D) "Commercial tractor," except as defined in division (C) 2550
of this section, means any motor vehicle that has motive power and 2551
either is designed or used for drawing other motor vehicles, or is 2552
designed or used for drawing another motor vehicle while carrying 2553
a portion of the other motor vehicle or its load, or both. 2554

(E) "Passenger car" means any motor vehicle that is designed 2555
and used for carrying not more than nine persons and includes any 2556
motor vehicle that is designed and used for carrying not more than 2557
fifteen persons in a ridesharing arrangement. 2558

(F) "Collector's vehicle" means any motor vehicle or 2559
agricultural tractor or traction engine that is of special 2560
interest, that has a fair market value of one hundred dollars or 2561
more, whether operable or not, and that is owned, operated, 2562
collected, preserved, restored, maintained, or used essentially as 2563
a collector's item, leisure pursuit, or investment, but not as the 2564
owner's principal means of transportation. "Licensed collector's 2565
vehicle" means a collector's vehicle, other than an agricultural 2566
tractor or traction engine, that displays current, valid license 2567
tags issued under section 4503.45 of the Revised Code, or a 2568
similar type of motor vehicle that displays current, valid license 2569
tags issued under substantially equivalent provisions in the laws 2570
of other states. 2571

(G) "Historical motor vehicle" means any motor vehicle that 2572

is over twenty-five years old and is owned solely as a collector's 2573
item and for participation in club activities, exhibitions, tours, 2574
parades, and similar uses, but that in no event is used for 2575
general transportation. 2576

(H) "Noncommercial motor vehicle" means any motor vehicle, 2577
including a farm truck as defined in section 4503.04 of the 2578
Revised Code, that is designed by the manufacturer to carry a load 2579
of no more than one ton and is used exclusively for purposes other 2580
than engaging in business for profit. 2581

(I) "Bus" means any motor vehicle that has motor power and is 2582
designed and used for carrying more than nine passengers, except 2583
any motor vehicle that is designed and used for carrying not more 2584
than fifteen passengers in a ridesharing arrangement. 2585

(J) "Commercial car" or "truck" means any motor vehicle that 2586
has motor power and is designed and used for carrying merchandise 2587
or freight, or that is used as a commercial tractor. 2588

(K) "Bicycle" means every device, other than a ~~tricycle~~ 2589
device that is designed solely for use as a play vehicle by a 2590
child, that is propelled solely by human power upon which ~~any a~~ 2591
person may ride, and that has two ~~tandem or more~~ wheels, ~~or one~~ 2592
~~wheel in front and two wheels in the rear, or two wheels in the~~ 2593
~~front and one wheel in the rear,~~ any of which is more than 2594
fourteen inches in diameter. 2595

(L) "Motorized bicycle" means any vehicle that either has two 2596
tandem wheels or one wheel in the front and two wheels in the 2597
rear, that is capable of being pedaled, and that is equipped with 2598
a helper motor of not more than fifty cubic centimeters piston 2599
displacement that produces no more than one brake horsepower and 2600
is capable of propelling the vehicle at a speed of no greater than 2601
twenty miles per hour on a level surface. 2602

(M) "Trailer" means any vehicle without motive power that is 2603

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

(N) "Noncommercial trailer" means any trailer, except a travel trailer or trailer that is used to transport a boat as described in division (B) of this section, but, where applicable, includes a vehicle that is used to transport a boat as described 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.

(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 feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.

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

that has no fifth wheel and is constructed with permanently 2666
installed facilities for cold storage, cooking and consuming of 2667
food, and for sleeping. 2668

(c) "Truck camper" means a nonself-propelled recreational 2669
vehicle that does not have wheels for road use and is designed to 2670
be placed upon and attached to a motor vehicle. "Truck camper" 2671
does not include truck covers that consist of walls and a roof, 2672
but do not have floors and facilities enabling them to be used as 2673
a dwelling. 2674

(d) "Fifth wheel trailer" means a vehicle that is of such 2675
size and weight as to be movable without a special highway permit, 2676
that has a gross trailer area of four hundred square feet or less, 2677
that is constructed with a raised forward section that allows a 2678
bi-level floor plan, and that is designed to be towed by a vehicle 2679
equipped with a fifth-wheel hitch ordinarily installed in the bed 2680
of a truck. 2681

(e) "Park trailer" means a vehicle that is commonly known as 2682
a park model recreational vehicle, meets the American national 2683
standard institute standard A119.5 (1988) for park trailers, is 2684
built on a single chassis, has a gross trailer area of four 2685
hundred square feet or less when set up, is designed for seasonal 2686
or temporary living quarters, and may be connected to utilities 2687
necessary for the operation of installed features and appliances. 2688

(R) "Pneumatic tires" means tires of rubber and fabric or 2689
tires of similar material, that are inflated with air. 2690

(S) "Solid tires" means tires of rubber or similar elastic 2691
material that are not dependent upon confined air for support of 2692
the load. 2693

(T) "Solid tire vehicle" means any vehicle that is equipped 2694
with two or more solid tires. 2695

(U) "Farm machinery" means all machines and tools that are 2696

used in the production, harvesting, and care of farm products, and 2697
includes trailers that are used to transport agricultural produce 2698
or agricultural production materials between a local place of 2699
storage or supply and the farm, agricultural tractors, threshing 2700
machinery, hay-baling machinery, corn shellers, hammermills, and 2701
machinery used in the production of horticultural, agricultural, 2702
and vegetable products. 2703

(V) "Owner" includes any person or firm, other than a 2704
manufacturer or dealer, that has title to a motor vehicle, except 2705
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 2706
includes in addition manufacturers and dealers. 2707

(W) "Manufacturer" and "dealer" include all persons and firms 2708
that are regularly engaged in the business of manufacturing, 2709
selling, displaying, offering for sale, or dealing in motor 2710
vehicles, at an established place of business that is used 2711
exclusively for the purpose of manufacturing, selling, displaying, 2712
offering for sale, or dealing in motor vehicles. A place of 2713
business that is used for manufacturing, selling, displaying, 2714
offering for sale, or dealing in motor vehicles shall be deemed to 2715
be used exclusively for those purposes even though snowmobiles or 2716
all-purpose vehicles are sold or displayed for sale thereat, even 2717
though farm machinery is sold or displayed for sale thereat, or 2718
even though repair, accessory, gasoline and oil, storage, parts, 2719
service, or paint departments are maintained thereat, or, in any 2720
county having a population of less than seventy-five thousand at 2721
the last federal census, even though a department in a place of 2722
business is used to dismantle, salvage, or rebuild motor vehicles 2723
by means of used parts, if such departments are operated for the 2724
purpose of furthering and assisting in the business of 2725
manufacturing, selling, displaying, offering for sale, or dealing 2726
in motor vehicles. Places of business or departments in a place of 2727
business used to dismantle, salvage, or rebuild motor vehicles by 2728

means of using used parts are not considered as being maintained 2729
for the purpose of assisting or furthering the manufacturing, 2730
selling, displaying, and offering for sale or dealing in motor 2731
vehicles. 2732

(X) "Operator" includes any person who drives or operates a 2733
motor vehicle upon the public highways. 2734

(Y) "Chauffeur" means any operator who operates a motor 2735
vehicle, other than a taxicab, as an employee for hire; or any 2736
operator whether or not the owner of a motor vehicle, other than a 2737
taxicab, who operates such vehicle for transporting, for gain, 2738
compensation, or profit, either persons or property owned by 2739
another. Any operator of a motor vehicle who is voluntarily 2740
involved in a ridesharing arrangement is not considered an 2741
employee for hire or operating such vehicle for gain, 2742
compensation, or profit. 2743

(Z) "State" includes the territories and federal districts of 2744
the United States, and the provinces of Canada. 2745

(AA) "Public roads and highways" for vehicles includes all 2746
public thoroughfares, bridges, and culverts. 2747

(BB) "Manufacturer's number" means the manufacturer's 2748
original serial number that is affixed to or imprinted upon the 2749
chassis or other part of the motor vehicle. 2750

(CC) "Motor number" means the manufacturer's original number 2751
that is affixed to or imprinted upon the engine or motor of the 2752
vehicle. 2753

(DD) "Distributor" means any person who is authorized by a 2754
motor vehicle manufacturer to distribute new motor vehicles to 2755
licensed motor vehicle dealers at an established place of business 2756
that is used exclusively for the purpose of distributing new motor 2757
vehicles to licensed motor vehicle dealers, except when the 2758
distributor also is a new motor vehicle dealer, in which case the 2759

distributor may distribute at the location of the distributor's 2760
licensed dealership. 2761

(EE) "Ridesharing arrangement" means the transportation of 2762
persons in a motor vehicle where the transportation is incidental 2763
to another purpose of a volunteer driver and includes ridesharing 2764
arrangements known as carpools, vanpools, and buspools. 2765

(FF) "Apportionable vehicle" means any vehicle that is used 2766
or intended for use in two or more international registration plan 2767
member jurisdictions that allocate or proportionally register 2768
vehicles, that is used for the transportation of persons for hire 2769
or designed, used, or maintained primarily for the transportation 2770
of property, and that meets any of the following qualifications: 2771

(1) Is a power unit having a gross vehicle weight in excess 2772
of twenty-six thousand pounds; 2773

(2) Is a power unit having three or more axles, regardless of 2774
the gross vehicle weight; 2775

(3) Is a combination vehicle with a gross vehicle weight in 2776
excess of twenty-six thousand pounds. 2777

"Apportionable vehicle" does not include recreational 2778
vehicles, vehicles displaying restricted plates, city pick-up and 2779
delivery vehicles, buses used for the transportation of chartered 2780
parties, or vehicles owned and operated by the United States, this 2781
state, or any political subdivisions thereof. 2782

(GG) "Chartered party" means a group of persons who contract 2783
as a group to acquire the exclusive use of a passenger-carrying 2784
motor vehicle at a fixed charge for the vehicle in accordance with 2785
the carrier's tariff, lawfully on file with the United States 2786
department of transportation, for the purpose of group travel to a 2787
specified destination or for a particular itinerary, either agreed 2788
upon in advance or modified by the chartered group after having 2789
left the place of origin. 2790

(HH) "International registration plan" means a reciprocal 2791
agreement of member jurisdictions that is endorsed by the American 2792
association of motor vehicle administrators, and that promotes and 2793
encourages the fullest possible use of the highway system by 2794
authorizing apportioned registration of fleets of vehicles and 2795
recognizing registration of vehicles apportioned in member 2796
jurisdictions. 2797

(II) "Restricted plate" means a license plate that has a 2798
restriction of time, geographic area, mileage, or commodity, and 2799
includes license plates issued to farm trucks under division (J) 2800
of section 4503.04 of the Revised Code. 2801

(JJ) "Gross vehicle weight," with regard to any commercial 2802
car, trailer, semitrailer, or bus that is taxed at the rates 2803
established under section 4503.042 or 4503.65 of the Revised Code, 2804
means the unladen weight of the vehicle fully equipped plus the 2805
maximum weight of the load to be carried on the vehicle. 2806

(KK) "Combined gross vehicle weight" with regard to any 2807
combination of a commercial car, trailer, and semitrailer, that is 2808
taxed at the rates established under section 4503.042 or 4503.65 2809
of the Revised Code, means the total unladen weight of the 2810
combination of vehicles fully equipped plus the maximum weight of 2811
the load to be carried on that combination of vehicles. 2812

(LL) "Chauffeured limousine" means a motor vehicle that is 2813
designed to carry nine or fewer passengers and is operated for 2814
hire on an hourly basis pursuant to a prearranged contract for the 2815
transportation of passengers on public roads and highways along a 2816
route under the control of the person hiring the vehicle and not 2817
over a defined and regular route. "Prearranged contract" means an 2818
agreement, made in advance of boarding, to provide transportation 2819
from a specific location in a chauffeured limousine at a fixed 2820
rate per hour or trip. "Chauffeured limousine" does not include 2821
any vehicle that is used exclusively in the business of funeral 2822

directing.	2823
(MM) "Manufactured home" has the same meaning as in division	2824
(C)(4) of section 3781.06 of the Revised Code.	2825
(NN) "Acquired situs," with respect to a manufactured home or	2826
a mobile home, means to become located in this state by the	2827
placement of the home on real property, but does not include the	2828
placement of a manufactured home or a mobile home in the inventory	2829
of a new motor vehicle dealer or the inventory of a manufacturer,	2830
remanufacturer, or distributor of manufactured or mobile homes.	2831
(OO) "Electronic" includes electrical, digital, magnetic,	2832
optical, electromagnetic, or any other form of technology that	2833
entails capabilities similar to these technologies.	2834
(PP) "Electronic record" means a record generated,	2835
communicated, received, or stored by electronic means for use in	2836
an information system or for transmission from one information	2837
system to another.	2838
(QQ) "Electronic signature" means a signature in electronic	2839
form attached to or logically associated with an electronic	2840
record.	2841
(RR) "Financial transaction device" has the same meaning as	2842
in division (A) of section 113.40 of the Revised Code.	2843
(SS) "Electronic motor vehicle dealer" means a motor vehicle	2844
dealer licensed under Chapter 4517. of the Revised Code whom the	2845
registrar of motor vehicles determines meets the criteria	2846
designated in section 4503.035 of the Revised Code for electronic	2847
motor vehicle dealers and designates as an electronic motor	2848
vehicle dealer under that section.	2849
(TT) "Electric personal assistive mobility device" means a	2850
self-balancing two non-tandem wheeled device that is designed to	2851
transport only one person, has an electric propulsion system of an	2852

average of seven hundred fifty watts, and when ridden on a paved 2853
level surface by an operator who weighs one hundred seventy pounds 2854
has a maximum speed of less than twenty miles per hour. 2855

(UU) "Limited driving privileges" means the privilege to 2856
operate a motor vehicle that a court grants under section 4510.021 2857
of the Revised Code to a person whose driver's or commercial 2858
driver's license or permit or nonresident operating privilege has 2859
been suspended. 2860

(VV) "Utility vehicle" means a self-propelled vehicle 2861
designed with a bed, principally for the purpose of transporting 2862
material or cargo in connection with construction, agricultural, 2863
forestry, grounds maintenance, lawn and garden, materials 2864
handling, or similar activities. "Utility vehicle" includes a 2865
vehicle with a maximum attainable speed of twenty miles per hour 2866
or less that is used exclusively within the boundaries of state 2867
parks by state park employees or volunteers for the operation or 2868
maintenance of state park facilities. 2869

Sec. 4501.03. The registrar of motor vehicles shall open an 2870
account with each county and district of registration in the 2871
state, and may assign each county and district of registration in 2872
the state a unique code for identification purposes. Except as 2873
provided in section 4501.044 or division (A)(1) of section 2874
4501.045 of the Revised Code, the registrar shall pay all moneys 2875
the registrar receives under sections 4503.02, and 4503.12, ~~and~~ 2876
~~4504.09~~ of the Revised Code into the state treasury to the credit 2877
of the auto registration distribution fund, which is hereby 2878
created, for distribution in the manner provided for in this 2879
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 2880
~~4501.043~~ of the Revised Code. All other moneys received by the 2881
registrar shall be deposited in the state bureau of motor vehicles 2882
fund established in section 4501.25 of the Revised Code for the 2883

purposes enumerated in that section, unless otherwise provided by law. 2884
2885

All moneys credited to the auto registration distribution fund shall be distributed to the counties and districts of registration, ~~except for funds received by the registrar under section 4504.09 of the Revised Code,~~ after receipt 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, in the manner provided in section 4501.04 of the Revised Code. 2886
2887
2888
2889
2890
2891
2892
2893
2894
2895
2896
2897
2898
2899
2900
2901
2902
2903
2904
2905
2906

The treasurer of state may invest any portion of the moneys credited to the auto registration distribution fund, in the same manner and subject to all the laws with respect to the investment of state funds by the treasurer of state, and all investment earnings of the fund shall be credited to the fund. 2907
2908
2909
2910
2911

Once each month the registrar shall prepare vouchers in favor of the county auditor of each county for the amount of the tax collection pursuant to sections 4503.02 and 4503.12 of the Revised Code apportioned to the county and to the districts of 2912
2913
2914
2915

registration located wholly or in part in the county auditor's 2916
county. The county auditor shall distribute the proceeds of the 2917
tax collections due the county and the districts of registration 2918
in the manner provided in section 4501.04 of the Revised Code. 2919

~~Once each month the registrar also shall prepare vouchers in 2920
favor of the county auditor of each county levying a county motor 2921
vehicle license tax pursuant to section 4504.02, 4504.15, or 2922
4504.16 of the Revised Code and of each county in which is located 2923
one or more townships levying a township motor vehicle license tax 2924
pursuant to section 4504.18 of the Revised Code for the amount of 2925
the tax due the county or townships in the county. 2926~~

All moneys received by the registrar under sections 4503.02, 2927
~~and 4503.12, and 4504.09~~ of the Revised Code shall be distributed 2928
to counties, townships, and municipal corporations within thirty 2929
days of the expiration of the registration year, except that a sum 2930
equal to five per cent of the total amount received under sections 2931
4503.02 and 4503.12 of the Revised Code may be reserved to make 2932
final adjustments in accordance with the formula for distribution 2933
set forth in section 4501.04 of the Revised Code. If amounts set 2934
aside to make the adjustments are inadequate, necessary 2935
adjustments shall be made immediately out of funds available for 2936
distribution for the following two registration years. 2937

Sec. 4501.031. All moneys received under section 4504.09 of 2938
the Revised Code shall be paid into the state treasury to the 2939
credit of the local motor vehicle license tax fund, which is 2940
hereby created, for distribution in the manner provided for in 2941
this chapter. The treasurer of state may invest any portion of the 2942
moneys credited to the fund in the same manner and subject to all 2943
the laws governing the investment of state funds by the treasurer 2944
of state. All investment earnings of the fund shall be credited to 2945
the fund. 2946

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

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

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

Sec. 4501.04. All moneys paid into the auto registration distribution fund under section 4501.03 of the Revised Code, except ~~moneys received under section 4504.09 of the Revised Code~~ and moneys received under section 4503.02 of the Revised Code in accordance with section 4501.13 of the Revised Code, and except 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 2978
other obligations issued pursuant to Section 2g of Article VIII, 2979
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 2980
Code, due and payable during the current calendar year, and that 2981
there are sufficient moneys to the credit of the highway 2982
obligations bond retirement fund created by section 5528.32 of the 2983
Revised Code to meet in full all payments of interest, principal, 2984
and charges for the retirement of highway obligations issued 2985
pursuant to Section 2i of Article VIII, Ohio Constitution, and 2986
sections 5528.30 and 5528.31 of the Revised Code due and payable 2987
during the current calendar year, shall be distributed as follows: 2988

(A) Thirty-four per cent of all such moneys are for the use 2989
of the municipal corporation or county which constitutes the 2990
district of registration. The portion of such money due to the 2991
municipal corporation shall be paid into its treasury forthwith 2992
upon receipt by the county auditor, and shall be used to plan, 2993
construct, reconstruct, repave, widen, maintain, repair, clear, 2994
and clean public highways, roads, and streets; to maintain and 2995
repair bridges and viaducts; to purchase, erect, and maintain 2996
street and traffic signs and markers; to purchase, erect, and 2997
maintain traffic lights and signals; to pay the principal, 2998
interest, and charges on bonds and other obligations issued 2999
pursuant to Chapter 133. of the Revised Code or incurred pursuant 3000
to section 5531.09 of the Revised Code for the purpose of 3001
acquiring or constructing roads, highways, bridges, or viaducts, 3002
or acquiring or making other highway improvements for which the 3003
municipal corporation may issue bonds; and to supplement revenue 3004
already available for such purposes. 3005

The county portion of such funds shall be retained in the 3006
county treasury and shall be used for the planning, maintenance, 3007
repair, construction, and repaving of public streets, and 3008
maintaining and repairing bridges and viaducts; the payment of 3009

principal, interest, and charges on bonds and other obligations 3010
issued pursuant to Chapter 133. of the Revised Code or incurred 3011
pursuant to section 5531.09 of the Revised Code for the purpose of 3012
acquiring or constructing roads, highways, bridges, or viaducts or 3013
acquiring or making other highway improvements for which the board 3014
of county commissioners may issue bonds under such chapter; and 3015
for no other purpose. 3016

(B) Five per cent of all such moneys, together with interest 3017
earned by the treasurer of state as provided in section 4501.03 of 3018
the Revised Code, shall constitute a fund for the use of the 3019
several counties for the purposes specified in division (C) of 3020
this section. The moneys shall be divided equally among all the 3021
counties in the state and shall be paid out by the registrar of 3022
motor vehicles in equal proportions to the county auditor of each 3023
county within the state. 3024

(C) Forty-seven per cent of all such moneys shall be for the 3025
use of the county in which the owner resides or in which the place 3026
is located at which the established business or branch business in 3027
connection with which the motor vehicle registered is used, for 3028
the planning, construction, reconstruction, improvement, 3029
maintenance, and repair of roads and highways; maintaining and 3030
repairing bridges and viaducts; and the payment of principal, 3031
interest, and charges on bonds and other obligations issued 3032
pursuant to Chapter 133. of the Revised Code or incurred pursuant 3033
to section 5531.09 of the Revised Code for the purpose of 3034
acquiring or constructing roads, highways, bridges, or viaducts or 3035
acquiring or making other highway improvements for which the board 3036
of county commissioners may issue bonds under such chapter. 3037

(D) Nine per cent of all such moneys shall be for the use of 3038
the several counties for the purposes specified in division (C) of 3039
this section and shall be distributed to the several counties in 3040
the ratio which the total number of miles of county roads under 3041

the jurisdiction of each board of county commissioners in each 3042
county bears to the total number of miles of county roads in the 3043
state, as determined by the director of transportation. Before 3044
such distribution is made each board of county commissioners shall 3045
certify in writing to the director the actual number of miles 3046
under its statutory jurisdiction which are used by and maintained 3047
for the public. 3048

(E) Five per cent of all such moneys shall be for the use of 3049
the several townships and shall be distributed to the several 3050
townships in the ratio which the total number of miles of township 3051
roads under the jurisdiction of each board of township trustees in 3052
each township bears to the total number of miles of township roads 3053
in the state, as determined by the director of transportation. 3054
Before such distribution is made each board of township trustees 3055
shall certify in writing to the director the actual number of 3056
miles under its statutory jurisdiction which are used by and 3057
maintained for the public. 3058

Sec. 4501.041. Except as provided in section 4501.042 of the 3059
Revised Code, all moneys received under section 4504.09 of the 3060
Revised Code with respect to counties levying county motor vehicle 3061
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 3062
the Revised Code and paid into the state treasury under section 3063
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 3064
respective counties levying such taxes for allocation and 3065
distribution as provided in section 4504.05 of the Revised Code. 3066

Sec. 4501.042. All moneys received under section 4504.09 of 3067
the Revised Code from municipal motor vehicle license taxes levied 3068
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 3069
Revised Code, and any part of the moneys received from county 3070
motor vehicle license taxes levied pursuant to section 4504.15 of 3071
the Revised Code which is to be distributed to municipal 3072

corporations, shall be paid ~~directly~~ into the state treasury to 3073
the credit of the local motor vehicle license tax fund created 3074
under section 4501.031 of the Revised Code and shall be 3075
distributed to the treasuries of the municipal corporations 3076
levying or entitled to such tax moneys. 3077

Sec. 4501.043. All moneys received under section 4504.09 of 3078
the Revised Code with respect to townships levying township 3079
license taxes pursuant to section 4504.18 of the Revised Code and 3080
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 3081
Revised Code shall be distributed to the respective townships 3082
levying such taxes for allocation and distribution as provided in 3083
section 4504.19 of the Revised Code. 3084

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 3085
referred to in division (O) of section 4503.04, division (E) of 3086
section 4503.042, division (B) of section 4503.07, division (C)(1) 3087
of section 4503.10, division (D) of section 4503.182, division (A) 3088
of section 4503.19, division (D)(2) of section 4507.24, division 3089
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 3090
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 3091
of the Revised Code, and the taxes charged in section 4503.65 that 3092
are distributed in accordance with division (A)(2) of section 3093
4501.044 of the Revised Code unless otherwise designated by law, 3094
shall be deposited in the state treasury to the credit of the 3095
state highway safety fund, which is hereby created, ~~and~~. Money 3096
credited to the fund shall, after receipt of certifications from 3097
the commissioners of the sinking fund certifying that there are 3098
sufficient moneys to the credit of the highway obligations bond 3099
retirement fund created by section 5528.32 of the Revised Code to 3100
meet in full all payments of interest, principal, and charges for 3101
the retirement of highway obligations issued pursuant to Section 3102
2i of Article VIII, Ohio Constitution, and sections 5528.30 and 3103

5528.31 of the Revised Code due and payable during the current 3104
calendar year, be used for the purpose of enforcing and paying the 3105
expenses of administering the law relative to the registration and 3106
operation of motor vehicles on the public roads or highways. 3107
Amounts credited to the fund may also be used to pay the expenses 3108
of administering and enforcing the laws under which such fees were 3109
collected. All investment earnings of the state highway safety 3110
fund shall be credited to the fund. 3111

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 3112
designate the county auditor in each county a deputy registrar. If 3113
the population of a county is forty thousand or less according to 3114
the last federal census and if the county auditor is designated by 3115
the registrar as a deputy registrar, no other person need be 3116
designated in the county to act as a deputy registrar. 3117

(b) The registrar may designate a clerk of a court of common 3118
pleas as a deputy registrar if the population of the county is 3119
forty thousand or less according to the last federal census. In a 3120
county with a population greater than forty thousand but not more 3121
than fifty thousand according to the last federal census, the 3122
clerk of a court of common pleas is eligible to act as a deputy 3123
registrar and may participate in the competitive selection process 3124
for the award of a deputy registrar contract by applying in the 3125
same manner as any other person. All fees collected and retained 3126
by a clerk for conducting deputy registrar services shall be paid 3127
into the county treasury to the credit of the certificate of title 3128
administration fund created under section 325.33 of the Revised 3129
Code. 3130

(c) In all other instances, the registrar shall contract with 3131
one or more other persons in each county to act as deputy 3132
registrars. Notwithstanding the county population restrictions in 3133
division (A)(1)(b) of this section, if no person applies to act 3134

under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.

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

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

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

The contribution limitations contained in this division do not apply to any county auditor or clerk of a court of common pleas. A county auditor or clerk of a court of common pleas is not

required to file the disclosure statement or pay the filing fee 3167
required under section 4503.033 of the Revised Code. The 3168
limitations of this division also do not apply to a deputy 3169
registrar who, subsequent to being awarded a deputy registrar 3170
contract, is elected to an office of a political subdivision. 3171

The registrar shall not contract with either of the following 3172
to act as a deputy registrar: 3173

(1) Any elected public official other than a county auditor 3174
or, as authorized by division (A)(1)(b) of this section, a clerk 3175
of a court of common pleas, acting in an official capacity, except 3176
that, the registrar shall continue and may renew a contract with 3177
any deputy registrar who, subsequent to being awarded a deputy 3178
registrar contract, is elected to an office of a political 3179
subdivision; 3180

(2) Any person holding a current, valid contract to conduct 3181
motor vehicle inspections under section 3704.14 of the Revised 3182
Code. 3183

As used in division (B) of this section, "political 3184
subdivision" has the same meaning as in section 3501.01 of the 3185
Revised Code. 3186

(C)(1) Except as provided in division (C)(2) of this section, 3187
deputy registrars are independent contractors and neither they nor 3188
their employees are employees of this state, except that nothing 3189
in this section shall affect the status of county auditors or 3190
clerks of courts of common pleas as public officials, nor the 3191
status of their employees as employees of any of the counties of 3192
this state, which are political subdivisions of this state. Each 3193
deputy registrar shall be responsible for the payment of all 3194
unemployment compensation premiums, all workers' compensation 3195
premiums, social security contributions, and any and all taxes for 3196
which the deputy registrar is legally responsible. Each deputy 3197

registrar shall comply with all applicable federal, state, and 3198
local laws requiring the withholding of income taxes or other 3199
taxes from the compensation of the deputy registrar's employees. 3200
Each deputy registrar shall maintain during the entire term of the 3201
deputy registrar's contract a policy of business liability 3202
insurance satisfactory to the registrar and shall hold the 3203
department of public safety, the director of public safety, the 3204
bureau of motor vehicles, and the registrar harmless upon any and 3205
all claims for damages arising out of the operation of the deputy 3206
registrar agency. 3207

(2) For purposes of Chapter 4141. of the Revised Code, 3208
determinations concerning the employment of deputy registrars and 3209
their employees shall be made under Chapter 4141. of the Revised 3210
Code. 3211

(D)(1) With the approval of the director, the registrar shall 3212
adopt rules governing the terms of the contract between the 3213
registrar and each deputy registrar and specifications for the 3214
services to be performed. The rules shall include specifications 3215
relating to the amount of bond to be given as provided in this 3216
section; the size and location of the deputy's office; and the 3217
leasing of equipment necessary to conduct the vision screenings 3218
required under section 4507.12 of the Revised Code and training in 3219
the use of the equipment. The specifications shall permit and 3220
encourage every deputy registrar to inform the public of the 3221
location of the deputy registrar's office and hours of operation 3222
by means of public service announcements and allow any deputy 3223
registrar to advertise in regard to the operation of the deputy 3224
registrar's office. The rules also shall include specifications 3225
for the hours the deputy's office is to be open to the public and 3226
shall require as a minimum that one deputy's office in each county 3227
be open to the public for at least four hours each weekend, 3228
provided that if only one deputy's office is located within the 3229

boundary of the county seat, that office is the office that shall 3230
be open for the four-hour period each weekend, ~~and that every~~ 3231
~~deputy's office in each county shall be open to the public until~~ 3232
~~six thirty p.m. on at least one weeknight each week.~~ The rules 3233
also shall include specifications providing that every deputy in 3234
each county, upon request, provide any person with information 3235
about the location and office hours of all deputy registrars in 3236
the county and that every deputy prominently display within the 3237
deputy's office, the toll-free telephone number of the bureau. The 3238
rules shall not prohibit the award of a deputy registrar contract 3239
to a nonprofit corporation formed under the laws of this state. 3240
The rules shall prohibit any deputy registrar from operating more 3241
than one such office at any time, except that the rules may permit 3242
a nonprofit corporation formed for the purposes of providing 3243
automobile-related services to its members or the public and that 3244
provides such services from more than one location in this state 3245
to operate a deputy registrar office at any such location, 3246
provided that the nonprofit corporation operates no more than one 3247
deputy registrar office in any one county. The rules may include 3248
such other specifications as the registrar and director consider 3249
necessary to provide a high level of service. 3250

The rules shall establish procedures for a deputy registrar 3251
who requests such authority to collect reinstatement fees under 3252
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 3253
4510.72, and 4511.191 of the Revised Code and to transmit the 3254
reinstatement fees and two dollars of the service fee collected 3255
under those sections. The registrar shall ensure that, not later 3256
than January 1, 2012, at least one deputy registrar in each county 3257
has the necessary equipment and is able to accept reinstatement 3258
fees. The registrar shall deposit the service fees received from a 3259
deputy registrar under those sections into the state bureau of 3260
motor vehicles fund created in section 4501.25 of the Revised Code 3261
and shall use the money for deputy registrar equipment necessary 3262

in connection with accepting reinstatement fees. 3263

(2) As a daily adjustment, the bureau of motor vehicles shall 3264
credit to a deputy registrar three dollars and fifty cents for 3265
each damaged license plate or validation sticker the deputy 3266
registrar replaces as a service to a member of the public. 3267

(3)(a) With the prior approval of the registrar, each deputy 3268
registrar may conduct at the location of the deputy registrar's 3269
office any business that is consistent with the functions of a 3270
deputy registrar and that is not specifically mandated or 3271
authorized by this or another chapter of the Revised Code or by 3272
implementing rules of the registrar. 3273

(b) In accordance with guidelines the director of public 3274
safety shall establish, a deputy registrar may operate or contract 3275
for the operation of a vending machine at a deputy registrar 3276
location if products of the vending machine are consistent with 3277
the functions of a deputy registrar. 3278

(c) A deputy registrar may enter into an agreement with the 3279
Ohio turnpike and infrastructure commission pursuant to division 3280
(A)(11) of section 5537.04 of the Revised Code for the purpose of 3281
allowing the general public to acquire from the deputy registrar 3282
the electronic toll collection devices that are used under the 3283
multi-jurisdiction electronic toll collection agreement between 3284
the Ohio turnpike and infrastructure commission and any other 3285
entities or agencies that participate in such an agreement. The 3286
approval of the registrar is not necessary if a deputy registrar 3287
engages in this activity. 3288

(4) As used in this section and in section 4507.01 of the 3289
Revised Code, "nonprofit corporation" has the same meaning as in 3290
section 1702.01 of the Revised Code. 3291

(E) Unless otherwise terminated and except for interim 3292
contracts of less than one year, contracts with deputy registrars 3293

shall be for a term of at least two years, but no more than three 3294
years, and all contracts effective on or after July 1, 1996, shall 3295
be for a term of more than two years, but not more than three 3296
years. All contracts with deputy registrars shall expire on the 3297
last Saturday of June in the year of their expiration. The auditor 3298
of state may examine the accounts, reports, systems, and other 3299
data of each deputy registrar at least every two years. The 3300
registrar, with the approval of the director, shall immediately 3301
remove a deputy who violates any provision of the Revised Code 3302
related to the duties as a deputy, any rule adopted by the 3303
registrar, or a term of the deputy's contract with the registrar. 3304
The registrar also may remove a deputy who, in the opinion of the 3305
registrar, has engaged in any conduct that is either unbecoming to 3306
one representing this state or is inconsistent with the efficient 3307
operation of the deputy's office. 3308

If the registrar, with the approval of the director, 3309
determines that there is good cause to believe that a deputy 3310
registrar or a person proposing for a deputy registrar contract 3311
has engaged in any conduct that would require the denial or 3312
termination of the deputy registrar contract, the registrar may 3313
require the production of books, records, and papers as the 3314
registrar determines are necessary, and may take the depositions 3315
of witnesses residing within or outside the state in the same 3316
manner as is prescribed by law for the taking of depositions in 3317
civil actions in the court of common pleas, and for that purpose 3318
the registrar may issue a subpoena for any witness or a subpoena 3319
duces tecum to compel the production of any books, records, or 3320
papers, directed to the sheriff of the county where the witness 3321
resides or is found. Such a subpoena shall be served and returned 3322
in the same manner as a subpoena in a criminal case is served and 3323
returned. The fees of the sheriff shall be the same as that 3324
allowed in the court of common pleas in criminal cases. Witnesses 3325
shall be paid the fees and mileage provided for under section 3326

119.094 of the Revised Code. The fees and mileage shall be paid 3327
from the fund in the state treasury for the use of the agency in 3328
the same manner as other expenses of the agency are paid. 3329

In any case of disobedience or neglect of any subpoena served 3330
on any person or the refusal of any witness to testify to any 3331
matter regarding which the witness lawfully may be interrogated, 3332
the court of common pleas of any county where the disobedience, 3333
neglect, or refusal occurs or any judge of that court, on 3334
application by the registrar, shall compel obedience by attachment 3335
proceedings for contempt, as in the case of disobedience of the 3336
requirements of a subpoena issued from that court, or a refusal to 3337
testify in that court. 3338

Nothing in this division shall be construed to require a 3339
hearing of any nature prior to the termination of any deputy 3340
registrar contract by the registrar, with the approval of the 3341
director, for cause. 3342

(F) Except as provided in section 2743.03 of the Revised 3343
Code, no court, other than the court of common pleas of Franklin 3344
county, has jurisdiction of any action against the department of 3345
public safety, the director, the bureau, or the registrar to 3346
restrain the exercise of any power or authority, or to entertain 3347
any action for declaratory judgment, in the selection and 3348
appointment of, or contracting with, deputy registrars. Neither 3349
the department, the director, the bureau, nor the registrar is 3350
liable in any action at law for damages sustained by any person 3351
because of any acts of the department, the director, the bureau, 3352
or the registrar, or of any employee of the department or bureau, 3353
in the performance of official duties in the selection and 3354
appointment of, and contracting with, deputy registrars. 3355

(G) The registrar shall assign to each deputy registrar a 3356
series of numbers sufficient to supply the demand at all times in 3357
the area the deputy registrar serves, and the registrar shall keep 3358

a record in the registrar's office of the numbers within the 3359
series assigned. Each deputy shall be required to give bond in the 3360
amount of at least twenty-five thousand dollars, or in such higher 3361
amount as the registrar determines necessary, based on a uniform 3362
schedule of bond amounts established by the registrar and 3363
determined by the volume of registrations handled by the deputy. 3364
The form of the bond shall be prescribed by the registrar. The 3365
bonds required of deputy registrars, in the discretion of the 3366
registrar, may be individual or schedule bonds or may be included 3367
in any blanket bond coverage carried by the department. 3368

(H) Each deputy registrar shall keep a file of each 3369
application received by the deputy and shall register that motor 3370
vehicle with the name and address of its owner. 3371

(I) Upon request, a deputy registrar shall make the physical 3372
inspection of a motor vehicle and issue the physical inspection 3373
certificate required in section 4505.061 of the Revised Code. 3374

(J) Each deputy registrar shall file a report ~~semi-annually~~ 3375
semiannually with the registrar of motor vehicles listing the 3376
number of applicants for licenses the deputy has served, the 3377
number of voter registration applications the deputy has completed 3378
and transmitted to the board of elections, and the number of voter 3379
registration applications declined. 3380

Sec. 4503.04. Except as provided in sections 4503.042 and 3381
4503.65 of the Revised Code for the registration of commercial 3382
cars, trailers, semitrailers, and certain buses, the rates of the 3383
taxes imposed by section 4503.02 of the Revised Code shall be as 3384
follows: 3385

(A) For motor vehicles having three wheels or less, the 3386
license tax is: 3387

(1) For each motorized bicycle, ten dollars; 3388

(2) For each motorcycle, fourteen dollars.	3389
(B) For each passenger car, twenty dollars;	3390
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	3391 3392
(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;	3393 3394 3395 3396 3397 3398
(E) For each noncommercial trailer, the license tax is:	3399
(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;	3400 3401 3402
(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.	3403 3404 3405
(F) Notwithstanding its weight, twelve dollars for any:	3406
(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;	3407 3408 3409
(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;	3410 3411 3412 3413
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	3414 3415
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	3416 3417 3418

(H) For each transit bus having motor power the license tax 3419
is twelve dollars. 3420

"Transit bus" means either a motor vehicle having a seating 3421
capacity of more than seven persons which is operated and used by 3422
any person in the rendition of a public mass transportation 3423
service primarily in a municipal corporation or municipal 3424
corporations and provided at least seventy-five per cent of the 3425
annual mileage of such service and use is within such municipal 3426
corporation or municipal corporations or a motor vehicle having a 3427
seating capacity of more than seven persons which is operated 3428
solely for the transportation of persons associated with a 3429
charitable or nonprofit corporation, but does not mean any motor 3430
vehicle having a seating capacity of more than seven persons when 3431
such vehicle is used in a ridesharing capacity or any bus 3432
described by division (F)(3) of this section. 3433

The application for registration of such transit bus shall be 3434
accompanied by an affidavit prescribed by the registrar of motor 3435
vehicles and signed by the person or an agent of the firm or 3436
corporation operating such bus stating that the bus has a seating 3437
capacity of more than seven persons, and that it is either to be 3438
operated and used in the rendition of a public mass transportation 3439
service and that at least seventy-five per cent of the annual 3440
mileage of such operation and use shall be within one or more 3441
municipal corporations or that it is to be operated solely for the 3442
transportation of persons associated with a charitable or 3443
nonprofit corporation. 3444

The form of the license plate, and the manner of its 3445
attachment to the vehicle, shall be prescribed by the registrar of 3446
motor vehicles. 3447

(I) The minimum tax for any vehicle having motor power other 3448
than a farm truck, a motorized bicycle, or motorcycle is ten 3449
dollars and eighty cents, and for each noncommercial trailer, five 3450

dollars. 3451

(J)(1) Except as otherwise provided in division (J) of this 3452
section, for each farm truck, except a noncommercial motor 3453
vehicle, that is owned, controlled, or operated by one or more 3454
farmers exclusively in farm use as defined in this section, and 3455
not for commercial purposes, and provided that at least 3456
seventy-five per cent of such farm use is by or for the one or 3457
more owners, controllers, or operators of the farm in the 3458
operation of which a farm truck is used, the license tax is five 3459
dollars plus: 3460

(a) Fifty cents per one hundred pounds or part thereof for 3461
the first three thousand pounds; 3462

(b) Seventy cents per one hundred pounds or part thereof in 3463
excess of three thousand pounds up to and including four thousand 3464
pounds; 3465

(c) Ninety cents per one hundred pounds or part thereof in 3466
excess of four thousand pounds up to and including six thousand 3467
pounds; 3468

(d) Two dollars for each one hundred pounds or part thereof 3469
in excess of six thousand pounds up to and including ten thousand 3470
pounds; 3471

(e) Two dollars and twenty-five cents for each one hundred 3472
pounds or part thereof in excess of ten thousand pounds; 3473

(f) The minimum license tax for any farm truck shall be 3474
twelve dollars. 3475

(2) The owner of a farm truck may register the truck for a 3476
period of one-half year by paying one-half the registration tax 3477
imposed on the truck under this chapter and one-half the amount of 3478
any tax imposed on the truck under Chapter 4504. of the Revised 3479
Code. 3480

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

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

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

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

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

(K) Other than trucks registered under the international registration plan in another jurisdiction and for which this state has received an apportioned registration fee, the license tax for each truck which is owned, controlled, or operated by a nonresident, and licensed in another state, and which is used

exclusively for the transportation of nonprocessed agricultural 3512
products intrastate, from the place of production to the place of 3513
processing, is twenty-four dollars. 3514

"Truck," as used in this division, means any pickup truck, 3515
straight truck, semitrailer, or trailer other than a travel 3516
trailer. Nonprocessed agricultural products, as used in this 3517
division, does not include livestock or grain. 3518

A license issued under this division shall be issued for a 3519
period of one hundred thirty days in the same manner in which all 3520
other licenses are issued under this section, provided that no 3521
truck shall be so licensed for more than one 3522
one-hundred-thirty-day period during any calendar year. 3523

The license issued pursuant to this division shall consist of 3524
a windshield decal to be designed by the director of public 3525
safety. 3526

Every person registering a truck under this division shall 3527
furnish an affidavit certifying that the truck licensed to the 3528
person is to be used exclusively for the purposes specified in 3529
this division. 3530

(L) Every person registering a motor vehicle as a 3531
noncommercial motor vehicle as defined in section 4501.01 of the 3532
Revised Code, or registering a trailer as a noncommercial trailer 3533
as defined in that section, shall furnish an affidavit certifying 3534
that the motor vehicle or trailer so licensed to the person is to 3535
be so used as to meet the requirements necessary for the 3536
noncommercial vehicle classification. 3537

(M) Every person registering a van or bus as provided in 3538
divisions (F)(2) and (3) of this section shall furnish a notarized 3539
statement certifying that the van or bus licensed to the person is 3540
to be used for the purposes specified in those divisions. The form 3541
of the license plate issued for such motor vehicles shall be 3542

prescribed by the registrar. 3543

(N) Every person registering as a passenger car a motor 3544
vehicle designed and used for carrying more than nine but not more 3545
than fifteen passengers, and every person registering a bus as 3546
provided in division (G) of this section, shall furnish an 3547
affidavit certifying that the vehicle so licensed to the person is 3548
to be used in a ridesharing arrangement and that the person will 3549
have in effect whenever the vehicle is used in a ridesharing 3550
arrangement a policy of liability insurance with respect to the 3551
motor vehicle in amounts and coverages no less than those required 3552
by section 4509.79 of the Revised Code. The form of the license 3553
plate issued for such a motor vehicle shall be prescribed by the 3554
registrar. 3555

(O)(1) Commencing on October 1, 2009, if an application for 3556
registration renewal is not applied for prior to the expiration 3557
date of the registration or within ~~seven~~ thirty days after that 3558
date, the registrar or deputy registrar shall collect a fee of 3559
~~twenty ten~~ ten dollars for the issuance of the vehicle registration. 3560
For any motor vehicle that is used on a seasonal basis, whether 3561
used for general transportation or not, and that has not been used 3562
on the public roads or highways since the expiration of the 3563
registration, the registrar or deputy registrar shall waive the 3564
fee established under this division if the application is 3565
accompanied by supporting evidence of seasonal use as the 3566
registrar may require. The registrar or deputy registrar may waive 3567
the fee for other good cause shown if the application is 3568
accompanied by supporting evidence as the registrar may require. 3569
The fee shall be in addition to all other fees established by this 3570
section. A deputy registrar shall retain fifty cents of the fee 3571
and shall transmit the remaining amount to the registrar at the 3572
time and in the manner provided by section 4503.10 of the Revised 3573
Code. The registrar shall deposit all moneys received under this 3574

division into the state highway safety fund established in section 3575
4501.06 of the Revised Code. 3576

(2) Division (O)(1) of this section does not apply to a farm 3577
truck or farm bus registered under division (J) of this section. 3578

(P) As used in this section: 3579

(1) "Van" means any motor vehicle having a single rear axle 3580
and an enclosed body without a second seat. 3581

(2) "Handicapped person" means any person who has lost the 3582
use of one or both legs, or one or both arms, or is blind, deaf, 3583
or so severely disabled as to be unable to move about without the 3584
aid of crutches or a wheelchair. 3585

(3) "Farm truck" means a truck used in the transportation 3586
from the farm of products of the farm, including livestock and its 3587
products, poultry and its products, floricultural and 3588
horticultural products, and in the transportation to the farm of 3589
supplies for the farm, including tile, fence, and every other 3590
thing or commodity used in agricultural, floricultural, 3591
horticultural, livestock, and poultry production and livestock, 3592
poultry, and other animals and things used for breeding, feeding, 3593
or other purposes connected with the operation of the farm. 3594

(4) "Farm bus" means a bus used only for the transportation 3595
of agricultural employees and used only in the transportation of 3596
such employees as are necessary in the operation of the farm. 3597

(5) "Farm supplies" includes fuel used exclusively in the 3598
operation of a farm, including one or more homes located on and 3599
used in the operation of one or more farms, and furniture and 3600
other things used in and around such homes. 3601

Sec. 4503.042. The registrar of motor vehicles shall adopt 3602
rules establishing the date, subsequent to this state's entry into 3603
membership in the international registration plan, when the rates 3604

established by this section become operative.	3605
(A) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for commercial cars having a gross vehicle weight or combined gross vehicle weight of:	3606
	3607
	3608
(1) Not more than two thousand pounds, forty-five dollars;	3609
(2) More than two thousand but not more than six thousand pounds, seventy dollars;	3610
	3611
(3) More than six thousand but not more than ten thousand pounds, eighty-five dollars;	3612
	3613
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	3614
	3615
(5) More than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	3616
	3617
(6) More than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	3618
	3619
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	3620
	3621
(8) More than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	3622
	3623
(9) More than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	3624
	3625
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	3626
	3627
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	3628
	3629
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	3630
	3631
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	3632
	3633

(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	3634 3635
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	3636 3637
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	3638 3639
(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	3640 3641
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	3642 3643
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	3644 3645
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	3646 3647
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	3648 3649
(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:	3650 3651 3652
(1) Not more than two thousand pounds, ten dollars;	3653
(2) More than two thousand but not more than six thousand pounds, forty dollars;	3654 3655
(3) More than six thousand but not more than ten thousand pounds, one hundred dollars;	3656 3657
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	3658 3659
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	3660 3661
(6) More than eighteen thousand but not more than twenty-two	3662

thousand pounds, three hundred forty dollars;	3663
(7) More than twenty-two thousand but not more than	3664
twenty-six thousand pounds, four hundred twenty dollars;	3665
(8) More than twenty-six thousand but not more than thirty	3666
thousand pounds, five hundred dollars;	3667
(9) More than thirty thousand but not more than thirty-four	3668
thousand pounds, five hundred eighty dollars;	3669
(10) More than thirty-four thousand but not more than	3670
thirty-eight thousand pounds, six hundred sixty dollars;	3671
(11) More than thirty-eight thousand but not more than	3672
forty-two thousand pounds, seven hundred forty dollars;	3673
(12) More than forty-two thousand but not more than forty-six	3674
thousand pounds, eight hundred twenty dollars;	3675
(13) More than forty-six thousand but not more than fifty	3676
thousand pounds, nine hundred forty dollars;	3677
(14) More than fifty thousand but not more than fifty-four	3678
thousand pounds, one thousand dollars;	3679
(15) More than fifty-four thousand but not more than	3680
fifty-eight thousand pounds, one thousand ninety dollars;	3681
(16) More than fifty-eight thousand but not more than	3682
sixty-two thousand pounds, one thousand one hundred eighty	3683
dollars;	3684
(17) More than sixty-two thousand but not more than sixty-six	3685
thousand pounds, one thousand two hundred seventy dollars;	3686
(18) More than sixty-six thousand but not more than seventy	3687
thousand pounds, one thousand three hundred sixty dollars;	3688
(19) More than seventy thousand but not more than	3689
seventy-four thousand pounds, one thousand four hundred fifty	3690
dollars;	3691

(20) More than seventy-four thousand but not more than 3692
seventy-eight thousand pounds, one thousand five hundred forty 3693
dollars; 3694

(21) More than seventy-eight thousand pounds, one thousand 3695
six hundred thirty dollars. 3696

(C) In addition to the license taxes imposed at the rates 3697
specified in divisions (A) and (B) of this section, an 3698
administrative fee of three dollars and fifty cents, plus an 3699
appropriate amount to cover the cost of postage, shall be 3700
collected by the registrar for each international registration 3701
plan license processed by the registrar. 3702

(D) The rate of the tax for each trailer and semitrailer is 3703
twenty-five dollars. 3704

(E) Commencing on October 1, 2009, if an application for 3705
registration renewal is not applied for prior to the expiration 3706
date of the registration or within ~~seven~~ thirty days after that 3707
date, the registrar or deputy registrar shall collect a fee of 3708
~~twenty ten~~ ten dollars for the issuance of the vehicle registration, 3709
but may waive the fee for good cause shown if the application is 3710
accompanied by supporting evidence as the registrar may require. 3711
The fee shall be in addition to all other fees established by this 3712
section. A deputy registrar shall retain fifty cents of the fee 3713
and shall transmit the remaining amount to the registrar at the 3714
time and in the manner provided by section 4503.10 of the Revised 3715
Code. The registrar shall deposit all moneys received under this 3716
division into the state highway safety fund established in section 3717
4501.06 of the Revised Code. 3718

(F) The rates established by this section shall not apply to 3719
any of the following: 3720

(1) Vehicles equipped, owned, and used by a charitable or 3721
nonprofit corporation exclusively for the purpose of administering 3722

chest x-rays or receiving blood donations;	3723
(2) Vans used principally for the transportation of	3724
handicapped persons that have been modified by being equipped with	3725
adaptive equipment to facilitate the movement of such persons into	3726
and out of the vans;	3727
(3) Buses used principally for the transportation of	3728
handicapped persons or persons sixty-five years of age or older;	3729
(4) Buses used principally for the transportation of persons	3730
in a ridesharing arrangement;	3731
(5) Transit buses having motor power;	3732
(6) Noncommercial trailers, mobile homes, or manufactured	3733
homes.	3734
Sec. 4503.07. (A) In lieu of the schedule of rates for	3735
commercial cars fixed in section 4503.04 of the Revised Code, the	3736
fee shall be ten dollars for each church bus used exclusively to	3737
transport members of a church congregation to and from church	3738
services or church functions or to transport children and their	3739
authorized supervisors to and from any camping function sponsored	3740
by a nonprofit, tax-exempt, charitable or philanthropic	3741
organization. A church within the meaning of this section is an	3742
organized religious group, duly constituted with officers and a	3743
board of trustees, regularly holding religious services, and	3744
presided over or administered to by a properly accredited	3745
ecclesiastical officer, whose name and standing is published in	3746
the official publication of the officer's religious group.	3747
(B) Commencing on October 1, 2009, if an application for	3748
registration renewal is not applied for prior to the expiration	3749
date of the registration or within seven <u>thirty</u> days after that	3750
date, the registrar or deputy registrar shall collect a fee of	3751
twenty <u>ten</u> dollars for the issuance of the vehicle registration,	3752

but may waive the fee for good cause shown if the application is 3753
accompanied by supporting evidence as the registrar may require. 3754
The fee shall be in addition to all other fees established by this 3755
section. A deputy registrar shall retain fifty cents of the fee 3756
and shall transmit the remaining amount to the registrar at the 3757
time and in the manner provided by section 4503.10 of the Revised 3758
Code. The registrar shall deposit all moneys received under this 3759
division into the state highway safety fund established in section 3760
4501.06 of the Revised Code. 3761

(C) The application for registration of such bus shall be 3762
accompanied by the following, as applicable: 3763

(1) An affidavit, prescribed by the registrar of motor 3764
vehicles and signed by either the senior pastor, minister, priest, 3765
or rabbi of the church making application or by the head of the 3766
governing body of the church making application, stating that the 3767
bus is to be used exclusively to transport members of a church 3768
congregation to and from church services or church functions or to 3769
transport children and their authorized supervisors to and from 3770
any camping function sponsored by a nonprofit, tax-exempt, 3771
charitable, or philanthropic organization; 3772

(2) A certificate from the state highway patrol stating that 3773
the bus involved is safe for operation in accordance with such 3774
standards as are prescribed by the state highway patrol if the bus 3775
meets either of the following: 3776

(a) It originally was designed by the manufacturer to 3777
transport sixteen or more passengers, including the driver; 3778

(b) It has a gross vehicle weight rating of ten thousand one 3779
pounds or more. 3780

(D) The form of the license plate and the manner of its 3781
attachment to the vehicle shall be prescribed by the registrar. 3782

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 3783
may adopt rules to permit any person or lessee, other than a 3784
person receiving an apportioned license plate under the 3785
international registration plan, who owns or leases one or more 3786
motor vehicles to file a written application for registration for 3787
no more than five succeeding registration years. The rules adopted 3788
by the registrar may designate the classes of motor vehicles that 3789
are eligible for such registration. At the time of application, 3790
all annual taxes and fees shall be paid for each year for which 3791
the person is registering. 3792

~~(ii)(2)(a)~~ Not later than ~~October 1, 2009~~ December 31, 2013, 3793
the registrar shall adopt rules to permit any person or lessee who 3794
owns or leases a trailer or semitrailer that is subject to the tax 3795
rates prescribed in section 4503.042 of the Revised Code for such 3796
trailers or semitrailers to file a written application for 3797
registration for ~~not more than five~~ any number of succeeding 3798
registration years, including a permanent registration. At the 3799
time of application, all annual taxes and fees shall be paid for 3800
each year for which the person is registering, provided that the 3801
annual taxes due, regardless of the number of years for which the 3802
person is registering, shall not exceed two hundred dollars. A 3803
person who registers a vehicle under division (A)(1)(a)(~~ii~~)(2) of 3804
this section shall pay for each year of registration the 3805
additional fee established under division (C)(1) of section 3806
4503.10 of the Revised Code, provided that the additional fee due, 3807
regardless of the number of years for which the person is 3808
registering, shall not exceed eighty-eight dollars. The person 3809
also shall pay one single deputy registrar service fee in the 3810
amount specified in division (D) of section 4503.10 of the Revised 3811
Code or one single bureau of motor vehicles service fee in the 3812
amount specified in division (G) of that section, as applicable, 3813
regardless of the number of years for which the person is 3814

registering. 3815

(b) In addition, each person registering a trailer or 3816
semitrailer under division (A)(2)(a) of this section shall pay any 3817
applicable local motor vehicle license tax levied under Chapter 3818
4504. of Revised Code for each year for which the person is 3819
registering, provided that not more than eight times any such 3820
annual local taxes shall be due upon registration. 3821

(c) The period of registration for a trailer or semitrailer 3822
registered under division (A)(2)(a) of this section is exclusive 3823
to the trailer or semitrailer for which that certificate of 3824
registration is issued and is not transferable to any other 3825
trailer or semitrailer. 3826

~~(b)(i)(3)~~ Except as provided in division (A)~~(1)(b)(ii)(4)~~ of 3827
this section, the registrar shall adopt rules to permit any person 3828
who owns a motor vehicle to file an application for registration 3829
for ~~the next two~~ not more than five succeeding registration years. 3830
At the time of application, the person shall pay the annual taxes 3831
and fees for each registration year, calculated in accordance with 3832
division (C) of section 4503.11 of the Revised Code. A person who 3833
is registering a vehicle under division (A)~~(1)(b)(3)~~ of this 3834
section shall pay for each year of registration the additional fee 3835
established under division (C)(1) of section 4503.10 of the 3836
Revised Code. The person shall also pay ~~one and one half times the~~ 3837
~~amount of~~ the deputy registrar service fee ~~specified in division~~ 3838
~~(D) of section 4503.10 of the Revised Code~~ or the bureau of motor 3839
vehicles service fee ~~specified in division (G) of that section~~, as 3840
applicable follows: 3841

(a) For a two-year registration, the service fee is five 3842
dollars and twenty-five cents. 3843

(b) For a three-year registration, the service fee is eight 3844
dollars. 3845

(c) For a four- or five-year registration, the service fee is 3846
ten dollars. 3847

~~(ii)~~(4) Division (A)~~(1)~~~~(b)~~~~(i)~~(3) of this section does not 3848
apply to a person receiving an apportioned license plate under the 3849
international registration plan, or the owner of a commercial car 3850
used solely in intrastate commerce, or the owner of a bus as 3851
defined in section 4513.50 of the Revised Code. 3852

~~(2)~~(B) No person applying for a multi-year registration under 3853
division (A)~~(1)~~ of this section is entitled to a refund of any 3854
taxes or fees paid. 3855

~~(3)~~(C) The registrar shall not issue to any applicant who has 3856
been issued a final, nonappealable order under division ~~(B)~~(D) of 3857
this section a multi-year registration or renewal thereof under 3858
this division or rules adopted under it for any motor vehicle that 3859
is required to be inspected under section 3704.14 of the Revised 3860
Code the district of registration of which, as determined under 3861
section 4503.10 of the Revised Code, is or is located in the 3862
county named in the order. 3863

~~(B)~~(D) Upon receipt from the director of environmental 3864
protection of a notice issued under rules adopted under section 3865
3704.14 of the Revised Code indicating that an owner of a motor 3866
vehicle that is required to be inspected under that section who 3867
obtained a multi-year registration for the vehicle under division 3868
(A) of this section or rules adopted under that division has not 3869
obtained a required inspection certificate for the vehicle, the 3870
registrar in accordance with Chapter 119. of the Revised Code 3871
shall issue an order to the owner impounding the certificate of 3872
registration and identification license plates for the vehicle. 3873
The order also shall prohibit the owner from obtaining or renewing 3874
a multi-year registration for any vehicle that is required to be 3875
inspected under that section, the district of registration of 3876
which is or is located in the same county as the county named in 3877

the order during the number of years after expiration of the 3878
current multi-year registration that equals the number of years 3879
for which the current multi-year registration was issued. 3880

An order issued under this division shall require the owner 3881
to surrender to the registrar the certificate of registration and 3882
license plates for the vehicle named in the order within five days 3883
after its issuance. If the owner fails to do so within that time, 3884
the registrar shall certify that fact to the county sheriff or 3885
local police officials who shall recover the certificate of 3886
registration and license plates for the vehicle. 3887

~~(C)~~(E) Upon the occurrence of either of the following 3888
circumstances, the registrar in accordance with Chapter 119. of 3889
the Revised Code shall issue to the owner a modified order 3890
rescinding the provisions of the order issued under division 3891
~~(B)~~(D) of this section impounding the certificate of registration 3892
and license plates for the vehicle named in that original order: 3893

(1) Receipt from the director of environmental protection of 3894
a subsequent notice under rules adopted under section 3704.14 of 3895
the Revised Code that the owner has obtained the inspection 3896
certificate for the vehicle as required under those rules; 3897

(2) Presentation to the registrar by the owner of the 3898
required inspection certificate for the vehicle. 3899

~~(D)~~(F) The owner of a motor vehicle for which the certificate 3900
of registration and license plates have been impounded pursuant to 3901
an order issued under division ~~(B)~~(D) of this section, upon 3902
issuance of a modified order under division ~~(C)~~(E) of this 3903
section, may apply to the registrar for their return. A fee of two 3904
dollars and fifty cents shall be charged for the return of the 3905
certificate of registration and license plates for each vehicle 3906
named in the application. 3907

Sec. 4503.11. (A) Except as provided by sections 4503.103, 3908
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3909
person who is the owner or chauffeur of a motor vehicle operated 3910
or driven upon the public roads or highways shall fail to file 3911
annually the application for registration or to pay the tax 3912
therefor. 3913

(B) Except as provided by sections 4503.12 and 4503.16 of the 3914
Revised Code, the taxes payable on all applications made under 3915
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 3916
of the tax due under division (B)(1)(a) or (b) of this section 3917
plus the tax due under division (B)(2)(a) or (b) of this section: 3918

(1)(a) If the application is made before the second month of 3919
the current registration period to which the motor vehicle is 3920
assigned as provided in section 4503.101 of the Revised Code, the 3921
tax due is the full amount of the tax provided in section 4503.04 3922
of the Revised Code; 3923

(b) If the application is made during or after the second 3924
month of the current registration period to which the motor 3925
vehicle is assigned as provided in section 4503.101 of the Revised 3926
Code, and prior to the beginning of the next such registration 3927
period, the amount of the tax provided in section 4503.04 of the 3928
Revised Code shall be reduced by one-twelfth of the amount of such 3929
tax, rounded upward to the nearest cent, multiplied by the number 3930
of full months that have elapsed in the current registration 3931
period. The resulting amount shall be rounded upward to the next 3932
highest dollar and shall be the amount of tax due. 3933

(2)(a) If the application is made before the sixth month of 3934
the current registration period to which the motor vehicle is 3935
assigned as provided in section 4503.101 of the Revised Code, the 3936
amount of tax due is the full amount of local motor vehicle 3937
license taxes levied under Chapter 4504. of the Revised Code; 3938

(b) If the application is made during or after the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code and prior to the beginning of the next such registration period, the amount of tax due is one-half of the amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code.

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

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

Sec. 4503.19. (A) Upon the filing of an application for registration and the payment of the tax for registration, the registrar of motor vehicles or a deputy registrar shall determine whether the owner previously has been issued license plates for the motor vehicle described in the application. If no license plates previously have been issued to the owner for that motor vehicle, the registrar or deputy registrar shall assign to the motor vehicle a distinctive number and issue and deliver to the owner in the manner that the registrar may select a certificate of registration, in the form that the registrar shall prescribe, and, except as otherwise provided in this section, two license plates, duplicates of each other, and a validation sticker, or a validation sticker alone, to be attached to the number plates as provided in section 4503.191 of the Revised Code. The registrar or

deputy registrar also shall charge the owner any fees required 3970
under division (C) of section 4503.10 of the Revised Code. 3971
Trailers, manufactured homes, mobile homes, semitrailers, the 3972
manufacturer thereof, the dealer, or in transit companies therein, 3973
shall be issued one license plate only and one validation sticker, 3974
or a validation sticker alone, and the license plate and 3975
validation sticker shall be displayed only on the rear of such 3976
vehicles. A commercial tractor that does not receive an 3977
apportioned license plate under the international registration 3978
plan shall be issued two license plates and one validation 3979
sticker, and the validation sticker shall be displayed on the 3980
front of the commercial tractor. An apportioned vehicle receiving 3981
an apportioned license plate under the international registration 3982
plan shall be issued one license plate only and one validation 3983
sticker, or a validation sticker alone; the license plate shall be 3984
displayed only on the front of a semitractor and on the rear of 3985
all other vehicles. School buses shall not be issued license 3986
plates but shall bear identifying numbers in the manner prescribed 3987
by section 4511.764 of the Revised Code. The certificate of 3988
registration and license plates and validation stickers, or 3989
validation stickers alone, shall be issued and delivered to the 3990
owner in person or by mail. Chauffeured limousines shall be issued 3991
license plates, a validation sticker, and a livery sticker as 3992
provided in section 4503.24 of the Revised Code. In the event of 3993
the loss, mutilation, or destruction of any certificate of 3994
registration, or of any license plates or validation stickers, or 3995
if the owner chooses to replace license plates previously issued 3996
for a motor vehicle, or if the registration certificate and 3997
license plates have been impounded as provided by division (B)(1) 3998
of section 4507.02 and section 4507.16 of the Revised Code, the 3999
owner of a motor vehicle, or manufacturer or dealer, may obtain 4000
from the registrar, or from a deputy registrar if authorized by 4001

the registrar, a duplicate thereof or new license plates bearing a 4002
different number, if the registrar considers it advisable, upon 4003
filing an application prescribed by the registrar, and upon paying 4004
a fee of one dollar for such certificate of registration, which 4005
one dollar fee shall be deposited into the state treasury to the 4006
credit of the state bureau of motor vehicles fund created in 4007
section 4501.25 of the Revised Code. Commencing with each request 4008
made on or after October 1, 2009, or in conjunction with 4009
replacement license plates issued for renewal registrations 4010
expiring on or after October 1, 2009, a fee of seven dollars and 4011
fifty cents for each set of two license plates or six dollars and 4012
fifty cents for each single license plate or validation sticker 4013
shall be charged and collected, of which the registrar shall 4014
deposit five dollars and fifty cents of each seven dollar and 4015
fifty cent fee or each six dollar and fifty cent fee into the 4016
state treasury to the credit of the state highway safety fund 4017
created in section 4501.06 of the Revised Code and the remaining 4018
portion of each such fee into the state treasury to the credit of 4019
the state bureau of motor vehicles fund created in section 4501.25 4020
of the Revised Code. In addition, each applicant for a replacement 4021
certificate of registration, license plate, or validation sticker 4022
shall pay the fees provided in divisions (C) and (D) of section 4023
4503.10 of the Revised Code and any applicable fee under section 4024
4503.192 of the Revised Code. 4025

Additionally, the registrar and each deputy registrar who 4026
either issues license plates and a validation sticker for use on 4027
any vehicle other than a commercial tractor, semitrailer, or 4028
apportioned vehicle, or who issues a validation sticker alone for 4029
use on such a vehicle and the owner has changed the owner's county 4030
of residence since the owner last was issued county identification 4031
stickers, also shall issue and deliver to the owner either one or 4032
two county identification stickers, as appropriate, which shall be 4033

attached to the license plates in a manner prescribed by the 4034
director of public safety. The county identification stickers 4035
shall identify prominently by name or number the county in which 4036
the owner of the vehicle resides at the time of registration. 4037

(B) A certificate of registration issued under this section 4038
shall have a portion that contains all the information contained 4039
in the main portion of the certificate except for the address of 4040
the person to whom the certificate is issued. Except as provided 4041
in this division, whenever a reference is made in the Revised Code 4042
to a motor vehicle certificate of registration that is issued 4043
under this section, the reference shall be deemed to refer to 4044
either the main portion of the certificate or the portion 4045
containing all information in the main portion except the address 4046
of the person to whom the certificate is issued. If a reference is 4047
made in the Revised Code to the seizure or surrender of a motor 4048
vehicle certificate of registration that is issued under this 4049
section, the reference shall be deemed to refer to both the main 4050
portion of the certificate and the portion containing all 4051
information in the main portion except the address of the person 4052
to whom the certificate is issued. 4053

(C) Whoever violates this section is guilty of a minor 4054
misdemeanor. 4055

Sec. 4503.191. (A)(1) The identification license plate shall 4056
be issued for a multi-year period as determined by the director of 4057
public safety, and shall be accompanied by a validation sticker, 4058
to be attached to the license plate. Except as provided in 4059
division (A)(2) of this section, the validation sticker shall 4060
indicate the expiration of the registration period to which the 4061
motor vehicle for which the license plate is issued is assigned, 4062
in accordance with rules adopted by the registrar of motor 4063
vehicles. During each succeeding year of the multi-year period 4064

following the issuance of the plate and validation sticker, upon 4065
the filing of an application for registration and the payment of 4066
the tax therefor, a validation sticker alone shall be issued. The 4067
validation stickers required under this section shall be of 4068
different colors or shades each year, the new colors or shades to 4069
be selected by the director. 4070

(2)(a) Not later than October 1, 2009, the director shall 4071
develop a universal validation sticker that may be issued to any 4072
owner of two hundred fifty or more passenger vehicles, so that a 4073
sticker issued to the owner may be placed on any passenger vehicle 4074
in that owner's fleet. The director may establish and charge an 4075
additional fee of not more than one dollar per registration to 4076
compensate for necessary costs of the universal validation sticker 4077
program. The additional fee shall be credited to the state bureau 4078
of motor vehicles fund created in section 4501.25 of the Revised 4079
Code. 4080

(b) A validation sticker issued for an all-purpose vehicle 4081
that is registered under Chapter 4519. of the Revised Code or for 4082
a trailer or semitrailer that is permanently registered under 4083
division (A)~~(1)(a)(ii)~~(2) of section 4503.103 of the Revised Code 4084
or is registered for a ~~period of not more than five~~ any number of 4085
succeeding registration years may indicate the expiration of the 4086
registration period, if any, by any manner determined by the 4087
registrar by rule. 4088

(B) Identification license plates shall be produced by Ohio 4089
penal industries. Validation stickers and county identification 4090
stickers shall be produced by Ohio penal industries unless the 4091
registrar adopts rules that permit the registrar or deputy 4092
registrars to print or otherwise produce them in house. 4093

Sec. 4503.192. (A)(1) Except as provided in division (B) of 4094
this section, any person who is replacing vehicle license plates, 4095

upon request and payment of a fee of ten dollars, may retain the 4096
distinctive combination of letters and numerals on license plates 4097
previously issued to that person. 4098

A person who is replacing license plates specifically created 4099
by law for which the registrar collects a contribution or 4100
additional fee, may retain the distinctive combination of letters 4101
and numerals on license plates previously issued to that person 4102
upon request and payment of a fee of ten dollars, but the person 4103
also shall be required to pay the contribution or additional fee 4104
required under the Revised Code section authorizing issuance of 4105
the license plate. 4106

(2) The registrar of motor vehicles shall charge and collect 4107
the ten-dollar fee under this section only when a new set of 4108
license plates are issued. The fee is in addition to the license 4109
tax established by this chapter and, where applicable, Chapter 4110
4504. of the Revised Code. A deputy registrar who receives an 4111
application under this section shall retain one dollar of the 4112
ten-dollar fee and shall transmit the remaining nine dollars to 4113
the registrar in a manner determined by the registrar. The 4114
registrar shall deposit the fees received under this section into 4115
the state treasury to the credit of the state bureau of motor 4116
vehicles fund created under section 4501.25 of the Revised Code 4117
and shall be used by the bureau of motor vehicles to pay the 4118
expenses of producing license plates and validation stickers, 4119
including the cost of materials, manufacturing, and administrative 4120
costs for required replacement of license plates. 4121

(B) This section does not apply to either of the following: 4122

(1) A person who is replacing license plates originally 4123
obtained under section 4503.40 or 4503.42 of the Revised Code. 4124
Such a person shall pay the additional fee required under the 4125
applicable section to retain the distinctive license plates 4126

previously issued. 4127

(2) A person who is replacing a single, duplicate license 4128

plate due to the loss, mutilation, or destruction of a license 4129

plate. 4130

Sec. 4503.22. The identification license plate shall consist 4131
of a placard upon the face of which shall appear the distinctive 4132
number assigned to the motor vehicle as provided in section 4133
4503.19 of the Revised Code, in Arabic numerals or letters, or 4134
both. The dimensions of the numerals or letters and of each stroke 4135
shall be determined by the director of public safety. The license 4136
placard also shall contain the name of this state and the slogan 4137
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 4138
aluminum, plastic, or any other suitable material, and the 4139
background shall be treated with a reflective material that shall 4140
provide effective and dependable reflective brightness during the 4141
service period required of the placard. Specifications for the 4142
reflective and other materials and the design of the placard, the 4143
county identification stickers as provided by section 4503.19 of 4144
the Revised Code, and validation stickers as provided by section 4145
4503.191 of the Revised Code, shall be adopted by the director as 4146
rules under sections 119.01 to 119.13 of the Revised Code. The 4147
identification license plate of motorized bicycles and of motor 4148
vehicles of the type commonly called "motorcycles" shall consist 4149
of a single placard, the size of which shall be prescribed by the 4150
director. The identification plate of a vehicle registered in 4151
accordance with the international registration plan shall contain 4152
the word "apportioned." The director may prescribe the type of 4153
placard, or means of fastening the placard, or both; the placard 4154
or means of fastening may be so designed and constructed as to 4155
render difficult the removal of the placard after it has been 4156
fastened to a motor vehicle. 4157

Sec. 4503.42. For each registration renewal with an 4158
expiration date before October 1, 2009, and for each initial 4159
application for registration received before that date the 4160
registrar of motor vehicles shall be allowed a fee not to exceed 4161
thirty-five dollars, and for each registration renewal with an 4162
expiration date on or after October 1, 2009, and for each initial 4163
application for registration received on or after that date the 4164
registrar shall be allowed a fee of fifty dollars, which shall be 4165
in addition to the regular license fee for tags as prescribed 4166
under section 4503.04 of the Revised Code and any tax levied under 4167
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 4168
each application received by the registrar for special reserved 4169
license plate numbers containing more than three letters or 4170
numerals, and the issuing of such licenses and validation stickers 4171
in the several series as the registrar may designate. Five dollars 4172
of the fee shall be for the purpose of compensating the bureau of 4173
motor vehicles for additional services required in the issuing of 4174
such licenses and validation stickers, and the remaining portion 4175
of the fee shall be deposited by the registrar into the state 4176
treasury to the credit of the state highway safety fund created by 4177
section 4501.06 of the Revised Code. 4178

This section does not apply to the issuance of reserved 4179
license plates as authorized by sections 4503.14, 4503.15, and 4180
4503.40 of the Revised Code. The types of motor vehicles for which 4181
license plate numbers containing more than three letters or 4182
numerals may be issued in accordance with this section shall 4183
include at least buses, passenger cars, and noncommercial motor 4184
vehicles. 4185

Sec. 4503.45. An owner of a collector's vehicle, upon 4186
complying with the motor vehicle laws relating to registration and 4187
licensing of motor vehicles, and upon payment of the regular 4188

license fee as prescribed under section 4503.04 of the Revised 4189
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 4190
4504. of the Revised Code, and the payment of an additional fee of 4191
five dollars, which shall be for the purpose of compensating the 4192
bureau of motor vehicles for additional services required in the 4193
issuing of such licenses, shall be issued validation stickers and 4194
license plates, or validation stickers alone when required by 4195
section 4503.191 of the Revised Code, upon which, in addition to 4196
the letters and numbers ordinarily inscribed thereon, shall be 4197
inscribed the words "collector's vehicle." 4198

Sec. 4503.49. (A) As used in this section, "ambulance," 4199
"ambulette," "emergency medical service organization," 4200
"nonemergency medical service organization," and "nontransport 4201
vehicle" have the same meanings as in section 4766.01 of the 4202
Revised Code. 4203

(B) Each private emergency medical service organization and 4204
each private nonemergency medical service organization shall apply 4205
to the registrar of motor vehicles for the registration of any 4206
ambulance, ambulette, or nontransport vehicle it owns or leases. 4207
The application shall be accompanied by a copy of the certificate 4208
of licensure issued to the organization by the ~~Ohio~~ state board of 4209
emergency medical, fire, and transportation board services and the 4210
following fees: 4211

(1) The regular license tax as prescribed under section 4212
4503.04 of the Revised Code; 4213

(2) Any local license tax levied under Chapter 4504. of the 4214
Revised Code; 4215

(3) An additional fee of seven dollars and fifty cents. The 4216
additional fee shall be for the purpose of compensating the bureau 4217
of motor vehicles for additional services required to be performed 4218
under this section and shall be transmitted by the registrar to 4219

the treasurer of state for deposit in the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code. 4220
4221

(C) On receipt of a complete application, the registrar shall issue to the applicant the appropriate certificate of registration for the vehicle and do one of the following: 4222
4223
4224

(1) Issue a set of license plates with a validation sticker and a set of stickers to be attached to the plates as an identification of the vehicle's classification as an ambulance, ambulette, or nontransport vehicle; 4225
4226
4227
4228

(2) Issue a validation sticker alone when so required by section 4503.191 of the Revised Code. 4229
4230

Sec. 4503.83. (A) Commencing January 1, 2014, the owner or lessee of a fleet of apportioned vehicles may apply to the registrar of motor vehicles for the registration of any apportioned vehicle, commercial trailer, or other vehicle of a class approved by the registrar and issuance of company logo license plates. The initial application shall be for not less than fifty eligible vehicles. The applicant shall provide the registrar the artwork for the company logo plate in a format designated by the registrar. The registrar shall approve the artwork or return the artwork for modification in accordance with any design requirements reasonably imposed by the registrar. 4231
4232
4233
4234
4235
4236
4237
4238
4239
4240
4241

Upon approval of the artwork and receipt of the completed application and compliance with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and the appropriate number of company logo license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code, except that no validation sticker shall be issued under this section for a motor vehicle for which the registration tax is specified in section 4503.042 of the Revised Code. 4242
4243
4244
4245
4246
4247
4248
4249
4250

In addition to the letters and numbers ordinarily inscribed 4251
on license plates, company logo license plates shall be inscribed 4252
with words and markings requested by the applicant and approved by 4253
the registrar. 4254

(B) A company logo license plate and a validation sticker or, 4255
when applicable, a validation sticker alone shall be issued upon 4256
payment of the regular license tax prescribed in section 4503.042 4257
of the Revised Code, any applicable fees prescribed in section 4258
4503.10 of the Revised Code, any applicable motor vehicle tax 4259
levied under Chapter 4504. of the Revised Code, a bureau of motor 4260
vehicles fee of six dollars when a company logo license plate 4261
actually is issued, and compliance with all other applicable laws 4262
relating to the registration of motor vehicles. If a company logo 4263
plate is issued to replace an existing license plate for the same 4264
vehicle, the replacement license plate fees prescribed in division 4265
(A) of section 4503.19 of the Revised Code shall not apply. 4266

(C) The registrar shall deposit the bureau of motor vehicles 4267
fee specified in division (B) of this section, the purpose of 4268
which is to compensate the bureau for the additional services 4269
required in issuing company logo license plates, in the state 4270
bureau of motor vehicles fund created in section 4501.25 of the 4271
Revised Code. 4272

Sec. 4504.19. Upon receipt by ~~him~~ the county auditor of 4273
moneys pursuant to section 4501.043 of the Revised Code, the 4274
county auditor shall pay into the treasury of each township in the 4275
county levying a township motor vehicle license tax the portion of 4276
such money due the township as shown by the certificate of the 4277
registrar of motor vehicles prepared pursuant to section ~~4501.03~~ 4278
4501.031 of the Revised Code. The money shall be used by the 4279
township only for the purposes described in section 4504.18 of the 4280
Revised Code. 4281

Sec. 4504.21. (A) For the purpose of paying the costs and 4282
expenses of enforcing and administering the tax provided for in 4283
this section; for planning, constructing, reconstructing, 4284
improving, maintaining, and repairing roads, bridges, and 4285
culverts; for purchasing, erecting, and maintaining traffic signs, 4286
markers, lights, and signals; for paying debt service charges on 4287
obligations issued for those purposes; and to supplement revenue 4288
already available for those purposes, a transportation improvement 4289
district created in accordance with section 5540.02 of the Revised 4290
Code may levy an annual license tax upon the operation of motor 4291
vehicles on the public roads and highways in the territory of the 4292
district. The tax shall be levied in increments of five dollars 4293
and shall not exceed twenty dollars per motor vehicle on all motor 4294
vehicles the owners of which reside in the district and shall be 4295
in addition to all other taxes levied under this chapter, subject 4296
to reduction in the manner provided in division (B)(2) of section 4297
4503.11 of the Revised Code. The tax may be levied in all or part 4298
of the territory of the district. 4299

(B) The board of trustees of a transportation improvement 4300
district proposing to levy a motor vehicle license tax under this 4301
section shall put the question of the tax to the electors of the 4302
district or of that part of the district in which the tax would be 4303
levied. The election shall be held on the date of a primary or 4304
general election held not less than ninety days after the board of 4305
trustees certifies to the county board of elections its resolution 4306
proposing the tax. The resolution shall specify the rate of the 4307
tax. The board of elections shall submit the question of the tax 4308
to the electors at the primary or general election. The secretary 4309
of state shall prescribe the form of the ballot for the election. 4310
If approved by a majority of the electors voting on the question 4311
of the tax, the board of trustees shall levy the tax as provided 4312
in the resolution. 4313

(C) A transportation improvement district license tax levied 4314
under this section shall continue in effect until repealed, or 4315
until the dissolution of the transportation improvement district 4316
that levied it. 4317

(D) Money received by the registrar of motor vehicles 4318
pursuant to ~~sections 4501.03 and~~ section 4504.09 of the Revised 4319
Code that consists of the taxes levied under this section shall be 4320
deposited in the ~~auto registration distribution~~ local motor 4321
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 4322
the Revised Code and distributed to the transportation improvement 4323
district levying such tax. The registrar may assign to the 4324
transportation improvement district a unique code to facilitate 4325
the distribution of such money, which may be the same unique code 4326
assigned to a county under section 4501.03 of the Revised Code. 4327

Sec. 4505.11. This section shall also apply to all-purpose 4328
vehicles and off-highway motorcycles as defined in section 4519.01 4329
of the Revised Code. 4330

(A) Each owner of a motor vehicle and each person mentioned 4331
as owner in the last certificate of title, when the motor vehicle 4332
is dismantled, destroyed, or changed in such manner that it loses 4333
its character as a motor vehicle, or changed in such manner that 4334
it is not the motor vehicle described in the certificate of title, 4335
shall surrender the certificate of title to that motor vehicle to 4336
a clerk of a court of common pleas, and the clerk, with the 4337
consent of any holders of any liens noted on the certificate of 4338
title, then shall enter a cancellation upon the clerk's records 4339
and shall notify the registrar of motor vehicles of the 4340
cancellation. 4341

Upon the cancellation of a certificate of title in the manner 4342
prescribed by this section, any clerk and the registrar of motor 4343
vehicles may cancel and destroy all certificates and all 4344

memorandum certificates in that chain of title. 4345

(B)(1) If an Ohio certificate of title or salvage certificate 4346
of title to a motor vehicle is assigned to a salvage dealer, the 4347
dealer is not required to obtain an Ohio certificate of title or a 4348
salvage certificate of title to the motor vehicle in the dealer's 4349
own name if the dealer dismantles or destroys the motor vehicle, 4350
indicates the number of the dealer's motor vehicle salvage 4351
dealer's license on it, marks "FOR DESTRUCTION" across the face of 4352
the certificate of title or salvage certificate of title, and 4353
surrenders the certificate of title or salvage certificate of 4354
title to a clerk of a court of common pleas as provided in 4355
division (A) of this section. If the salvage dealer retains the 4356
motor vehicle for resale, the dealer shall make application for a 4357
salvage certificate of title to the motor vehicle in the dealer's 4358
own name as provided in division (C)(1) of this section. 4359

(2) At the time any salvage motor vehicle is sold at auction 4360
or through a pool, the salvage motor vehicle auction or salvage 4361
motor vehicle pool shall give a copy of the salvage certificate of 4362
title or a copy of the certificate of title marked "FOR 4363
DESTRUCTION" to the purchaser. 4364

(C)(1) When an insurance company declares it economically 4365
impractical to repair such a motor vehicle and has paid an agreed 4366
price for the purchase of the motor vehicle to any insured or 4367
claimant owner, the insurance company shall proceed as follows: 4368

(a) If an insurance company receives the certificate of title 4369
and the motor vehicle, within thirty business days, the insurance 4370
company shall deliver the certificate of title to a clerk of a 4371
court of common pleas and shall make application for a salvage 4372
certificate of title. 4373

(b) If an insurance company obtains possession of the motor 4374
vehicle but is unable to obtain the properly endorsed certificate 4375

of title for the motor vehicle, within thirty business days 4376
following the vehicle's owner or lienholder's acceptance of the 4377
insurance company's payment for the vehicle, the insurance company 4378
may apply to the clerk of a court of common pleas for a salvage 4379
certificate of title without delivering the certificate of title 4380
for the motor vehicle. The application shall be accompanied by 4381
evidence that the insurance company has paid a total loss claim on 4382
the vehicle, a copy of the written request for the certificate of 4383
title on the insurance company's letterhead, and the original 4384
certified mail, return receipt notice, addressed to the last known 4385
owner of the vehicle and any known lienholder, to obtain the 4386
certificate of title. 4387

(c) Upon receipt of a properly completed application for a 4388
salvage certificate of title as described in division (C)(1)(a) or 4389
(b) or (C)(2) of this section, the clerk shall issue the salvage 4390
certificate of title on a form, prescribed by the registrar, that 4391
shall be easily distinguishable from the original certificate of 4392
title and shall bear the same information as the original 4393
certificate of title except that it may bear a different number 4394
than that of the original certificate of title. Except as provided 4395
in division (C)(3) of this section, the salvage certificate of 4396
title shall be assigned by the insurance company to a salvage 4397
dealer or any other person for use as evidence of ownership upon 4398
the sale or other disposition of the motor vehicle, and the 4399
salvage certificate of title shall be transferrable to any other 4400
person. The clerk shall charge a fee of four dollars for the cost 4401
of processing each salvage certificate of title. 4402

(2) If an insurance company requests that a salvage motor 4403
vehicle auction take possession of a motor vehicle that is the 4404
subject of an insurance claim, and subsequently the insurance 4405
company denies coverage with respect to the motor vehicle or does 4406
not otherwise take ownership of the motor vehicle, the salvage 4407

motor vehicle auction may proceed as follows. After the salvage 4408
motor vehicle auction has possession of the motor vehicle for 4409
forty-five days, it may apply to the clerk of a court of common 4410
pleas for a salvage certificate of title without delivering the 4411
certificate of title for the motor vehicle. The application shall 4412
be accompanied by a copy of the written request that the vehicle 4413
be removed from the facility on the salvage motor vehicle 4414
auction's letterhead, and the original certified mail, return 4415
receipt notice, addressed to the last known owner of the vehicle 4416
and any known lienholder, requesting that the vehicle be removed 4417
from the facility of the salvage motor vehicle auction. Upon 4418
receipt of a properly completed application, the clerk shall 4419
follow the process as described in division (C)(1)(c) of this 4420
section. The salvage certificate of title so issued shall be free 4421
and clear of all liens. 4422

(3) If an insurance company considers a motor vehicle as 4423
described in division (C)(1)(a) or (b) of this section to be 4424
impossible to restore for highway operation, the insurance company 4425
may assign the certificate of title to the motor vehicle to a 4426
salvage dealer or scrap metal processing facility and send the 4427
assigned certificate of title to the clerk of the court of common 4428
pleas of any county. The insurance company shall mark the face of 4429
the certificate of title "FOR DESTRUCTION" and shall deliver a 4430
photocopy of the certificate of title to the salvage dealer or 4431
scrap metal processing facility for its records. 4432

(4) If an insurance company declares it economically 4433
impractical to repair a motor vehicle, agrees to pay to the 4434
insured or claimant owner an amount in settlement of a claim 4435
against a policy of motor vehicle insurance covering the motor 4436
vehicle, and agrees to permit the insured or claimant owner to 4437
retain possession of the motor vehicle, the insurance company 4438
shall not pay the insured or claimant owner any amount in 4439

settlement of the insurance claim until the owner obtains a 4440
salvage certificate of title to the vehicle and furnishes a copy 4441
of the salvage certificate of title to the insurance company. 4442

(D) When a self-insured organization, rental or leasing 4443
company, or secured creditor becomes the owner of a motor vehicle 4444
that is burned, damaged, or dismantled and is determined to be 4445
economically impractical to repair, the self-insured organization, 4446
rental or leasing company, or secured creditor shall do one of the 4447
following: 4448

(1) Mark the face of the certificate of title to the motor 4449
vehicle "FOR DESTRUCTION" and surrender the certificate of title 4450
to a clerk of a court of common pleas for cancellation as 4451
described in division (A) of this section. The self-insured 4452
organization, rental or leasing company, or secured creditor then 4453
shall deliver the motor vehicle, together with a photocopy of the 4454
certificate of title, to a salvage dealer or scrap metal 4455
processing facility and shall cause the motor vehicle to be 4456
dismantled, flattened, crushed, or destroyed. 4457

(2) Obtain a salvage certificate of title to the motor 4458
vehicle in the name of the self-insured organization, rental or 4459
leasing company, or secured creditor, as provided in division 4460
(C)(1) of this section, and then sell or otherwise dispose of the 4461
motor vehicle. If the motor vehicle is sold, the self-insured 4462
organization, rental or leasing company, or secured creditor shall 4463
obtain a salvage certificate of title to the motor vehicle in the 4464
name of the purchaser from a clerk of a court of common pleas. 4465

(E) If a motor vehicle titled with a salvage certificate of 4466
title is restored for operation upon the highways, application 4467
shall be made to a clerk of a court of common pleas for a 4468
certificate of title. Upon inspection by the state highway patrol, 4469
which shall include establishing proof of ownership and an 4470
inspection of the motor number and vehicle identification number 4471

of the motor vehicle and of documentation or receipts for the 4472
materials used in restoration by the owner of the motor vehicle 4473
being inspected, which documentation or receipts shall be 4474
presented at the time of inspection, the clerk, upon surrender of 4475
the salvage certificate of title, shall issue a certificate of 4476
title for a fee prescribed by the registrar. The certificate of 4477
title shall be in the same form as the original certificate of 4478
title and shall bear the words "REBUILT SALVAGE" in black boldface 4479
letters on its face. Every subsequent certificate of title, 4480
memorandum certificate of title, or duplicate certificate of title 4481
issued for the motor vehicle also shall bear the words "REBUILT 4482
SALVAGE" in black boldface letters on its face. The exact location 4483
on the face of the certificate of title of the words "REBUILT 4484
SALVAGE" shall be determined by the registrar, who shall develop 4485
an automated procedure within the automated title processing 4486
system to comply with this division. The clerk shall use 4487
reasonable care in performing the duties imposed on the clerk by 4488
this division in issuing a certificate of title pursuant to this 4489
division, but the clerk is not liable for any of the clerk's 4490
errors or omissions or those of the clerk's deputies, or the 4491
automated title processing system in the performance of those 4492
duties. A fee of fifty dollars shall be assessed by the state 4493
highway patrol for each inspection made pursuant to this division 4494
and shall be deposited into the state highway safety fund 4495
established by section 4501.06 of the Revised Code. 4496

(F) No person shall operate upon the highways in this state a 4497
motor vehicle, title to which is evidenced by a salvage 4498
certificate of title, except to deliver the motor vehicle pursuant 4499
to an appointment for an inspection under this section. 4500

(G) No motor vehicle the certificate of title to which has 4501
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 4502
court of common pleas shall be used for anything except parts and 4503

scrap metal. 4504

(H)(1) Except as otherwise provided in this division, an 4505
owner of a manufactured or mobile home that will be taxed as real 4506
property pursuant to division (B) of section 4503.06 of the 4507
Revised Code shall surrender the certificate of title to the 4508
auditor of the county containing the taxing district in which the 4509
home is located. An owner whose home qualifies for real property 4510
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 4511
the Revised Code shall surrender the certificate within fifteen 4512
days after the home meets the conditions specified in those 4513
divisions. The auditor shall deliver the certificate of title to 4514
the clerk of the court of common pleas who issued it. 4515

(2) If the certificate of title for a manufactured or mobile 4516
home that is to be taxed as real property is held by a lienholder, 4517
the lienholder shall surrender the certificate of title to the 4518
auditor of the county containing the taxing district in which the 4519
home is located, and the auditor shall deliver the certificate of 4520
title to the clerk of the court of common pleas who issued it. The 4521
lienholder shall surrender the certificate within thirty days 4522
after both of the following have occurred: 4523

(a) The homeowner has provided written notice to the 4524
lienholder requesting that the certificate of title be surrendered 4525
to the auditor of the county containing the taxing district in 4526
which the home is located. 4527

(b) The homeowner has either paid the lienholder the 4528
remaining balance owed to the lienholder, or, with the 4529
lienholder's consent, executed and delivered to the lienholder a 4530
mortgage on the home and land on which the home is sited in the 4531
amount of the remaining balance owed to the lienholder. 4532

(3) Upon the delivery of a certificate of title by the county 4533
auditor to the clerk, the clerk shall inactivate it and maintain 4534

it in the automated title processing system for a period of thirty 4535
years. 4536

(4) Upon application by the owner of a manufactured or mobile 4537
home that is taxed as real property pursuant to division (B) of 4538
section 4503.06 of the Revised Code and that no longer satisfies 4539
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 4540
section, the clerk shall reactivate the record of the certificate 4541
of title that was inactivated under division (H)(3) of this 4542
section and shall issue a new certificate of title, but only if 4543
the application contains or has attached to it all of the 4544
following: 4545

(a) An endorsement of the county treasurer that all real 4546
property taxes charged against the home under Title LVII of the 4547
Revised Code and division (B) of section 4503.06 of the Revised 4548
Code for all preceding tax years have been paid; 4549

(b) An endorsement of the county auditor that the home will 4550
be removed from the real property tax list; 4551

(c) Proof that there are no outstanding mortgages or other 4552
liens on the home or, if there are such mortgages or other liens, 4553
that the mortgagee or lienholder has consented to the reactivation 4554
of the certificate of title. 4555

(I)(1) Whoever violates division (F) of this section shall be 4556
fined not more than two thousand dollars, imprisoned not more than 4557
one year, or both. 4558

(2) Whoever violates division (G) of this section shall be 4559
fined not more than one thousand dollars, imprisoned not more than 4560
six months, or both. 4561

Sec. 4506.08. (A)(1) Each application for a commercial 4562
driver's license temporary instruction permit shall be accompanied 4563
by a fee of ten dollars. Each application for a commercial 4564

driver's license, restricted commercial driver's license, renewal 4565
of such a license, or waiver for farm-related service industries 4566
shall be accompanied by a fee of twenty-five dollars, except that 4567
an application for a commercial driver's license or restricted 4568
commercial driver's license received pursuant to division (A)(3) 4569
of section 4506.14 of the Revised Code shall be accompanied by a 4570
fee of eighteen dollars and seventy-five cents if the license will 4571
expire on the licensee's birthday three years after the date of 4572
issuance, a fee of twelve dollars and fifty cents if the license 4573
will expire on the licensee's birthday two years after the date of 4574
issuance, and a fee of six dollars and twenty-five cents if the 4575
license will expire on the licensee's birthday one year after the 4576
date of issuance. Each application for a duplicate commercial 4577
driver's license shall be accompanied by a fee of ten dollars. 4578

(2) In addition, the registrar of motor vehicles or deputy 4579
registrar may collect and retain an additional fee of no more than 4580
three dollars and fifty cents for each application for a 4581
commercial driver's license temporary instruction permit, 4582
commercial driver's license, renewal of a commercial driver's 4583
license, or duplicate commercial driver's license received by the 4584
registrar or deputy. 4585

(B) In addition to the fees imposed under division (A) of 4586
this section, the registrar of motor vehicles or deputy registrar 4587
shall collect a fee of twelve dollars for each application for a 4588
commercial driver's license temporary instruction permit, 4589
commercial driver's license, or duplicate commercial driver's 4590
license and for each application for renewal of a commercial 4591
driver's license. The additional fee is for the purpose of 4592
defraying the department of public safety's costs associated with 4593
the administration and enforcement of the motor vehicle and 4594
traffic laws of Ohio. 4595

(C) Each deputy registrar shall transmit the fees collected 4596

under divisions (A)(1) and (B) of this section in the time and 4597
manner prescribed by the registrar. The registrar shall deposit 4598
all moneys ~~received~~ collected under division ~~(C)(A)(1)~~ of this 4599
section into the state ~~highway safety bureau of motor vehicles~~ 4600
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 4601
The registrar shall deposit all moneys collected under division 4602
(B) of this section into the state highway safety fund established 4603
in section 4501.06 of the Revised Code. 4604

(D) Information regarding the driving record of any person 4605
holding a commercial driver's license issued by this state shall 4606
be furnished by the registrar, upon request and payment of a fee 4607
of five dollars, to the employer or prospective employer of such a 4608
person and to any insurer. 4609

Of each five-dollar fee the registrar collects under this 4610
division, the registrar shall pay two dollars into the state 4611
treasury to the credit of the state bureau of motor vehicles fund 4612
established in section 4501.25 of the Revised Code, sixty cents 4613
into the state treasury to the credit of the trauma and emergency 4614
medical services fund established in section 4513.263 of the 4615
Revised Code, sixty cents into the state treasury to the credit of 4616
the homeland security fund established in section 5502.03 of the 4617
Revised Code, thirty cents into the state treasury to the credit 4618
of the investigations fund established in section 5502.131 of the 4619
Revised Code, one dollar and twenty-five cents into the state 4620
treasury to the credit of the emergency management agency service 4621
and reimbursement fund established in section 5502.39 of the 4622
Revised Code, and twenty-five cents into the state treasury to the 4623
credit of the justice program services fund established in section 4624
5502.67 of the Revised Code. 4625

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4626
approval by the director of public safety, shall adopt rules 4627

conforming with applicable standards adopted by the federal motor 4628
carrier safety administration as regulations under Pub. L. No. 4629
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4630
31317. The rules shall establish requirements for the 4631
qualification and testing of persons applying for a commercial 4632
driver's license, which shall be in addition to other requirements 4633
established by this chapter. Except as provided in division (B) of 4634
this section, the highway patrol or any other employee of the 4635
department of public safety the registrar authorizes shall 4636
supervise and conduct the testing of persons applying for a 4637
commercial driver's license. 4638

(B) The director may adopt rules, in accordance with Chapter 4639
119. of the Revised Code and applicable requirements of the 4640
federal motor carrier safety administration, authorizing the 4641
skills test specified in this section to be administered by any 4642
person, by an agency of this or another state, or by an agency, 4643
department, or instrumentality of local government. Each party 4644
authorized under this division to administer the skills test may 4645
charge a maximum divisible fee of eighty-five dollars for each 4646
skills test given as part of a commercial driver's license 4647
examination. The fee shall consist of not more than twenty dollars 4648
for the pre-trip inspection portion of the test, not more than 4649
twenty dollars for the off-road maneuvering portion of the test, 4650
and not more than forty-five dollars for the on-road portion of 4651
the test. Each such party may require an appointment fee in the 4652
same manner provided in division (F)(2) of this section, except 4653
that the maximum amount such a party may require as an appointment 4654
fee is eighty-five dollars. The skills test administered by 4655
another party under this division shall be the same as otherwise 4656
would be administered by this state. The other party shall enter 4657
into an agreement with the director that, without limitation, does 4658
all of the following: 4659

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

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

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

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

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

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

(D) The director shall adopt rules, in accordance with 4691
Chapter 119. of the Revised Code, authorizing waiver of the skills 4692
test specified in this section for any applicant for a commercial 4693
driver's license who meets all of the following requirements: 4694

(1) Certifies that, during the two-year period immediately 4695
preceding application for a commercial driver's license, all of 4696
the following apply: 4697

(a) The applicant has not had more than one license. 4698

(b) The applicant has not had any license suspended, revoked, 4699
or canceled. 4700

(c) The applicant has not had any convictions for any type of 4701
motor vehicle for the offenses for which disqualification is 4702
prescribed in section 4506.16 of the Revised Code. 4703

(d) The applicant has not had any violation of a state or 4704
local law relating to motor vehicle traffic control other than a 4705
parking violation arising in connection with any traffic accident 4706
and has no record of an accident in which the applicant was at 4707
fault. 4708

(e) The applicant has previously taken and passed a skills 4709
test given by a state with a classified licensing and testing 4710
system in which the test was behind-the-wheel in a representative 4711
vehicle for the applicant's commercial driver's license 4712
classification. 4713

(2) Certifies and also provides evidence that the applicant 4714
is regularly employed in a job requiring operation of a commercial 4715
motor vehicle and that one of the following applies: 4716

(a) The applicant has previously taken and passed a skills 4717
test given by a state with a classified licensing and testing 4718
system in which the test was behind-the-wheel in a representative 4719
vehicle for the applicant's commercial driver's license 4720

classification. 4721

(b) The applicant has regularly operated, for at least two 4722
years immediately preceding application for a commercial driver's 4723
license, a vehicle representative of the commercial motor vehicle 4724
the applicant operates or expects to operate. 4725

(E) The director shall adopt rules, in accordance with 4726
Chapter 119. of the Revised Code, authorizing waiver of the skills 4727
test specified in this section for any applicant for a commercial 4728
driver's license who meets all of the following requirements: 4729

(1) At the time of applying, is a member or uniformed 4730
employee of the armed forces of the United States or their reserve 4731
components, including the Ohio national guard, or separated from 4732
such service or employment within the preceding ninety days; 4733

(2) Certifies that, during the two-year period immediately 4734
preceding application for a commercial driver's license, all of 4735
the following apply: 4736

(a) The applicant has not had more than one license, 4737
excluding any military license. 4738

(b) The applicant has not had any license suspended, revoked, 4739
or canceled. 4740

(c) The applicant has not had any convictions for any type of 4741
motor vehicle for the offenses for which disqualification is 4742
prescribed in section 4506.16 of the Revised Code. 4743

(d) The applicant has not had more than one conviction for 4744
any type of motor vehicle for a serious traffic violation. 4745

(e) The applicant has not had any violation of a state or 4746
local law relating to motor vehicle traffic control other than a 4747
parking violation arising in connection with any traffic accident 4748
and has no record of an accident in which the applicant was at 4749
fault. 4750

(3) In accordance with rules adopted by the director, 4751
certifies and also provides evidence of all of the following: 4752

(a) That the applicant is regularly employed or was regularly 4753
employed within the preceding ninety days in a military position 4754
requiring operation of a commercial motor vehicle; 4755

(b) That the applicant was exempt from the requirements of 4756
this chapter under division (B)(6) of section 4506.03 of the 4757
Revised Code; 4758

(c) That, for at least two years immediately preceding the 4759
date of application or at least two years immediately preceding 4760
the date the applicant separated from military service or 4761
employment, the applicant regularly operated a vehicle 4762
representative of the commercial motor vehicle type that the 4763
applicant operates or expects to operate. 4764

(F)(1) The department of public safety may charge and collect 4765
a divisible fee of fifty dollars for each skills test given as 4766
part of a commercial driver's license examination. The fee shall 4767
consist of ten dollars for the pre-trip inspection portion of the 4768
test, ten dollars for the off-road maneuvering portion of the 4769
test, and thirty dollars for the on-road portion of the test. 4770

(2) The director may require an applicant for a commercial 4771
driver's license who schedules an appointment with the highway 4772
patrol or other authorized employee of the department of public 4773
safety to take all portions of the skills test, to pay an 4774
appointment fee of fifty dollars at the time of scheduling the 4775
appointment. If the applicant appears at the time and location 4776
specified for the appointment and takes all portions of the skills 4777
test during that appointment, the appointment fee shall serve as 4778
the skills test fee. If the applicant schedules an appointment to 4779
take all portions of the skills test and fails to appear at the 4780
time and location specified for the appointment, no portion of the 4781

appointment fee shall be refunded. If the applicant schedules an 4782
appointment to take all portions of the skills test and appears at 4783
the time and location specified for the appointment, but declines 4784
or is unable to take all portions of the skills test, no portion 4785
of the appointment fee shall be refunded. If the applicant cancels 4786
a scheduled appointment forty-eight hours or more prior to the 4787
time of the appointment time, the applicant shall not forfeit the 4788
appointment fee. 4789

An applicant for a commercial driver's license who schedules 4790
an appointment to take one or more, but not all, portions of the 4791
skills test shall be required to pay an appointment fee equal to 4792
the costs of each test scheduled, as prescribed in division (F)(1) 4793
of this section, when scheduling such an appointment. If the 4794
applicant appears at the time and location specified for the 4795
appointment and takes all the portions of the skills test during 4796
that appointment that the applicant was scheduled to take, the 4797
appointment fee shall serve as the skills test fee. If the 4798
applicant schedules an appointment to take one or more, but not 4799
all, portions of the skills test and fails to appear at the time 4800
and location specified for the appointment, no portion of the 4801
appointment fee shall be refunded. If the applicant schedules an 4802
appointment to take one or more, but not all, portions of the 4803
skills test and appears at the time and location specified for the 4804
appointment, but declines or is unable to take all portions of the 4805
skills test that the applicant was scheduled to take, no portion 4806
of the appointment fee shall be refunded. If the applicant cancels 4807
a scheduled appointment forty-eight hours or more prior to the 4808
time of the appointment time, the applicant shall not forfeit the 4809
appointment fee. 4810

(3) The department of public safety shall deposit all fees it 4811
collects under division (F) of this section in the state ~~highway~~ 4812
safety bureau of motor vehicles fund established in section 4813

4501.25 of the Revised Code. 4814

(G) As used in this section, "skills test" means a test of an 4815
applicant's ability to drive the type of commercial motor vehicle 4816
for which the applicant seeks a commercial driver's license by 4817
having the applicant drive such a motor vehicle while under the 4818
supervision of an authorized state driver's license examiner or 4819
tester. 4820

Sec. 4507.011. (A) Each deputy registrar assigned to a 4821
driver's license examining station by the registrar of motor 4822
vehicles as provided in section 4507.01 of the Revised Code shall 4823
remit to the director of public safety a rental fee equal to the 4824
percentage of space occupied by the deputy registrar in the 4825
driver's license examining station multiplied by the rental fee 4826
paid for the entire driver's license examining station plus a pro 4827
rata share of all utility costs. All such moneys received by the 4828
director shall be deposited in the state treasury to the credit of 4829
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 4830
~~hereby~~ created in section 4501.25 of the Revised Code. ~~The moneys~~ 4831
~~in the fund shall be used by the department of public safety only~~ 4832
~~to pay the rent and expenses of the driver's license examining~~ 4833
~~stations. All investment earnings of the fund shall be credited to~~ 4834
~~the fund.~~ 4835

(B) Each deputy registrar assigned to a bureau of motor 4836
vehicles' location shall reimburse the registrar a monthly 4837
building rental fee, including applicable utility charges. All 4838
such moneys received by the registrar shall be deposited into the 4839
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 4840
~~the Revised Code.~~ 4841

Sec. 4507.05. (A) The registrar of motor vehicles, or a 4842
deputy registrar, upon receiving an application for a temporary 4843

instruction permit and a temporary instruction permit 4844
identification card for a driver's license from any person who is 4845
at least fifteen years six months of age, may issue such a permit 4846
and identification card entitling the applicant to drive a motor 4847
vehicle, other than a commercial motor vehicle, upon the highways 4848
under the following conditions: 4849

(1) If the permit is issued to a person who is at least 4850
fifteen years six months of age, but less than sixteen years of 4851
age: 4852

(a) The permit and identification card are in the holder's 4853
immediate possession; 4854

(b) The holder is accompanied by an eligible adult who 4855
actually occupies the seat beside the permit holder and does not 4856
have a prohibited concentration of alcohol in the whole blood, 4857
blood serum or plasma, breath, or urine as provided in division 4858
(A) of section 4511.19 of the Revised Code; 4859

(c) The total number of occupants of the vehicle does not 4860
exceed the total number of occupant restraining devices originally 4861
installed in the motor vehicle by its manufacturer, and each 4862
occupant of the vehicle is wearing all of the available elements 4863
of a properly adjusted occupant restraining device. 4864

(2) If the permit is issued to a person who is at least 4865
sixteen years of age: 4866

(a) The permit and identification card are in the holder's 4867
immediate possession; 4868

(b) The holder is accompanied by a licensed operator who is 4869
at least twenty-one years of age, is actually occupying a seat 4870
beside the driver, and does not have a prohibited concentration of 4871
alcohol in the whole blood, blood serum or plasma, breath, or 4872
urine as provided in division (A) of section 4511.19 of the 4873
Revised Code; 4874

(c) The total number of occupants of the vehicle does not 4875
exceed the total number of occupant restraining devices originally 4876
installed in the motor vehicle by its manufacturer, and each 4877
occupant of the vehicle is wearing all of the available elements 4878
of a properly adjusted occupant restraining device. 4879

(B) The registrar or a deputy registrar, upon receiving from 4880
any person an application for a temporary instruction permit and 4881
temporary instruction permit identification card to operate a 4882
motorcycle or motorized bicycle, may issue such a permit and 4883
identification card entitling the applicant, while having the 4884
permit and identification card in the applicant's immediate 4885
possession, to drive a motorcycle under the restrictions 4886
prescribed in section 4511.53 of the Revised Code, or to drive a 4887
motorized bicycle under restrictions determined by the registrar. 4888
A temporary instruction permit and temporary instruction permit 4889
identification card to operate a motorized bicycle may be issued 4890
to a person fourteen or fifteen years old. 4891

(C) Any permit and identification card issued under this 4892
section shall be issued in the same manner as a driver's license, 4893
upon a form to be furnished by the registrar. A temporary 4894
instruction permit to drive a motor vehicle other than a 4895
commercial motor vehicle shall be valid for a period of one year. 4896

(D) Any person having in the person's possession a valid and 4897
current driver's license or motorcycle operator's license or 4898
endorsement issued to the person by another jurisdiction 4899
recognized by this state is exempt from obtaining a temporary 4900
instruction permit for a driver's license, ~~but shall submit and~~ 4901
from submitting to the examination for a temporary instruction 4902
permit and the regular examination ~~in~~ for obtaining a driver's 4903
license or motorcycle operator's endorsement in this state if the 4904
person does all of the following: 4905

(1) Submits to and passes vision screening as provided in 4906

section 4507.12 of the Revised Code; 4907

(2) Surrenders to the registrar or deputy registrar the 4908
person's driver's license issued by the other jurisdiction; and 4909

(3) Complies with all other applicable requirements for 4910
issuance by this state of a driver's license, driver's license 4911
with a motorcycle operator's endorsement, or restricted license to 4912
operate a motorcycle. 4913

If the person does not comply with all the requirements of 4914
this division, the person shall submit to the regular examination 4915
for obtaining a driver's license or motorcycle operator's 4916
endorsement in this state in order to obtain such a license or 4917
endorsement. 4918

(E) The registrar may adopt rules governing the use of 4919
temporary instruction permits and temporary instruction permit 4920
identification cards. 4921

(F)(1) No holder of a permit issued under division (A) of 4922
this section shall operate a motor vehicle upon a highway or any 4923
public or private property used by the public for purposes of 4924
vehicular travel or parking in violation of the conditions 4925
established under division (A) of this section. 4926

(2) Except as provided in division (F)(2) of this section, no 4927
holder of a permit that is issued under division (A) of this 4928
section and that is issued on or after July 1, 1998, and who has 4929
not attained the age of eighteen years, shall operate a motor 4930
vehicle upon a highway or any public or private property used by 4931
the public for purposes of vehicular travel or parking between the 4932
hours of midnight and six a.m. 4933

The holder of a permit issued under division (A) of this 4934
section on or after July 1, 1998, who has not attained the age of 4935
eighteen years, may operate a motor vehicle upon a highway or any 4936
public or private property used by the public for purposes of 4937

vehicular travel or parking between the hours of midnight and six 4938
a.m. if, at the time of such operation, the holder is accompanied 4939
by the holder's parent, guardian, or custodian, and the parent, 4940
guardian, or custodian holds a current valid driver's or 4941
commercial driver's license issued by this state, is actually 4942
occupying a seat beside the permit holder, and does not have a 4943
prohibited concentration of alcohol in the whole blood, blood 4944
serum or plasma, breath, or urine as provided in division (A) of 4945
section 4511.19 of the Revised Code. 4946

(G)(1) Notwithstanding any other provision of law to the 4947
contrary, no law enforcement officer shall cause the operator of a 4948
motor vehicle being operated on any street or highway to stop the 4949
motor vehicle for the sole purpose of determining whether each 4950
occupant of the motor vehicle is wearing all of the available 4951
elements of a properly adjusted occupant restraining device as 4952
required by division (A) of this section, or for the sole purpose 4953
of issuing a ticket, citation, or summons if the requirement in 4954
that division has been or is being violated, or for causing the 4955
arrest of or commencing a prosecution of a person for a violation 4956
of that requirement. 4957

(2) Notwithstanding any other provision of law to the 4958
contrary, no law enforcement officer shall cause the operator of a 4959
motor vehicle being operated on any street or highway to stop the 4960
motor vehicle for the sole purpose of determining whether a 4961
violation of division (F)(2) of this section has been or is being 4962
committed or for the sole purpose of issuing a ticket, citation, 4963
or summons for such a violation or for causing the arrest of or 4964
commencing a prosecution of a person for such violation. 4965

(H) As used in this section: 4966

(1) "Eligible adult" means any of the following: 4967

(a) An instructor of a driver training course approved by the 4968

department of public safety; 4969

(b) Any of the following persons who holds a current valid 4970
driver's or commercial driver's license issued by this state: 4971

(i) A parent, guardian, or custodian of the permit holder; 4972

(ii) A person twenty-one years of age or older who acts in 4973
loco parentis of the permit holder. 4974

(2) "Occupant restraining device" has the same meaning as in 4975
section 4513.263 of the Revised Code. 4976

(I) Whoever violates division (F)(1) or (2) of this section 4977
is guilty of a minor misdemeanor. 4978

Sec. 4507.23. (A) Except as provided in division (I) of this 4979
section, each application for a temporary instruction permit and 4980
examination shall be accompanied by a fee of five dollars. 4981

(B) Except as provided in division (I) of this section, each 4982
application for a driver's license made by a person who previously 4983
held such a license and whose license has expired not more than 4984
two years prior to the date of application, and who is required 4985
under this chapter to give an actual demonstration of the person's 4986
ability to drive, shall be accompanied by a fee of three dollars 4987
in addition to any other fees. 4988

(C)(1) Except as provided in divisions (E) and (I) of this 4989
section, each application for a driver's license, or motorcycle 4990
operator's endorsement, or renewal of a driver's license shall be 4991
accompanied by a fee of six dollars. 4992

(2) Except as provided in division (I) of this section, each 4993
application for a duplicate driver's license shall be accompanied 4994
by a fee of seven dollars and fifty cents. The duplicate driver's 4995
licenses issued under this section shall be distributed by the 4996
deputy registrar in accordance with rules adopted by the registrar 4997
of motor vehicles. 4998

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

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

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

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

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

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

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

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

the bureau for the laminating materials and laminating equipment. 5030
The deputy registrar shall forward the amount of the cost of the 5031
laminating materials to the registrar for deposit as provided in 5032
this section. 5033

(G) Except as provided in division (I) of this section, each 5034
transaction described in divisions (A), (B), (C), (D), and (E) of 5035
this section shall be accompanied by an additional fee of twelve 5036
dollars. The additional fee is for the purpose of defraying the 5037
department of public safety's costs associated with the 5038
administration and enforcement of the motor vehicle and traffic 5039
laws of Ohio. 5040

(H) At the time and in the manner provided by section 4503.10 5041
of the Revised Code, the deputy registrar shall transmit the fees 5042
collected under divisions (A), (B), (C), (D), and (E), those 5043
portions of the fees specified in and collected under division 5044
(F), and the additional fee under division (G) of this section to 5045
the registrar. The registrar shall pay two dollars and fifty cents 5046
of each fee collected under divisions (A), (B), (C)(1) and (2), 5047
(D), and (E)(1) to (4) of this section, and the entire fee 5048
collected under division (E)(5) of this section, into the state 5049
~~highway safety~~ bureau of motor vehicles fund established in 5050
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 5051
be used for the sole purpose of supporting driver licensing 5052
activities. The registrar also shall pay five dollars of each fee 5053
collected under division (C)(2) of this section and the entire fee 5054
collected under division (G) of this section into the state 5055
highway safety fund created in section 4501.06 of the Revised 5056
Code. The remaining fees collected by the registrar under this 5057
section shall be paid into the state bureau of motor vehicles fund 5058
established in section 4501.25 of the Revised Code. 5059

(I) A disabled veteran who has a service-connected disability 5060
rated at one hundred per cent by the veterans' administration may 5061

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

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

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

Sec. 4511.01. 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.

(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, 5092
and trailers designed and used exclusively to transport a boat 5093
between a place of storage and a marina, or in and around a 5094
marina, when drawn or towed on a street or highway for a distance 5095
of no more than ten miles and at a speed of twenty-five miles per 5096
hour or less. 5097

(C) "Motorcycle" means every motor vehicle, other than a 5098
tractor, having a seat or saddle for the use of the operator and 5099
designed to travel on not more than three wheels in contact with 5100
the ground, including, but not limited to, motor vehicles known as 5101
"motor-driven cycle," "motor scooter," or "motorcycle" without 5102
regard to weight or brake horsepower. 5103

(D) "Emergency vehicle" means emergency vehicles of 5104
municipal, township, or county departments or public utility 5105
corporations when identified as such as required by law, the 5106
director of public safety, or local authorities, and motor 5107
vehicles when commandeered by a police officer. 5108

(E) "Public safety vehicle" means any of the following: 5109

(1) Ambulances, including private ambulance companies under 5110
contract to a municipal corporation, township, or county, and 5111
private ambulances and nontransport vehicles bearing license 5112
plates issued under section 4503.49 of the Revised Code; 5113

(2) Motor vehicles used by public law enforcement officers or 5114
other persons sworn to enforce the criminal and traffic laws of 5115
the state; 5116

(3) Any motor vehicle when properly identified as required by 5117
the director of public safety, when used in response to fire 5118
emergency calls or to provide emergency medical service to ill or 5119
injured persons, and when operated by a duly qualified person who 5120
is a member of a volunteer rescue service or a volunteer fire 5121
department, and who is on duty pursuant to the rules or directives 5122

of that service. The state fire marshal shall be designated by the 5123
director of public safety as the certifying agency for all public 5124
safety vehicles described in division (E)(3) of this section. 5125

(4) Vehicles used by fire departments, including motor 5126
vehicles when used by volunteer fire fighters responding to 5127
emergency calls in the fire department service when identified as 5128
required by the director of public safety. 5129

Any vehicle used to transport or provide emergency medical 5130
service to an ill or injured person, when certified as a public 5131
safety vehicle, shall be considered a public safety vehicle when 5132
transporting an ill or injured person to a hospital regardless of 5133
whether such vehicle has already passed a hospital. 5134

(5) Vehicles used by the motor carrier enforcement unit for 5135
the enforcement of orders and rules of the public utilities 5136
commission as specified in section 5503.34 of the Revised Code. 5137

(F) "School bus" means every bus designed for carrying more 5138
than nine passengers that is owned by a public, private, or 5139
governmental agency or institution of learning and operated for 5140
the transportation of children to or from a school session or a 5141
school function, or owned by a private person and operated for 5142
compensation for the transportation of children to or from a 5143
school session or a school function, provided "school bus" does 5144
not include a bus operated by a municipally owned transportation 5145
system, a mass transit company operating exclusively within the 5146
territorial limits of a municipal corporation, or within such 5147
limits and the territorial limits of municipal corporations 5148
immediately contiguous to such municipal corporation, nor a common 5149
passenger carrier certified by the public utilities commission 5150
unless such bus is devoted exclusively to the transportation of 5151
children to and from a school session or a school function, and 5152
"school bus" does not include a van or bus used by a licensed 5153
child day-care center or type A family day-care home to transport 5154

children from the child day-care center or type A family day-care 5155
home to a school if the van or bus does not have more than fifteen 5156
children in the van or bus at any time. 5157

(G) "Bicycle" means every device, other than a ~~tricycle~~ 5158
device that is designed solely for use as a play vehicle by a 5159
child, that is propelled solely by human power upon which ~~any a~~ 5160
person may ride having, and that has two ~~tandem or more~~ wheels, ~~or~~ 5161
~~one wheel in the front and two wheels in the rear, or two wheels~~ 5162
~~in the front and one wheel in the rear,~~ any of which is more than 5163
fourteen inches in diameter. 5164

(H) "Motorized bicycle" means any vehicle having either two 5165
tandem wheels or one wheel in the front and two wheels in the 5166
rear, that is capable of being pedaled and is equipped with a 5167
helper motor of not more than fifty cubic centimeters piston 5168
displacement that produces no more than one brake horsepower and 5169
is capable of propelling the vehicle at a speed of no greater than 5170
twenty miles per hour on a level surface. 5171

(I) "Commercial tractor" means every motor vehicle having 5172
motive power designed or used for drawing other vehicles and not 5173
so constructed as to carry any load thereon, or designed or used 5174
for drawing other vehicles while carrying a portion of such other 5175
vehicles, or load thereon, or both. 5176

(J) "Agricultural tractor" means every self-propelling 5177
vehicle designed or used for drawing other vehicles or wheeled 5178
machinery but having no provision for carrying loads independently 5179
of such other vehicles, and used principally for agricultural 5180
purposes. 5181

(K) "Truck" means every motor vehicle, except trailers and 5182
semitrailers, designed and used to carry property. 5183

(L) "Bus" means every motor vehicle designed for carrying 5184
more than nine passengers and used for the transportation of 5185

persons other than in a ridesharing arrangement, and every motor 5186
vehicle, automobile for hire, or funeral car, other than a taxicab 5187
or motor vehicle used in a ridesharing arrangement, designed and 5188
used for the transportation of persons for compensation. 5189

(M) "Trailer" means every vehicle designed or used for 5190
carrying persons or property wholly on its own structure and for 5191
being drawn by a motor vehicle, including any such vehicle when 5192
formed by or operated as a combination of a "semitrailer" and a 5193
vehicle of the dolly type, such as that commonly known as a 5194
"trailer dolly," a vehicle used to transport agricultural produce 5195
or agricultural production materials between a local place of 5196
storage or supply and the farm when drawn or towed on a street or 5197
highway at a speed greater than twenty-five miles per hour, and a 5198
vehicle designed and used exclusively to transport a boat between 5199
a place of storage and a marina, or in and around a marina, when 5200
drawn or towed on a street or highway for a distance of more than 5201
ten miles or at a speed of more than twenty-five miles per hour. 5202

(N) "Semitrailer" means every vehicle designed or used for 5203
carrying persons or property with another and separate motor 5204
vehicle so that in operation a part of its own weight or that of 5205
its load, or both, rests upon and is carried by another vehicle. 5206

(O) "Pole trailer" means every trailer or semitrailer 5207
attached to the towing vehicle by means of a reach, pole, or by 5208
being boomed or otherwise secured to the towing vehicle, and 5209
ordinarily used for transporting long or irregular shaped loads 5210
such as poles, pipes, or structural members capable, generally, of 5211
sustaining themselves as beams between the supporting connections. 5212

(P) "Railroad" means a carrier of persons or property 5213
operating upon rails placed principally on a private right-of-way. 5214

(Q) "Railroad train" means a steam engine or an electric or 5215
other motor, with or without cars coupled thereto, operated by a 5216

railroad.	5217
(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.	5218 5219 5220
(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.	5221 5222 5223
(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.	5224 5225 5226 5227 5228 5229 5230 5231 5232 5233 5234 5235 5236 5237 5238 5239
(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.	5240 5241 5242
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	5243 5244
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	5245 5246
(X) "Pedestrian" means any natural person afoot.	5247

(Y) "Driver or operator" means every person who drives or is 5248
in actual physical control of a vehicle, trackless trolley, or 5249
streetcar. 5250

(Z) "Police officer" means every officer authorized to direct 5251
or regulate traffic, or to make arrests for violations of traffic 5252
regulations. 5253

(AA) "Local authorities" means every county, municipal, and 5254
other local board or body having authority to adopt police 5255
regulations under the constitution and laws of this state. 5256

(BB) "Street" or "highway" means the entire width between the 5257
boundary lines of every way open to the use of the public as a 5258
thoroughfare for purposes of vehicular travel. 5259

(CC) "Controlled-access highway" means every street or 5260
highway in respect to which owners or occupants of abutting lands 5261
and other persons have no legal right of access to or from the 5262
same except at such points only and in such manner as may be 5263
determined by the public authority having jurisdiction over such 5264
street or highway. 5265

(DD) "Private road or driveway" means every way or place in 5266
private ownership used for vehicular travel by the owner and those 5267
having express or implied permission from the owner but not by 5268
other persons. 5269

(EE) "Roadway" means that portion of a highway improved, 5270
designed, or ordinarily used for vehicular travel, except the berm 5271
or shoulder. If a highway includes two or more separate roadways 5272
the term "roadway" means any such roadway separately but not all 5273
such roadways collectively. 5274

(FF) "Sidewalk" means that portion of a street between the 5275
curb lines, or the lateral lines of a roadway, and the adjacent 5276
property lines, intended for the use of pedestrians. 5277

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

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

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

(KK) "Intersection" means:

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

(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 5309
described in division (KK)(2) of this section: 5310

(a) If a stop line, yield line, or crosswalk has not been 5311
designated on the roadway within the median between the separate 5312
intersections, the two intersections and the roadway and median 5313
constitute one intersection. 5314

(b) Where a stop line, yield line, or crosswalk line is 5315
designated on the roadway on the intersection approach, the area 5316
within the crosswalk and any area beyond the designated stop line 5317
or yield line constitute part of the intersection. 5318

(c) Where a crosswalk is designated on a roadway on the 5319
departure from the intersection, the intersection includes the 5320
area that extends to the far side of the crosswalk. 5321

(LL) "Crosswalk" means: 5322

(1) That part of a roadway at intersections ordinarily 5323
included within the real or projected prolongation of property 5324
lines and curb lines or, in the absence of curbs, the edges of the 5325
traversable roadway; 5326

(2) Any portion of a roadway at an intersection or elsewhere, 5327
distinctly indicated for pedestrian crossing by lines or other 5328
markings on the surface; 5329

(3) Notwithstanding divisions (LL)(1) and (2) of this 5330
section, there shall not be a crosswalk where local authorities 5331
have placed signs indicating no crossing. 5332

(MM) "Safety zone" means the area or space officially set 5333
apart within a roadway for the exclusive use of pedestrians and 5334
protected or marked or indicated by adequate signs as to be 5335
plainly visible at all times. 5336

(NN) "Business district" means the territory fronting upon a 5337
street or highway, including the street or highway, between 5338

successive intersections within municipal corporations where fifty 5339
per cent or more of the frontage between such successive 5340
intersections is occupied by buildings in use for business, or 5341
within or outside municipal corporations where fifty per cent or 5342
more of the frontage for a distance of three hundred feet or more 5343
is occupied by buildings in use for business, and the character of 5344
such territory is indicated by official traffic control devices. 5345

(OO) "Residence district" means the territory, not comprising 5346
a business district, fronting on a street or highway, including 5347
the street or highway, where, for a distance of three hundred feet 5348
or more, the frontage is improved with residences or residences 5349
and buildings in use for business. 5350

(PP) "Urban district" means the territory contiguous to and 5351
including any street or highway which is built up with structures 5352
devoted to business, industry, or dwelling houses situated at 5353
intervals of less than one hundred feet for a distance of a 5354
quarter of a mile or more, and the character of such territory is 5355
indicated by official traffic control devices. 5356

(QQ) "Traffic control device" means a flagger, sign, signal, 5357
marking, or other device used to regulate, warn, or guide traffic, 5358
placed on, over, or adjacent to a street, highway, private road 5359
open to public travel, pedestrian facility, or shared-use path by 5360
authority of a public agency or official having jurisdiction, or, 5361
in the case of a private road open to public travel, by authority 5362
of the private owner or private official having jurisdiction. 5363

(RR) "Traffic control signal" means any highway traffic 5364
signal by which traffic is alternately directed to stop and 5365
permitted to proceed. 5366

(SS) "Railroad sign or signal" means any sign, signal, or 5367
device erected by authority of a public body or official or by a 5368
railroad and intended to give notice of the presence of railroad 5369

tracks or the approach of a railroad train. 5370

(TT) "Traffic" means pedestrians, ridden or herded animals, 5371
vehicles, streetcars, trackless trolleys, and other devices, 5372
either singly or together, while using for purposes of travel any 5373
highway or private road open to public travel. 5374

(UU) "Right-of-way" means either of the following, as the 5375
context requires: 5376

(1) The right of a vehicle, streetcar, trackless trolley, or 5377
pedestrian to proceed uninterruptedly in a lawful manner in the 5378
direction in which it or the individual is moving in preference to 5379
another vehicle, streetcar, trackless trolley, or pedestrian 5380
approaching from a different direction into its or the 5381
individual's path; 5382

(2) A general term denoting land, property, or the interest 5383
therein, usually in the configuration of a strip, acquired for or 5384
devoted to transportation purposes. When used in this context, 5385
right-of-way includes the roadway, shoulders or berm, ditch, and 5386
slopes extending to the right-of-way limits under the control of 5387
the state or local authority. 5388

(VV) "Rural mail delivery vehicle" means every vehicle used 5389
to deliver United States mail on a rural mail delivery route. 5390

(WW) "Funeral escort vehicle" means any motor vehicle, 5391
including a funeral hearse, while used to facilitate the movement 5392
of a funeral procession. 5393

(XX) "Alley" means a street or highway intended to provide 5394
access to the rear or side of lots or buildings in urban districts 5395
and not intended for the purpose of through vehicular traffic, and 5396
includes any street or highway that has been declared an "alley" 5397
by the legislative authority of the municipal corporation in which 5398
such street or highway is located. 5399

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

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

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

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

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

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

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

(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.

(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 5430
machinery, and is used principally for agricultural purposes. 5431

(HHH) "Operate" means to cause or have caused movement of a 5432
vehicle, streetcar, or trackless trolley. 5433

(III) "Predicate motor vehicle or traffic offense" means any 5434
of the following: 5435

(1) A violation of section 4511.03, 4511.051, 4511.12, 5436
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 5437
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 5438
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 5439
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 5440
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 5441
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 5442
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 5443
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 5444
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 5445
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 5446

(2) A violation of division (A)(2) of section 4511.17, 5447
divisions (A) to (D) of section 4511.51, or division (A) of 5448
section 4511.74 of the Revised Code; 5449

(3) A violation of any provision of sections 4511.01 to 5450
4511.76 of the Revised Code for which no penalty otherwise is 5451
provided in the section that contains the provision violated; 5452

(4) A violation of a municipal ordinance that is 5453
substantially similar to any section or provision set forth or 5454
described in division (III)(1), (2), or (3) of this section. 5455

(JJJ) "Road service vehicle" means wreckers, utility repair 5456
vehicles, and state, county, and municipal service vehicles 5457
equipped with visual signals by means of flashing, rotating, or 5458
oscillating lights. 5459

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. 5460
5461

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. 5462
5463
5464
5465
5466

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 5467
5468
5469
5470
5471

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 5472
5473
5474
5475
5476

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 5477
5478
5479
5480
5481
5482
5483
5484
5485
5486

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path 5487
5488
5489
5490

also may be used by pedestrians, including skaters, joggers, users 5491
of manual and motorized wheelchairs, and other authorized 5492
motorized and non-motorized users. 5493

Sec. 4511.13. Highway traffic signal indications for vehicles 5494
and pedestrians shall have the following meanings: 5495

(A) Steady green signal indication: 5496

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5497
facing a circular green signal indication are permitted to proceed 5498
straight through or turn right or left or make a u-turn movement 5499
except as such movement is modified by a lane-use sign, turn 5500
prohibition sign, lane marking, roadway design, separate turn 5501
signal indication, or other traffic control device. Such vehicular 5502
traffic, including vehicles turning right or left or making a 5503
u-turn movement, shall yield the right-of-way to both of the 5504
following: 5505

(i) Pedestrians lawfully within an associated crosswalk; 5506

(ii) Other vehicles lawfully within the intersection. 5507

(b) In addition, vehicular traffic turning left or making a 5508
u-turn movement to the left shall yield the right-of-way to other 5509
vehicles approaching from the opposite direction so closely as to 5510
constitute an immediate hazard during the time when such turning 5511
vehicle is moving across or within the intersection. 5512

(2) Vehicular traffic, streetcars, and trackless trolleys 5513
facing a green arrow signal indication, displayed alone or in 5514
combination with another signal indication, are permitted to 5515
cautiously enter the intersection only to make the movement 5516
indicated by such arrow, or such other movement as is permitted by 5517
other indications displayed at the same time. Such vehicular 5518
traffic, streetcars, and trackless trolleys, including vehicles 5519
turning right or left or making a u-turn movement, shall yield the 5520

right-of-way to both of the following: 5521

(a) Pedestrians lawfully within an associated crosswalk; 5522

(b) Other traffic lawfully using the intersection. 5523

(3)(a) Unless otherwise directed by a pedestrian signal 5524
indication, as provided in section 4511.14 of the Revised Code, 5525
pedestrians facing a circular green signal indication are 5526
permitted to proceed across the roadway within any marked or 5527
unmarked associated crosswalk. The pedestrian shall yield the 5528
right-of-way to vehicles lawfully within the intersection or so 5529
close as to create an immediate hazard at the time that the green 5530
signal indication is first displayed. 5531

(b) Pedestrians facing a green arrow signal indication, 5532
unless otherwise directed by a pedestrian signal indication or 5533
other traffic control device, shall not cross the roadway. 5534

(B) Steady yellow signal indication: 5535

(1) Vehicular traffic, streetcars, and trackless trolleys 5536
facing a steady circular yellow signal indication are thereby 5537
warned that the related green movement or the related flashing 5538
arrow movement is being terminated or that a steady red signal 5539
indication will be exhibited immediately thereafter when vehicular 5540
traffic, streetcars, and trackless trolleys shall not enter the 5541
intersection. The provisions governing vehicular operation under 5542
the movement being terminated shall continue to apply while the 5543
steady circular yellow signal indication is displayed. 5544

(2) Vehicular traffic facing a steady yellow arrow signal 5545
indication is thereby warned that the related green arrow movement 5546
or the related flashing arrow movement is being terminated. The 5547
provisions governing vehicular operation under the movement being 5548
terminated shall continue to apply while the steady yellow arrow 5549
signal indication is displayed. 5550

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

(C) Steady red signal indication:

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

(b) Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street, ~~after stopping into a one-way street~~. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2)(a) Vehicular traffic, streetcars, and trackless trolleys facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control

device permitting the movement indicated by such red arrow is 5583
displayed. 5584

(b) When a traffic control device is in place permitting a 5585
turn on a steady red arrow signal indication, vehicular traffic 5586
facing a steady red arrow indication is permitted, after stopping, 5587
to enter the intersection to ~~make the movement indicated by the~~ 5588
~~arrow signal indication, after stopping~~ turn right, or to turn 5589
left from a one-way street into a one-way street. The right to 5590
proceed with the turn shall be limited to the direction indicated 5591
by the arrow and shall be subject to the provisions that are 5592
applicable after making a stop at a stop sign. 5593

(3) Unless otherwise directed by a pedestrian signal 5594
indication as provided in section 4511.14 of the Revised Code or 5595
other traffic control device, pedestrians facing a steady circular 5596
red or steady red arrow signal indication shall not enter the 5597
roadway. 5598

(4) Local authorities by ordinance, or the director of 5599
transportation on state highways, may prohibit a right or a left 5600
turn against a steady red signal at any intersection, which shall 5601
be effective when signs giving notice thereof are posted at the 5602
intersection. 5603

(D) A flashing green signal indication has no meaning and 5604
shall not be used. 5605

(E) Flashing yellow signal indication: 5606

(1)(a) Vehicular traffic, on an approach to an intersection, 5607
facing a flashing circular yellow signal indication, is permitted 5608
to cautiously enter the intersection to proceed straight through 5609
or turn right or left or make a u-turn movement except as such 5610
movement is modified by lane-use signs, turn prohibition signs, 5611
lane markings, roadway design, separate turn signal indications, 5612
or other traffic control devices. Such vehicular traffic, 5613

including vehicles turning right or left or making a u-turn 5614
movement, shall yield the right-of-way to both of the following: 5615

(i) Pedestrians lawfully within an associated crosswalk; 5616

(ii) Other vehicles lawfully within the intersection. 5617

(b) In addition, vehicular traffic turning left or making a 5618
u-turn to the left shall yield the right-of-way to other vehicles 5619
approaching from the opposite direction so closely as to 5620
constitute an immediate hazard during the time when such turning 5621
vehicle is moving across or within the intersection. 5622

(2)(a) Vehicular traffic, on an approach to an intersection, 5623
facing a flashing yellow arrow signal indication, displayed alone 5624
or in combination with another signal indication, is permitted to 5625
cautiously enter the intersection only to make the movement 5626
indicated by such arrow, or other such movement as is permitted by 5627
other signal indications displayed at the same time. Such 5628
vehicular traffic, including vehicles turning right or left or 5629
making a u-turn, shall yield the right-of-way to both of the 5630
following: 5631

(i) Pedestrians lawfully within an associated crosswalk; 5632

(ii) Other vehicles lawfully within the intersection. 5633

(b) In addition, vehicular traffic turning left or making a 5634
u-turn to the left shall yield the right-of-way to other vehicles 5635
approaching from the opposite direction so closely as to 5636
constitute an immediate hazard during the time when such turning 5637
vehicle is moving across or within the intersection. 5638

(3) Pedestrians facing any flashing yellow signal indication 5639
at an intersection, unless otherwise directed by a pedestrian 5640
signal indication or other traffic control device, are permitted 5641
to proceed across the roadway within any marked or unmarked 5642
associated crosswalk. Pedestrians shall yield the right-of-way to 5643

vehicles lawfully within the intersection at the time that the 5644
flashing yellow signal indication is first displayed. 5645

(4) When a flashing circular yellow signal indication is 5646
displayed as a beacon to supplement another traffic control 5647
device, road users are notified that there is a need to pay 5648
additional attention to the message contained thereon or that the 5649
regulatory or warning requirements of the other traffic control 5650
device, which might not be applicable at all times, are currently 5651
applicable. 5652

(F) Flashing red signal indication: 5653

(1) Vehicular traffic, on an approach to an intersection, 5654
facing a flashing circular red signal indication, shall stop at a 5655
clearly marked stop line; but if there is no stop line, before 5656
entering the crosswalk on the near side of the intersection; or if 5657
there is no crosswalk, at the point nearest the intersecting 5658
roadway where the driver has a view of approaching traffic on the 5659
intersecting roadway before entering the intersection. The right 5660
to proceed shall be subject to the provisions that are applicable 5661
after making a stop at a stop sign. 5662

(2) Pedestrians facing any flashing red signal indication at 5663
an intersection, unless otherwise directed by a pedestrian signal 5664
indication or other traffic control device, are permitted to 5665
proceed across the roadway within any marked or unmarked 5666
associated crosswalk. Pedestrians shall yield the right-of-way to 5667
vehicles lawfully within the intersection at the time that the 5668
flashing red signal indication is first displayed. 5669

(3) When a flashing circular red signal indication is 5670
displayed as a beacon to supplement another traffic control 5671
device, road users are notified that there is a need to pay 5672
additional attention to the message contained thereon or that the 5673
regulatory requirements of the other traffic control device, which 5674

might not be applicable at all times, are currently applicable. 5675
Use of this signal indication shall be limited to supplementing 5676
stop, do not enter, or wrong way signs, and to applications where 5677
compliance with the supplemented traffic control device requires a 5678
stop at a designated point. 5679

(G) In the event an official traffic-control signal is 5680
erected and maintained at a place other than an intersection, the 5681
provisions of this section shall be applicable except as to those 5682
provisions which by their nature can have no application. Any stop 5683
required shall be made at a sign or marking on the pavement 5684
indicating where the stop shall be made, but in the absence of any 5685
such sign or marking the stop shall be made at the signal. 5686

(H) This section does not apply at railroad grade crossings. 5687
Conduct of drivers of vehicles, trackless trolleys, and streetcars 5688
approaching railroad grade crossings shall be governed by sections 5689
4511.61 and 4511.62 of the Revised Code. 5690

Sec. 4511.21. (A) No person shall operate a motor vehicle, 5691
trackless trolley, or streetcar at a speed greater or less than is 5692
reasonable or proper, having due regard to the traffic, surface, 5693
and width of the street or highway and any other conditions, and 5694
no person shall drive any motor vehicle, trackless trolley, or 5695
streetcar in and upon any street or highway at a greater speed 5696
than will permit the person to bring it to a stop within the 5697
assured clear distance ahead. 5698

(B) It is prima-facie lawful, in the absence of a lower limit 5699
declared or established pursuant to this section by the director 5700
of transportation or local authorities, for the operator of a 5701
motor vehicle, trackless trolley, or streetcar to operate the same 5702
at a speed not exceeding the following: 5703

(1)(a) Twenty miles per hour in school zones during school 5704
recess and while children are going to or leaving school during 5705

the opening or closing hours, and when twenty miles per hour 5706
school speed limit signs are erected; except that, on 5707
controlled-access highways and expressways, if the right-of-way 5708
line fence has been erected without pedestrian opening, the speed 5709
shall be governed by division (B)(4) of this section and on 5710
freeways, if the right-of-way line fence has been erected without 5711
pedestrian opening, the speed shall be governed by divisions 5712
(B)(9) and (10) of this section. The end of every school zone may 5713
be marked by a sign indicating the end of the zone. Nothing in 5714
this section or in the manual and specifications for a uniform 5715
system of traffic control devices shall be construed to require 5716
school zones to be indicated by signs equipped with flashing or 5717
other lights, or giving other special notice of the hours in which 5718
the school zone speed limit is in effect. 5719

(b) As used in this section and in section 4511.212 of the 5720
Revised Code, "school" means any school chartered under section 5721
3301.16 of the Revised Code and any nonchartered school that 5722
during the preceding year filed with the department of education 5723
in compliance with rule 3301-35-08 of the Ohio Administrative 5724
Code, a copy of the school's report for the parents of the 5725
school's pupils certifying that the school meets Ohio minimum 5726
standards for nonchartered, nontax-supported schools and presents 5727
evidence of this filing to the jurisdiction from which it is 5728
requesting the establishment of a school zone. "School" also 5729
includes a special elementary school that in writing requests the 5730
county engineer of the county in which the special elementary 5731
school is located to create a school zone at the location of that 5732
school. Upon receipt of such a written request, the county 5733
engineer shall create a school zone at that location by erecting 5734
the appropriate signs. 5735

(c) As used in this section, "school zone" means that portion 5736
of a street or highway passing a school fronting upon the street 5737

or highway that is encompassed by projecting the school property 5738
lines to the fronting street or highway, and also includes that 5739
portion of a state highway. Upon request from local authorities 5740
for streets and highways under their jurisdiction and that portion 5741
of a state highway under the jurisdiction of the director of 5742
transportation or a request from a county engineer in the case of 5743
a school zone for a special elementary school, the director may 5744
extend the traditional school zone boundaries. The distances in 5745
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5746
exceed three hundred feet per approach per direction and are 5747
bounded by whichever of the following distances or combinations 5748
thereof the director approves as most appropriate: 5749

(i) The distance encompassed by projecting the school 5750
building lines normal to the fronting highway and extending a 5751
distance of three hundred feet on each approach direction; 5752

(ii) The distance encompassed by projecting the school 5753
property lines intersecting the fronting highway and extending a 5754
distance of three hundred feet on each approach direction; 5755

(iii) The distance encompassed by the special marking of the 5756
pavement for a principal school pupil crosswalk plus a distance of 5757
three hundred feet on each approach direction of the highway. 5758

Nothing in this section shall be construed to invalidate the 5759
director's initial action on August 9, 1976, establishing all 5760
school zones at the traditional school zone boundaries defined by 5761
projecting school property lines, except when those boundaries are 5762
extended as provided in divisions (B)(1)(a) and (c) of this 5763
section. 5764

(d) As used in this division, "crosswalk" has the meaning 5765
given that term in division (LL)(2) of section 4511.01 of the 5766
Revised Code. 5767

The director may, upon request by resolution of the 5768

legislative authority of a municipal corporation, the board of 5769
trustees of a township, or a county board of developmental 5770
disabilities created pursuant to Chapter 5126. of the Revised 5771
Code, and upon submission by the municipal corporation, township, 5772
or county board of such engineering, traffic, and other 5773
information as the director considers necessary, designate a 5774
school zone on any portion of a state route lying within the 5775
municipal corporation, lying within the unincorporated territory 5776
of the township, or lying adjacent to the property of a school 5777
that is operated by such county board, that includes a crosswalk 5778
customarily used by children going to or leaving a school during 5779
recess and opening and closing hours, whenever the distance, as 5780
measured in a straight line, from the school property line nearest 5781
the crosswalk to the nearest point of the crosswalk is no more 5782
than one thousand three hundred twenty feet. Such a school zone 5783
shall include the distance encompassed by the crosswalk and 5784
extending three hundred feet on each approach direction of the 5785
state route. 5786

(e) As used in this section, "special elementary school" 5787
means a school that meets all of the following criteria: 5788

(i) It is not chartered and does not receive tax revenue from 5789
any source. 5790

(ii) It does not educate children beyond the eighth grade. 5791

(iii) It is located outside the limits of a municipal 5792
corporation. 5793

(iv) A majority of the total number of students enrolled at 5794
the school are not related by blood. 5795

(v) The principal or other person in charge of the special 5796
elementary school annually sends a report to the superintendent of 5797
the school district in which the special elementary school is 5798
located indicating the total number of students enrolled at the 5799

school, but otherwise the principal or other person in charge does 5800
not report any other information or data to the superintendent. 5801

(2) Twenty-five miles per hour in all other portions of a 5802
municipal corporation, except on state routes outside business 5803
districts, through highways outside business districts, and 5804
alleys; 5805

(3) Thirty-five miles per hour on all state routes or through 5806
highways within municipal corporations outside business districts, 5807
except as provided in divisions (B)(4) and (6) of this section; 5808

(4) Fifty miles per hour on controlled-access highways and 5809
expressways within municipal corporations; 5810

(5) Fifty-five miles per hour on highways outside municipal 5811
corporations, other than highways within island jurisdictions as 5812
provided in division (B)(8) of this section, highways as provided 5813
in division (B)(9) of this section, and freeways as provided in 5814
divisions (B)(13) ~~and (14)~~, (16), and (17) of this section; 5815

(6) Fifty miles per hour on state routes within municipal 5816
corporations outside urban districts unless a lower prima-facie 5817
speed is established as further provided in this section; 5818

(7) Fifteen miles per hour on all alleys within the municipal 5819
corporation; 5820

(8) Thirty-five miles per hour on highways outside municipal 5821
corporations that are within an island jurisdiction; 5822

(9) Sixty miles per hour on two-lane state routes outside 5823
municipal corporations. 5824

(10) Fifty-five miles per hour at all times on freeways with 5825
paved shoulders inside municipal corporations, other than freeways 5826
as provided in divisions (B)(13) ~~and (14)~~, (16), and (17) of this 5827
section; 5828

~~(10)~~(11) Fifty-five miles per hour at all times on freeways 5829

outside municipal corporations, other than freeways as provided in 5830
divisions (B)(13) ~~and (14)~~, (16), and (17) of this section; 5831

~~(11)(12)~~ Fifty-five miles per hour at all times ~~on all~~ 5832
~~portions of freeways that are part of the interstate system and on~~ 5833
all portions of freeways that are not part of the interstate 5834
system, but are built to the standards and specifications that are 5835
applicable to freeways that are part of the interstate system for 5836
operators of any motor vehicle weighing in excess of eight 5837
thousand pounds empty weight and any noncommercial bus, ~~except as~~ 5838
~~provided in division (B)(14) of this section;~~ 5839

~~(12)(13)~~ Fifty-five miles per hour for operators of any motor 5840
vehicle weighing eight thousand pounds or less empty weight and 5841
any commercial bus at all times on all portions of freeways that 5842
~~are part of the interstate system and that had such a speed limit~~ 5843
~~established prior to October 1, 1995, and freeways that are not~~ 5844
part of the interstate system, but are built to the standards and 5845
specifications that are applicable to freeways that are part of 5846
the interstate system and that had such a speed limit established 5847
prior to October 1, 1995, unless a higher speed limit is 5848
established under division (L) of this section; 5849

~~(13)(14)~~ Sixty-five miles per hour for operators of any motor 5850
vehicle weighing eight thousand pounds or less empty weight and 5851
any commercial bus at all times on all portions of the following: 5852

(a) ~~Freeways that are part of the interstate system and that~~ 5853
~~had such a speed limit established prior to October 1, 1995, and~~ 5854
~~freeways~~ that are not part of the interstate system, but are built 5855
to the standards and specifications that are applicable to 5856
freeways that are part of the interstate system and that had such 5857
a speed limit established prior to October 1, 1995; 5858

(b) ~~Freeways that are part of the interstate system and~~ 5859
~~freeways~~ that are not part of the interstate system but are built 5860

to the standards and specifications that are applicable to 5861
freeways that are part of the interstate system, and that had such 5862
a speed limit established under division (L) of this section; 5863

(c) Rural, divided, multi-lane highways that are designated 5864
as part of the national highway system under the "National Highway 5865
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 5866
and that had such a speed limit established under division (M) of 5867
this section. 5868

~~(14) Sixty-five~~ (15) Fifty-five miles per hour for operators 5869
of any motor vehicle at all times on all portions of freeways in 5870
congested areas as determined by the director and that are part of 5871
the interstate system and are located within a municipal 5872
corporation or within an interstate freeway outerbelt; 5873

(16) Sixty-five miles per hour for operators of any motor 5874
vehicle at all times on all portions of freeways in urban areas as 5875
determined by the director and that are part of the interstate 5876
system and are part of an interstate freeway outerbelt; 5877

(17) Seventy miles per hour at all times on all portions of 5878
freeways that are part of the interstate system and ~~that had such~~ 5879
~~a speed limit on the effective date of this amendment~~ are outside 5880
urbanized areas, as designated in accordance with 23 U.S.C. 101, 5881
for operators of ~~any all~~ motor ~~vehicle weighing in excess of eight~~ 5882
~~thousand pounds empty weight and any noncommercial bus~~ vehicles. 5883

(C) It is prima-facie unlawful for any person to exceed any 5884
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5885
(6), (7), and (8) of this section, or any declared or established 5886
pursuant to this section by the director or local authorities and 5887
it is unlawful for any person to exceed any of the speed 5888
limitations in division (D) of this section. No person shall be 5889
convicted of more than one violation of this section for the same 5890
conduct, although violations of more than one provision of this 5891

section may be charged in the alternative in a single affidavit. 5892

(D) No person shall operate a motor vehicle, trackless 5893
trolley, or streetcar upon a street or highway as follows: 5894

(1) At a speed exceeding fifty-five miles per hour, except 5895
upon a two-lane state route as provided in division (B)(9) of this 5896
section and upon a freeway as provided in divisions (B)(13) and 5897
(14), (16), and (17) of this section; 5898

(2) At a speed exceeding sixty miles per hour upon a two-lane 5899
state route as provided in division (B)(9) of this section. 5900

(3) At a speed exceeding sixty-five miles per hour upon a 5901
freeway as provided in division (B)(16) of this section, except 5902
upon a freeway as provided in division (B)(17) of this section; 5903

(4) At a speed exceeding ~~sixty-five~~ seventy miles per hour 5904
upon a freeway as provided in ~~divisions~~ division (B)~~(13) and~~
~~(14)~~(17) of this section; 5905
5906

~~(3)~~(5) If a motor vehicle weighing in excess of eight 5907
thousand pounds empty weight or a noncommercial bus as prescribed 5908
in division (B)(11) of this section, at a speed exceeding 5909
fifty-five miles per hour, except upon a freeway as provided in 5910
~~that division~~ divisions (B)(16) and (17) of this section; 5911

~~(4)~~(6) At a speed exceeding the posted speed limit upon a 5912
freeway for which the director has determined and declared a speed 5913
limit of not more than sixty-five miles per hour pursuant to 5914
division (L)(2) or (M) of this section; 5915

~~(5)~~(7) At a speed exceeding sixty-five miles per hour upon a 5916
freeway for which such a speed limit has been established through 5917
the operation of division (L)(3) of this section; 5918

~~(6)~~(8) At a speed exceeding the posted speed limit upon a 5919
freeway for which the director has determined and declared a speed 5920
limit pursuant to division (I)(2) of this section. 5921

(E) In every charge of violation of this section the 5922
affidavit and warrant shall specify the time, place, and speed at 5923
which the defendant is alleged to have driven, and in charges made 5924
in reliance upon division (C) of this section also the speed which 5925
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 5926
declared or established pursuant to, this section declares is 5927
prima-facie lawful at the time and place of such alleged 5928
violation, except that in affidavits where a person is alleged to 5929
have driven at a greater speed than will permit the person to 5930
bring the vehicle to a stop within the assured clear distance 5931
ahead the affidavit and warrant need not specify the speed at 5932
which the defendant is alleged to have driven. 5933

(F) When a speed in excess of both a prima-facie limitation 5934
and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 5935
this section is alleged, the defendant shall be charged in a 5936
single affidavit, alleging a single act, with a violation 5937
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 5938
(8) of this section, or of a limit declared or established 5939
pursuant to this section by the director or local authorities, and 5940
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 5941
of this section. If the court finds a violation of division 5942
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 5943
or established pursuant to, this section has occurred, it shall 5944
enter a judgment of conviction under such division and dismiss the 5945
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 5946
section. If it finds no violation of division (B)(1)(a), (2), (3), 5947
(4), (6), (7), or (8) of, or a limit declared or established 5948
pursuant to, this section, it shall then consider whether the 5949
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 5950
~~(4), (5), or (6)~~ of this section. 5951

(G) Points shall be assessed for violation of a limitation 5952
under division (D) of this section in accordance with section 5953

4510.036 of the Revised Code. 5954

(H) Whenever the director determines upon the basis of a 5955
geometric and traffic characteristic study that any speed limit 5956
set forth in divisions (B)(1)(a) to (D) of this section is greater 5957
or less than is reasonable or safe under the conditions found to 5958
exist at any portion of a street or highway under the jurisdiction 5959
of the director, the director shall determine and declare a 5960
reasonable and safe prima-facie speed limit, which shall be 5961
effective when appropriate signs giving notice of it are erected 5962
at the location. 5963

(I)(1) Except as provided in divisions (I)(2) and (K) of this 5964
section, whenever local authorities determine upon the basis of an 5965
engineering and traffic investigation that the speed permitted by 5966
divisions (B)(1)(a) to (D) of this section, on any part of a 5967
highway under their jurisdiction, is greater than is reasonable 5968
and safe under the conditions found to exist at such location, the 5969
local authorities may by resolution request the director to 5970
determine and declare a reasonable and safe prima-facie speed 5971
limit. Upon receipt of such request the director may determine and 5972
declare a reasonable and safe prima-facie speed limit at such 5973
location, and if the director does so, then such declared speed 5974
limit shall become effective only when appropriate signs giving 5975
notice thereof are erected at such location by the local 5976
authorities. The director may withdraw the declaration of a 5977
prima-facie speed limit whenever in the director's opinion the 5978
altered prima-facie speed becomes unreasonable. Upon such 5979
withdrawal, the declared prima-facie speed shall become 5980
ineffective and the signs relating thereto shall be immediately 5981
removed by the local authorities. 5982

(2) A local authority may determine on the basis of a 5983
geometric and traffic characteristic study that the speed limit of 5984
sixty-five miles per hour on a portion of a freeway under its 5985

jurisdiction that was established through the operation of 5986
division (L)(3) of this section is greater than is reasonable or 5987
safe under the conditions found to exist at that portion of the 5988
freeway. If the local authority makes such a determination, the 5989
local authority by resolution may request the director to 5990
determine and declare a reasonable and safe speed limit of not 5991
less than fifty-five miles per hour for that portion of the 5992
freeway. If the director takes such action, the declared speed 5993
limit becomes effective only when appropriate signs giving notice 5994
of it are erected at such location by the local authority. 5995

(J) Local authorities in their respective jurisdictions may 5996
authorize by ordinance higher prima-facie speeds than those stated 5997
in this section upon through highways, or upon highways or 5998
portions thereof where there are no intersections, or between 5999
widely spaced intersections, provided signs are erected giving 6000
notice of the authorized speed, but local authorities shall not 6001
modify or alter the basic rule set forth in division (A) of this 6002
section or in any event authorize by ordinance a speed in excess 6003
of fifty miles per hour. 6004

Alteration of prima-facie limits on state routes by local 6005
authorities shall not be effective until the alteration has been 6006
approved by the director. The director may withdraw approval of 6007
any altered prima-facie speed limits whenever in the director's 6008
opinion any altered prima-facie speed becomes unreasonable, and 6009
upon such withdrawal, the altered prima-facie speed shall become 6010
ineffective and the signs relating thereto shall be immediately 6011
removed by the local authorities. 6012

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6013
section, "unimproved highway" means a highway consisting of any of 6014
the following: 6015

(a) Unimproved earth; 6016

(b) Unimproved graded and drained earth; 6017

(c) Gravel. 6018

(2) Except as otherwise provided in divisions (K)(4) and (5) 6019
of this section, whenever a board of township trustees determines 6020
upon the basis of an engineering and traffic investigation that 6021
the speed permitted by division (B)(5) of this section on any part 6022
of an unimproved highway under its jurisdiction and in the 6023
unincorporated territory of the township is greater than is 6024
reasonable or safe under the conditions found to exist at the 6025
location, the board may by resolution declare a reasonable and 6026
safe prima-facie speed limit of fifty-five but not less than 6027
twenty-five miles per hour. An altered speed limit adopted by a 6028
board of township trustees under this division becomes effective 6029
when appropriate traffic control devices, as prescribed in section 6030
4511.11 of the Revised Code, giving notice thereof are erected at 6031
the location, which shall be no sooner than sixty days after 6032
adoption of the resolution. 6033

(3)(a) Whenever, in the opinion of a board of township 6034
trustees, any altered prima-facie speed limit established by the 6035
board under this division becomes unreasonable, the board may 6036
adopt a resolution withdrawing the altered prima-facie speed 6037
limit. Upon the adoption of such a resolution, the altered 6038
prima-facie speed limit becomes ineffective and the traffic 6039
control devices relating thereto shall be immediately removed. 6040

(b) Whenever a highway ceases to be an unimproved highway and 6041
the board has adopted an altered prima-facie speed limit pursuant 6042
to division (K)(2) of this section, the board shall, by 6043
resolution, withdraw the altered prima-facie speed limit as soon 6044
as the highway ceases to be unimproved. Upon the adoption of such 6045
a resolution, the altered prima-facie speed limit becomes 6046
ineffective and the traffic control devices relating thereto shall 6047
be immediately removed. 6048

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a 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 boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section: 6081

(a) "Commercial subdivision" means any platted territory 6082
outside the limits of a municipal corporation and fronting a 6083
highway where, for a distance of three hundred feet or more, the 6084
frontage is improved with buildings in use for commercial 6085
purposes, or where the entire length of the highway is less than 6086
three hundred feet long and the frontage is improved with 6087
buildings in use for commercial purposes. 6088

(b) "Residential subdivision" means any platted territory 6089
outside the limits of a municipal corporation and fronting a 6090
highway, where, for a distance of three hundred feet or more, the 6091
frontage is improved with residences or residences and buildings 6092
in use for business, or where the entire length of the highway is 6093
less than three hundred feet long and the frontage is improved 6094
with residences or residences and buildings in use for business. 6095

Whenever a board of township trustees finds upon the basis of 6096
an engineering and traffic investigation that the prima-facie 6097
speed permitted by division (B)(5) of this section on any part of 6098
a highway under its jurisdiction that is located in a commercial 6099
or residential subdivision, except on highways or portions thereof 6100
at the entrances to which vehicular traffic from the majority of 6101
intersecting highways is required to yield the right-of-way to 6102
vehicles on such highways in obedience to stop or yield signs or 6103
traffic control signals, is greater than is reasonable and safe 6104
under the conditions found to exist at the location, the board may 6105
by resolution declare a reasonable and safe prima-facie speed 6106
limit of less than fifty-five but not less than twenty-five miles 6107
per hour at the location. An altered speed limit adopted by a 6108
board of township trustees under this division shall become 6109
effective when appropriate signs giving notice thereof are erected 6110
at the location by the township. Whenever, in the opinion of a 6111
board of township trustees, any altered prima-facie speed limit 6112

established by it under this division becomes unreasonable, it may 6113
adopt a resolution withdrawing the altered prima-facie speed, and 6114
upon such withdrawal, the altered prima-facie speed shall become 6115
ineffective, and the signs relating thereto shall be immediately 6116
removed by the township. 6117

(L)(1) Within one hundred twenty days of February 29, 1996, 6118
the director of transportation, based upon a geometric and traffic 6119
characteristic study of a freeway that is part of the interstate 6120
system or that is not part of the interstate system, but is built 6121
to the standards and specifications that are applicable to 6122
freeways that are part of the interstate system, in consultation 6123
with the director of public safety and, if applicable, the local 6124
authority having jurisdiction over a portion of such freeway, may 6125
determine and declare that the speed limit of less than sixty-five 6126
miles per hour established on such freeway or portion of freeway 6127
either is reasonable and safe or is less than that which is 6128
reasonable and safe. 6129

(2) If the established speed limit for such a freeway or 6130
portion of freeway is determined to be less than that which is 6131
reasonable and safe, the director of transportation, in 6132
consultation with the director of public safety and, if 6133
applicable, the local authority having jurisdiction over the 6134
portion of freeway, shall determine and declare a reasonable and 6135
safe speed limit of not more than sixty-five miles per hour for 6136
that freeway or portion of freeway. 6137

The director of transportation or local authority having 6138
jurisdiction over the freeway or portion of freeway shall erect 6139
appropriate signs giving notice of the speed limit at such 6140
location within one hundred fifty days of February 29, 1996. Such 6141
speed limit becomes effective only when such signs are erected at 6142
the location. 6143

(3) If, within one hundred twenty days of February 29, 1996, 6144

the director of transportation does not make a determination and 6145
declaration of a reasonable and safe speed limit for a freeway or 6146
portion of freeway that is part of the interstate system or that 6147
is not part of the interstate system, but is built to the 6148
standards and specifications that are applicable to freeways that 6149
are part of the interstate system and that has a speed limit of 6150
less than sixty-five miles per hour, the speed limit on that 6151
freeway or portion of a freeway shall be sixty-five miles per 6152
hour. The director of transportation or local authority having 6153
jurisdiction over the freeway or portion of the freeway shall 6154
erect appropriate signs giving notice of the speed limit of 6155
sixty-five miles per hour at such location within one hundred 6156
fifty days of February 29, 1996. Such speed limit becomes 6157
effective only when such signs are erected at the location. A 6158
speed limit established through the operation of division (L)(3) 6159
of this section is subject to reduction under division (I)(2) of 6160
this section. 6161

(M) Within three hundred sixty days after February 29, 1996, 6162
the director of transportation, based upon a geometric and traffic 6163
characteristic study of a rural, divided, multi-lane highway that 6164
has been designated as part of the national highway system under 6165
the "National Highway System Designation Act of 1995," 109 Stat. 6166
568, 23 U.S.C.A. 103, in consultation with the director of public 6167
safety and, if applicable, the local authority having jurisdiction 6168
over a portion of the highway, may determine and declare that the 6169
speed limit of less than sixty-five miles per hour established on 6170
the highway or portion of highway either is reasonable and safe or 6171
is less than that which is reasonable and safe. 6172

If the established speed limit for the highway or portion of 6173
highway is determined to be less than that which is reasonable and 6174
safe, the director of transportation, in consultation with the 6175
director of public safety and, if applicable, the local authority 6176

having jurisdiction over the portion of highway, shall determine 6177
and declare a reasonable and safe speed limit of not more than 6178
sixty-five miles per hour for that highway or portion of highway. 6179
The director of transportation or local authority having 6180
jurisdiction over the highway or portion of highway shall erect 6181
appropriate signs giving notice of the speed limit at such 6182
location within three hundred ninety days after February 29, 1996. 6183
The speed limit becomes effective only when such signs are erected 6184
at the location. 6185

(N)(1)(a) If the boundary of two local authorities rests on 6186
the centerline of a highway and both authorities have jurisdiction 6187
over the highway, the speed limit for the part of the highway 6188
within their joint jurisdiction shall be either one of the 6189
following as agreed to by both authorities: 6190

(i) Either prima-facie speed limit permitted by division (B) 6191
of this section; 6192

(ii) An altered speed limit determined and posted in 6193
accordance with this section. 6194

(b) If the local authorities are unable to reach an 6195
agreement, the speed limit shall remain as established and posted 6196
under this section. 6197

(2) Neither local authority may declare an altered 6198
prima-facie speed limit pursuant to this section on the part of 6199
the highway under their joint jurisdiction unless both of the 6200
local authorities determine, upon the basis of an engineering and 6201
traffic investigation, that the speed permitted by this section is 6202
greater than is reasonable or safe under the conditions found to 6203
exist at the location and both authorities agree upon a uniform 6204
reasonable and safe prima-facie speed limit of less than 6205
fifty-five but not less than twenty-five miles per hour for that 6206
location. If both authorities so agree, each shall follow the 6207

procedure specified in this section for altering the prima-facie 6208
speed limit on the highway, and the speed limit for the part of 6209
the highway within their joint jurisdiction shall be uniformly 6210
altered. No altered speed limit may be withdrawn unless both local 6211
authorities determine that the altered prima-facie speed limit 6212
previously adopted becomes unreasonable and each adopts a 6213
resolution withdrawing the altered prima-facie speed limit 6214
pursuant to the procedure specified in this section. 6215

(O) As used in this section: 6216

(1) "Interstate system" has the same meaning as in 23 6217
U.S.C.A. 101. 6218

(2) "Commercial bus" means a motor vehicle designed for 6219
carrying more than nine passengers and used for the transportation 6220
of persons for compensation. 6221

(3) "Noncommercial bus" includes but is not limited to a 6222
school bus or a motor vehicle operated solely for the 6223
transportation of persons associated with a charitable or 6224
nonprofit organization. 6225

(4) "Outerbelt" means a portion of a freeway that is part of 6226
the interstate system and is located in the outer vicinity of a 6227
major municipal corporation or group of municipal corporations, as 6228
designated by the director. 6229

(P)(1) A violation of any provision of this section is one of 6230
the following: 6231

(a) Except as otherwise provided in divisions (P)(1)(b), 6232
(1)(c), (2), and (3) of this section, a minor misdemeanor; 6233

(b) If, within one year of the offense, the offender 6234
previously has been convicted of or pleaded guilty to two 6235
violations of any provision of this section or of any provision of 6236
a municipal ordinance that is substantially similar to any 6237

provision of this section, a misdemeanor of the fourth degree; 6238

(c) If, within one year of the offense, the offender 6239
previously has been convicted of or pleaded guilty to three or 6240
more violations of any provision of this section or of any 6241
provision of a municipal ordinance that is substantially similar 6242
to any provision of this section, a misdemeanor of the third 6243
degree. 6244

(2) If the offender has not previously been convicted of or 6245
pleaded guilty to a violation of any provision of this section or 6246
of any provision of a municipal ordinance that is substantially 6247
similar to this section and operated a motor vehicle faster than 6248
thirty-five miles an hour in a business district of a municipal 6249
corporation, faster than fifty miles an hour in other portions of 6250
a municipal corporation, or faster than thirty-five miles an hour 6251
in a school zone during recess or while children are going to or 6252
leaving school during the school's opening or closing hours, a 6253
misdemeanor of the fourth degree. 6254

(3) Notwithstanding division (P)(1) of this section, if the 6255
offender operated a motor vehicle in a construction zone where a 6256
sign was then posted in accordance with section 4511.98 of the 6257
Revised Code, the court, in addition to all other penalties 6258
provided by law, shall impose upon the offender a fine of two 6259
times the usual amount imposed for the violation. No court shall 6260
impose a fine of two times the usual amount imposed for the 6261
violation upon an offender if the offender alleges, in an 6262
affidavit filed with the court prior to the offender's sentencing, 6263
that the offender is indigent and is unable to pay the fine 6264
imposed pursuant to this division and if the court determines that 6265
the offender is an indigent person and unable to pay the fine. 6266

Sec. 4511.61. (A) As used in this section, "active grade 6267
crossing warning device" has the same meaning as in section 6268

5733.43 of the Revised Code. 6269

(B) The department of transportation and local authorities in 6270
their respective jurisdictions, with the approval of the 6271
department, may designate dangerous highway crossings over 6272
railroad tracks whether on state, county, or township highways or 6273
on streets or ways within municipal corporations, and erect stop 6274
signs thereat. ~~When such~~ 6275

(C) The department and local authorities shall erect stop 6276
signs at a railroad highway grade crossing if railroad crossbucks 6277
or other warning devices that are not active grade crossing 6278
warning devices are the only warning devices at the grade 6279
crossing. 6280

(D) When stop signs are erected pursuant to division (B) or 6281
(C) of this section, the operator of any vehicle, streetcar, or 6282
trackless trolley shall stop within fifty, but not less than 6283
fifteen, feet from the nearest rail of the railroad tracks and 6284
shall exercise due care before proceeding across such grade 6285
crossing. 6286

~~(B)~~(E) Except as otherwise provided in this division, whoever 6287
violates division (D) of this section is guilty of a minor 6288
misdemeanor. If, within one year of the offense, the offender 6289
previously has been convicted of or pleaded guilty to one 6290
predicate motor vehicle or traffic offense, whoever violates this 6291
section is guilty of a misdemeanor of the fourth degree. If, 6292
within one year of the offense, the offender previously has been 6293
convicted of two or more predicate motor vehicle or traffic 6294
offenses, whoever violates this section is guilty of a misdemeanor 6295
of the third degree. 6296

Sec. 4513.263. (A) As used in this section and in section 6297
4513.99 of the Revised Code: 6298

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

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

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

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

(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.

(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.

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

(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;

(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;

(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;

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

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

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile

being operated on any street or highway to stop the automobile for 6361
the sole purpose of determining whether a violation of division 6362
(B) of this section has been or is being committed or for the sole 6363
purpose of issuing a ticket, citation, or summons for a violation 6364
of that nature or causing the arrest of or commencing a 6365
prosecution of a person for a violation of that nature, and no law 6366
enforcement officer shall view the interior or visually inspect 6367
any automobile being operated on any street or highway for the 6368
sole purpose of determining whether a violation of that nature has 6369
been or is being committed. 6370

(E) All fines collected for violations of division (B) of 6371
this section, or for violations of any ordinance or resolution of 6372
a political subdivision that is substantively comparable to that 6373
division, shall be forwarded to the treasurer of state for deposit 6374
into the state treasury to the credit of the trauma and emergency 6375
medical services fund, which is hereby created. In addition, sixty 6376
cents of each fee collected under sections 4501.34, 4503.26, 6377
4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as 6378
specified in those sections, plus the portion of the driver's 6379
license reinstatement fee described in division (F)(2)(g) of 6380
section 4511.191 of the Revised Code, plus all fees collected 6381
under section 4765.11 of the Revised Code, plus all fines imposed 6382
under section 4765.55 of the Revised Code, plus the fees and other 6383
moneys specified in section 4766.05 of the Revised Code, and plus 6384
five per cent of fines and moneys arising from bail forfeitures as 6385
directed by section 5503.04 of the Revised Code, also shall be 6386
deposited into the trauma and emergency medical services fund. All 6387
money deposited into the trauma and emergency medical services 6388
fund shall be used by the department of public safety for the 6389
administration and operation of the division of emergency medical 6390
services and the state board of emergency medical, fire, and 6391
transportation services, and by the state board of emergency 6392
medical, fire, and transportation services to make grants, in 6393

accordance with section 4765.07 of the Revised Code and rules the 6394
board adopts under section 4765.11 of the Revised Code. The 6395
director of budget and management may transfer excess money from 6396
the trauma and emergency medical services fund to the state 6397
highway safety fund if the director of public safety determines 6398
that the amount of money in the trauma and emergency medical 6399
services fund exceeds the amount required to cover such costs 6400
incurred by the emergency medical services agency and the grants 6401
made by the state board of emergency medical, fire, and 6402
transportation services and requests the director of budget and 6403
management to make the transfer. 6404

(F)(1) Subject to division (F)(2) of this section, the 6405
failure of a person to wear all of the available elements of a 6406
properly adjusted occupant restraining device in violation of 6407
division (B)(1) or (3) of this section or the failure of a person 6408
to ensure that each minor who is a passenger of an automobile 6409
being operated by that person is wearing all of the available 6410
elements of a properly adjusted occupant restraining device in 6411
violation of division (B)(2) of this section shall not be 6412
considered or used by the trier of fact in a tort action as 6413
evidence of negligence or contributory negligence. But, the trier 6414
of fact may determine based on evidence admitted consistent with 6415
the Ohio Rules of Evidence that the failure contributed to the 6416
harm alleged in the tort action and may diminish a recovery of 6417
compensatory damages that represents noneconomic loss, as defined 6418
in section 2307.011 of the Revised Code, in a tort action that 6419
could have been recovered but for the plaintiff's failure to wear 6420
all of the available elements of a properly adjusted occupant 6421
restraining device. Evidence of that failure shall not be used as 6422
a basis for a criminal prosecution of the person other than a 6423
prosecution for a violation of this section; and shall not be 6424
admissible as evidence in a criminal action involving the person 6425
other than a prosecution for a violation of this section. 6426

(2) If, at the time of an accident involving a passenger car 6427
equipped with occupant restraining devices, any occupant of the 6428
passenger car who sustained injury or death was not wearing an 6429
available occupant restraining device, was not wearing all of the 6430
available elements of such a device, or was not wearing such a 6431
device as properly adjusted, then, consistent with the Rules of 6432
Evidence, the fact that the occupant was not wearing the available 6433
occupant restraining device, was not wearing all of the available 6434
elements of such a device, or was not wearing such a device as 6435
properly adjusted is admissible in evidence in relation to any 6436
claim for relief in a tort action to the extent that the claim for 6437
relief satisfies all of the following: 6438

(a) It seeks to recover damages for injury or death to the 6439
occupant. 6440

(b) The defendant in question is the manufacturer, designer, 6441
distributor, or seller of the passenger car. 6442

(c) The claim for relief against the defendant in question is 6443
that the injury or death sustained by the occupant was enhanced or 6444
aggravated by some design defect in the passenger car or that the 6445
passenger car was not crashworthy. 6446

(G)(1) Whoever violates division (B)(1) of this section shall 6447
be fined thirty dollars. 6448

(2) Whoever violates division (B)(3) of this section shall be 6449
fined twenty dollars. 6450

(3) Except as otherwise provided in this division, whoever 6451
violates division (B)(4) of this section is guilty of a minor 6452
misdemeanor. If the offender previously has been convicted of or 6453
pleaded guilty to a violation of division (B)(4) of this section, 6454
whoever violates division (B)(4) of this section is guilty of a 6455
misdemeanor of the third degree. 6456

Sec. 4513.34. (A)(1) The director of transportation with 6457
respect to all highways that are a part of the state highway 6458
system and local authorities with respect to highways under their 6459
jurisdiction, upon application in writing and for good cause 6460
shown, may issue a special permit in writing authorizing the 6461
applicant to operate or move a vehicle or combination of vehicles 6462
of a size or weight of vehicle or load exceeding the maximum 6463
specified in sections 5577.01 to 5577.09 of the Revised Code, or 6464
otherwise not in conformity with sections 4513.01 to 4513.37 of 6465
the Revised Code, upon any highway under the jurisdiction of the 6466
authority granting the permit. 6467

(2) For purposes of this section, the director may designate 6468
certain state highways or portions of state highways as special 6469
economic development highways. If an application submitted to the 6470
director under this section involves travel of a nonconforming 6471
vehicle or combination of vehicles upon a special economic 6472
development highway, the director, in determining whether good 6473
cause has been shown that issuance of a permit is justified, shall 6474
consider the effect the travel of the vehicle or combination of 6475
vehicles will have on the economic development in the area in 6476
which the designated highway or portion of highway is located. 6477

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 6478
Code, the holder of a ~~special~~ permit issued by the director under 6479
this section may move the vehicle or combination of vehicles 6480
described in the ~~special~~ permit on any highway that is a part of 6481
the state highway system when the movement is partly within and 6482
partly without the corporate limits of a municipal corporation. No 6483
local authority shall require any other permit or license or 6484
charge any license fee or other charge against the holder of a 6485
permit for the movement of a vehicle or combination of vehicles on 6486
any highway that is a part of the state highway system. The 6487
director shall not require the holder of a permit issued by a 6488

local authority to obtain a special permit for the movement of 6489
vehicles or combination of vehicles on highways within the 6490
jurisdiction of the local authority. Permits may be issued for any 6491
period of time not to exceed one year, as the director in the 6492
director's discretion or a local authority in its discretion 6493
determines advisable, or for the duration of any public 6494
construction project. 6495

(C)(1) The application for a permit issued under this section 6496
shall be in the form that the director or local authority 6497
prescribes. The director or local authority may prescribe a permit 6498
fee to be imposed and collected when any permit described in this 6499
section is issued. The permit fee may be in an amount sufficient 6500
to reimburse the director or local authority for the 6501
administrative costs incurred in issuing the permit, and also to 6502
cover the cost of the normal and expected damage caused to the 6503
roadway or a street or highway structure as the result of the 6504
operation of the nonconforming vehicle or combination of vehicles. 6505
The director, in accordance with Chapter 119. of the Revised Code, 6506
shall establish a schedule of fees for permits issued by the 6507
director under this section. 6508

(2) For the purposes of this section and of rules adopted by 6509
the director under this section, milk transported in bulk by 6510
vehicle is deemed a nondivisible load. 6511

(3)(a) Subject to division (C)(3)(b) of this section, a 6512
person who otherwise would be required to receive a permit under 6513
this section may move or operate a vehicle or combination of 6514
vehicles without that permit for a distance of two miles or less 6515
from the Ohio turnpike, provided the vehicle or combination of 6516
vehicles was operated without a special permit on the Ohio 6517
turnpike in accordance with rules adopted under section 5537.16 of 6518
the Revised Code. 6519

(b) The director or a local authority may prohibit the 6520

operation of a vehicle or combination of vehicles on any highway 6521
within two miles or less of the Ohio turnpike if the highway 6522
condition is insufficient to bear the weight of the vehicle or 6523
combination of vehicles. 6524

(c) As used in this division, "Ohio turnpike" has the same 6525
meaning as in section 5537.26 of the Revised Code. 6526

(D) The director or local authority may issue or withhold a 6527
permit. If a permit is to be issued, the director or local 6528
authority may limit or prescribe conditions of operation for the 6529
vehicle and may require the posting of a bond or other security 6530
conditioned upon the sufficiency of the permit fee to compensate 6531
for damage caused to the roadway or a street or highway structure. 6532
In addition, a local authority, as a condition of issuance of an 6533
overweight permit, may require the applicant to develop and enter 6534
into a mutual agreement with the local authority to compensate for 6535
or to repair excess damage caused to the roadway by travel under 6536
the permit. 6537

For a permit that will allow travel of a nonconforming 6538
vehicle or combination of vehicles on a special economic 6539
development highway, the director, as a condition of issuance, may 6540
require the applicant to agree to make periodic payments to the 6541
department to compensate for damage caused to the roadway by 6542
travel under the permit. 6543

(E) Every permit issued under this section shall be carried 6544
in the vehicle or combination of vehicles to which it refers and 6545
shall be open to inspection by any police officer or authorized 6546
agent of any authority granting the permit. No person shall 6547
violate any of the terms of a permit. 6548

(F) The director may debar an applicant from applying for a 6549
~~special~~ permit under this section upon a finding based on a 6550
reasonable belief that the applicant has done any of the 6551

- following: 6552
- (1) Abused the process by repeatedly submitting false 6553
information or false travel plans or by using another company or 6554
individual's name, insurance, or escrow account without proper 6555
authorization; 6556
- (2) Failed to comply with or substantially perform under a 6557
previously issued ~~special~~ permit according to its terms, 6558
conditions, and specifications within specified time limits; 6559
- (3) Failed to cooperate in the application process for the 6560
~~special~~ permit or in any other procedures that are related to the 6561
issuance of the ~~special~~ permit by refusing to provide information 6562
or documents required in a permit or by failing to respond to and 6563
correct matters related to the ~~special~~ permit; 6564
- (4) Accumulated repeated justified complaints regarding 6565
performance under a ~~special~~ permit that was previously issued to 6566
the applicant or previously failed to obtain a ~~special~~ permit when 6567
such a permit was required; 6568
- (5) Attempted to influence a public employee to breach 6569
ethical conduct standards; 6570
- (6) Been convicted of a criminal offense related to the 6571
application for, or performance under, a ~~special~~ permit, 6572
including, but not limited to, bribery, falsification, fraud or 6573
destruction of records, receiving stolen property, and any other 6574
offense that directly reflects on the applicant's integrity or 6575
commercial driver's license; 6576
- (7) Accumulated repeated convictions under a state or federal 6577
safety law governing commercial motor vehicles or a rule or 6578
regulation adopted under such a law; 6579
- (8) Accumulated repeated convictions under a law, rule, or 6580
regulation governing the movement of traffic over the public 6581

streets and highways; 6582

(9) Failed to pay any fees associated with any permitted 6583
operation or move; 6584

(10) Deliberately or willfully submitted false or misleading 6585
information in connection with the application for, or performance 6586
under, a ~~special~~ permit issued under this section. 6587

If the applicant is a partnership, association, or 6588
corporation, the director also may debar from consideration for 6589
~~special~~ permits any partner of the partnership, or the officers, 6590
directors, or employees of the association or corporation being 6591
debarred. 6592

The director may adopt rules in accordance with Chapter 119. 6593
of the Revised Code governing the debarment of an applicant. 6594

(G) When the director reasonably believes that grounds for 6595
debarment exist, the director shall send the person that is 6596
subject to debarment a notice of the proposed debarment. A notice 6597
of proposed debarment shall indicate the grounds for the debarment 6598
of the person and the procedure for requesting a hearing. The 6599
notice and hearing shall be in accordance with Chapter 119. of the 6600
Revised Code. If the person does not respond with a request for a 6601
hearing in the manner specified in that chapter, the director 6602
shall issue the debarment decision without a hearing and shall 6603
notify the person of the decision by certified mail, return 6604
receipt requested. The debarment period may be of any length 6605
determined by the director, and the director may modify or rescind 6606
the debarment at any time. During the period of debarment, the 6607
director shall not issue, or consider issuing, a ~~special~~ permit 6608
under this section to any partnership, association, or corporation 6609
that is affiliated with a debarred person. After the debarment 6610
period expires, the person, and any partnership, association, or 6611
corporation affiliated with the person, may reapply for a ~~special~~ 6612

permit. 6613

(H) Whoever violates this section shall be punished as 6614
provided in section 4513.99 of the Revised Code. 6615

(I) A permit issued under this section for the operation of a 6616
vehicle or combination of vehicles is valid for the purposes of 6617
the vehicle operation in accordance with the terms of the permit 6618
notwithstanding any other violation of the motor vehicle and 6619
traffic laws of this state by the operator of the vehicle or 6620
combination of vehicles. 6621

Sec. 4513.53. (A) The superintendent of the state highway 6622
patrol, with approval of the director of public safety, may 6623
appoint and maintain necessary staff to carry out the inspection 6624
of buses. 6625

(B) The superintendent of the state highway patrol shall 6626
adopt a distinctive annual safety inspection decal bearing the 6627
date of inspection. The state highway patrol may remove any decal 6628
from a bus that fails any inspection. 6629

(C) ~~Fees~~ Bus inspection fees collected by the state highway 6630
patrol under section 4513.52 of the Revised Code shall be paid 6631
into the state treasury to the credit of the ~~general revenue fund.~~ 6632
~~Annually by the first day of June, the director of public safety~~ 6633
~~shall determine the amount of fees collected under section 4513.52~~ 6634
~~of the Revised Code and shall certify the amount to the director~~ 6635
~~of budget and management for reimbursement. The director of budget~~ 6636
~~and management then may transfer cash up to the amount certified~~ 6637
~~from the general revenue fund to the state highway safety fund~~ 6638
created in section 4501.06 of the Revised Code. 6639

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 6640
highway, public street, or other property open to the public for 6641
purposes of vehicular travel and if any motor vehicle, cargo, or 6642

personal property that has been damaged or spilled as a result of 6643
the motor vehicle accident is blocking the highway, street, or 6644
other property or is otherwise endangering public safety, the 6645
sheriff of the county, or the chief of police of the municipal 6646
corporation, township, or township or joint police district, in 6647
which the accident occurred, a state highway patrol trooper, ~~or~~ 6648
the chief of the fire department having jurisdiction where the 6649
accident occurred ~~may~~, or a duly authorized subordinate acting on 6650
behalf of an official specified above, without consent of the 6651
owner but with the approval of the law enforcement agency 6652
conducting any investigation of the accident, may remove the motor 6653
vehicle if the motor vehicle is unoccupied, cargo, or personal 6654
property from the portion of the highway, public street, or 6655
property ordinarily used for vehicular travel on the highway, 6656
public street, or other property open to the public for purposes 6657
of vehicular travel. 6658

(B)(1) Except as provided in division (B)(2) or (3) of this 6659
section, no employee of the department of transportation, sheriff, 6660
deputy sheriff, chief of police or police officer of a municipal 6661
corporation, township, or township or joint police district, state 6662
highway patrol trooper, chief of a fire department, ~~or~~ fire 6663
fighter, or a duly authorized subordinate acting on behalf of such 6664
an official who authorizes or participates in the removal of any 6665
unoccupied motor vehicle, cargo, or personal property as 6666
authorized by division (A) of this section is liable in civil 6667
damages for any injury, death, or loss to person or property that 6668
results from the removal of that unoccupied motor vehicle, cargo, 6669
or personal property. Except as provided in division (B)(2) or (3) 6670
of this section, if the department of transportation or a sheriff, 6671
chief of police of a municipal corporation, township, or township 6672
or joint police district, head of the state highway patrol, ~~or~~ 6673
chief of a fire department, or a duly authorized subordinate 6674

acting on behalf of such an official authorizes, employs, or 6675
arranges to have a private tow truck operator or towing company 6676
remove any unoccupied motor vehicle, cargo, or personal property 6677
as authorized by division (A) of this section, that private tow 6678
truck operator or towing company is not liable in civil damages 6679
for any injury, death, or loss to person or property that results 6680
from the removal of that unoccupied motor vehicle, cargo, or 6681
personal property,~~and~~. Further, the department of transportation, 6682
sheriff, chief of police, head of the state highway patrol, ~~or~~ 6683
fire department chief, or a duly authorized subordinate acting on 6684
behalf of such an official is not liable in civil damages for any 6685
injury, death, or loss to person or property that results from the 6686
private tow truck operator or towing company's removal of that 6687
unoccupied motor vehicle, cargo, or personal property. 6688

(2) Division (B)(1) of this section does not apply to any 6689
person or entity involved in the removal of an unoccupied motor 6690
vehicle, cargo, or personal property pursuant to division (A) of 6691
this section if that removal causes or contributes to the release 6692
of a hazardous material or to structural damage to the roadway. 6693

(3) Division (B)(1) of this section does not apply to a 6694
private tow truck operator or towing company that was not 6695
authorized, employed, or arranged by the department of 6696
transportation, a sheriff, a chief of police of a municipal 6697
corporation, township, or township or joint police district, the 6698
head of the state highway patrol, ~~or~~ a chief of a fire department, 6699
or a duly authorized subordinate acting on behalf of such an 6700
official or to a private tow truck operator or towing company that 6701
was authorized, employed, or arranged by the department of 6702
transportation, a sheriff, a chief of police of a municipal 6703
corporation, township, or township or joint police district, the 6704
head of the state highway patrol, or a chief of a fire department, 6705
or a duly authorized subordinate acting on behalf of such an 6706

official to perform the removal of the unoccupied motor vehicle, 6707
cargo, or personal property and the private tow truck operator or 6708
towing company performed the removal in a reckless or willful 6709
manner. 6710

(C) As used in this section, "hazardous material" has the 6711
same meaning as in section 2305.232 of the Revised Code. 6712

Sec. 4517.021. (A) Sections 4517.01, 4517.02, and 4517.03 to 6713
4517.45 of the Revised Code do not apply to a person auctioning 6714
classic motor vehicles, provided all of the following apply: 6715

(1) The person is responsible for not more than ~~two~~ four 6716
auctions of classic motor vehicles per year, with no auction 6717
lasting more than two days; 6718

(2) The person requests and receives permission for the 6719
auction from the registrar of motor vehicles by filing an 6720
application for each proposed auction of classic motor vehicles, 6721
at least thirty days before the auction, in a form prescribed by 6722
the registrar, signed and sworn to by the person, that contains 6723
all of the following: 6724

(a) The person's name and business address; 6725

(b) The location of the auction; 6726

(c) Evidence, sufficient to satisfy the registrar, that the 6727
person does not exclusively sell motor vehicles; 6728

(d) Any necessary, reasonable, and relevant information that 6729
the registrar may require to verify compliance with this section. 6730

(3) The person will be auctioning the classic motor vehicle 6731
to the general public for the legal owner of the vehicle, which 6732
ownership must be evidenced at the time of the auction by a valid 6733
certificate of title issued pursuant to Chapter 4505. of the 6734
Revised Code; 6735

(4) The person keeps a record of the following information 6736
for each classic motor vehicle offered for sale at auction, in a 6737
manner prescribed by the registrar: 6738

(a) The certificate of title number, county, and state of 6739
registration; 6740

(b) The year, make, model, and vehicle identification number; 6741

(c) The name and address of the person offering the vehicle 6742
for sale; 6743

(d) The name and address of any vehicle purchaser; 6744

(e) The date the vehicle is offered for sale; 6745

(f) Any purchase price; 6746

(g) The odometer reading at the time of the auction and an 6747
odometer statement from the person offering the vehicle for sale 6748
at auction that complies with 49 U.S.C. 32705. 6749

(5) The person allows reasonable inspection by the registrar 6750
of the person's records relating to each classic motor vehicle 6751
auction. 6752

(B) Any person that auctions classic motor vehicles under 6753
this section shall use the auction services of an auction firm to 6754
conduct the auction. 6755

(C) The registrar may refuse permission to hold an auction if 6756
the registrar finds that the person has not complied with division 6757
(A) of this section or has made a false statement of a material 6758
fact in the application filed under division (A)(2) of this 6759
section. 6760

(D) The registrar shall not authorize a person licensed under 6761
section 4707.072 of the Revised Code to offer auction services or 6762
act as an auctioneer in regard to an auction of classic motor 6763
vehicles pursuant to this section. 6764

(E) As used in this section:	6765
(1) "Auction firm" and "auction services" have the same meanings as in section 4707.01 of the Revised Code.	6766 6767
(2) "Classic motor vehicle" means a motor vehicle that is over twenty-six years old.	6768 6769
Sec. 4561.01. As used in sections 4561.01 to 4561.151 <u>4561.25</u> of the Revised Code:	6770 6771
(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.	6772 6773 6774 6775 6776
(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.	6777 6778 6779 6780
(C) "Airport" means any location either on land or water which is used for the landing and taking off of aircraft.	6781 6782
(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.	6783 6784 6785 6786
(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 landing of aircraft, or to the safe and efficient operation or	6787 6788 6789 6790 6791 6792 6793 6794

maintenance of an airport or landing field, and any combination of such facilities. 6795
6796

(F) "Air navigation hazard" means any structure, object of natural growth, or use of land, that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or landing field, or that otherwise is hazardous to such landing or taking off. 6797
6798
6799
6800
6801

(G) "Air navigation," "navigation of aircraft," or "navigate aircraft" means the operation of aircraft in the air space over this state. 6802
6803
6804

(H) "~~Airman~~ Airperson" means any individual who, as the person in command, or as pilot, mechanic, or member of the crew, engages in the navigation of aircraft. 6805
6806
6807

(I) "Airway" means a route in the air space over and above the lands or waters of this state, designated by the Ohio aviation board as a route suitable for the navigation of aircraft. 6808
6809
6810

(J) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. 6811
6812
6813
6814

(K) "Government agency" means a state agency, state institution of higher education, regional port authority, or any other political subdivision of the state, or the federal government or other states. 6815
6816
6817
6818

Sec. 4561.06. The department of transportation shall encourage the development of aviation and the promotion of aviation education and research within this state as, in its judgment, may best serve the public interest. 6819
6820
6821
6822

The department may furnish engineering or other technical counsel and services, with or without charge therefor, to any 6823
6824

appropriate government agency ~~of any county or municipal~~ 6825
~~corporation of the state~~ desiring such counsel or services in 6826
connection with any question or problem concerning the need for, 6827
or the location, construction, maintenance, or operation of 6828
airports, landing fields, or other air navigation facilities ~~in~~ 6829
~~the county or municipal corporation.~~ 6830

The department shall be the official representative of this 6831
state in all civil actions, matters, or proceedings pertaining to 6832
aviation in which this state is a party or has an interest. 6833

The department may investigate, and may cooperate with any 6834
other appropriate ~~governmental~~ government agency in the 6835
investigation of, any accident occurring in this state in 6836
connection with aviation. It may issue an order to preserve, 6837
protect, or prevent the removal of any aircraft or air navigation 6838
facility involved in an accident being so investigated until the 6839
investigation is completed. The chief executive officer or any law 6840
enforcement officer of this state or any political subdivision in 6841
which an accident occurred shall assist the department in 6842
enforcing such an order when called upon to do so. 6843

The department, in connection with any investigation it is 6844
authorized to conduct, or in connection with any matter it is 6845
required to consider and determine, may conduct hearings thereon. 6846
All such hearings shall be open to the public. The administrator 6847
of the office of aviation or those employees of that office or its 6848
agents who are designated to conduct such hearings may administer 6849
oaths and affirmations and issue subpoenas for and compel the 6850
attendance and testimony of witnesses and the production of 6851
papers, books, and documents at the hearings. In case of failure 6852
to comply with such a subpoena or refusal to testify, the 6853
administrator or the employees of the office of aviation or its 6854
agents who are designated to conduct the hearings may invoke the 6855
aid of the court of common pleas of the county in which the 6856

hearing is being conducted, and the court may order the witness to 6857
comply with the requirements of the subpoena or to give testimony 6858
concerning the matter in question. Failure to obey any order of 6859
the court may be punished as a contempt of the court. 6860

Reports of any investigations or hearings, or parts thereof, 6861
conducted by the department shall not be admitted in evidence or 6862
used for any purpose in any action or proceeding arising out of 6863
any matter referred to in the investigation, hearings, or report 6864
thereof, except in actions or proceedings instituted by the state 6865
or by the department on behalf of the state, nor shall any member 6866
of the department or any of its employees be required to testify 6867
to any facts ascertained in, or information obtained by reason of, 6868
the member's or employee's official capacity, or to testify as an 6869
expert witness in any action or proceeding involving or pertaining 6870
to aviation to which the state is not a party. Subject to this 6871
section, the department may make available to appropriate agencies 6872
of government any information and material developed in the course 6873
of its investigations and hearings. 6874

The department shall report to the appropriate agency of the 6875
United States all cases that come to its attention of persons 6876
navigating aircraft without a valid aviator's certificate, or in 6877
which an aircraft is navigated without a valid air-worthiness 6878
certificate in probable violation of the laws of the United States 6879
requiring such certificates, and it also shall report to the 6880
proper governmental agency any probable infringement or violation 6881
of laws, rules, and regulations pertaining to aviation that come 6882
to its attention. 6883

The department may prepare, adopt, and subsequently revise a 6884
plan showing the locations and types of airports, landing fields, 6885
and other air navigation facilities within this state; it also may 6886
prepare another plan of a system of airways within this state, the 6887
establishment, maintenance, and use of which will, in its 6888

judgment, serve the development of transportation by aircraft 6889
within this state in the best interests of the public. It may 6890
publish plans and pertinent information as the public interest 6891
requires. 6892

The department periodically may prepare, publish, and 6893
distribute such maps, charts, or other information as the public 6894
interest requires, showing the location of and containing a 6895
description of all airports, landing fields, and other air 6896
navigation facilities then in operation in this state, together 6897
with information concerning the manner in which, and the terms 6898
upon which, those facilities may be used, and showing all airways 6899
then in use, or recommended for use, within this state, together 6900
with information concerning the manner in which the facilities 6901
should be used. 6902

Sec. 4561.07. The department of transportation may cooperate 6903
with ~~and assist the federal~~ any government, ~~regional airport~~ 6904
~~authorities, the political subdivisions of this state,~~ agency and 6905
~~others, including private persons,~~ engaged in aviation, aviation 6906
education or research, or the promotion of aviation, and shall 6907
seek to promote the aeronautic activities of these bodies. 6908

The department may confer with or hold joint meetings and 6909
hearings with any ~~federal aeronautical agency, any regional~~ 6910
~~airport authority, or any~~ government agency ~~of a political~~ 6911
~~subdivision of this state,~~ in connection with any matter arising 6912
under ~~sections 4561.01 to 4561.151 of the Revised Code~~ this 6913
chapter, or relating to the sound development of aviation, and the 6914
department may avail itself of the cooperation, services, records, 6915
and facilities of any ~~such regional airport authority or~~ 6916
government agency, as fully as is practicable, in the 6917
administration and enforcement of such sections. It shall 6918
reciprocate by furnishing to any such regional airport authority 6919

or agency its cooperation, services, records, and facilities, as 6920
fully as is practicable and in the best interests of the public. 6921

If the federal government, any agency of the federal 6922
government, ~~or~~ any regional airport authority or political 6923
subdivision of this state, or any government agency, requires a 6924
state agency to receive and disburse any airport assistance or 6925
development and maintenance funds, the department may act as that 6926
state agency in all such matters pertaining to aviation. 6927

Sec. 4561.08. The department of transportation may cooperate 6928
with ~~the United States, and~~ any government agency ~~thereof~~, in the 6929
acquisition, establishment, construction, enlargement, 6930
improvement, equipment, or operation of airports, landing fields, 6931
and other air navigation facilities in this state, and may comply 6932
with the laws of the United States and any regulations made 6933
thereunder with respect to the expenditure of federal funds for or 6934
in connection with such airports, landing fields, and other air 6935
navigation facilities. 6936

The department may accept, receive, and receipt for federal 6937
funds, upon such terms as are prescribed by the laws of the United 6938
States and any regulations made thereunder, on behalf of the 6939
state, and may treat similarly, for the state or as agent for any 6940
regional airport authority, county, or municipal corporation 6941
thereof, other funds, public or private, for the acquisition, 6942
establishment, construction, enlargement, improvement, equipment, 6943
or operation of airports, landing fields, and other air navigation 6944
facilities, whether such work is to be done severally by the state 6945
or by a political subdivision thereof or by a regional airport 6946
authority, or by the state and a regional airport authority or one 6947
or more such political subdivisions jointly, or by any two or more 6948
such political subdivisions jointly, or by a regional airport 6949
authority and any one or more such political subdivisions jointly. 6950

The department may also act as agent of any regional airport 6951
authority, county, or municipal corporation of the state in any 6952
other matter connected with the acquisition, establishment, 6953
construction, enlargement, improvement, equipment, or operation of 6954
airports, landing fields, and other air navigation facilities. In 6955
the discharge of its duties as such agent, the department may use 6956
all its powers in the same manner as when acting for and in behalf 6957
of the state. 6958

The department may approve or disapprove all contracts and 6959
agreements for the acquisition, establishment, construction, 6960
enlargement, improvement, equipment, or operation of airports, 6961
landing fields, and other air navigation facilities insofar as its 6962
rules require. 6963

The department may advise and cooperate with any regional 6964
airport authority or political subdivision of this state or of any 6965
other state, when it is acting jointly with a regional airport 6966
authority or subdivision of this state, in all matters pertaining 6967
to the location, acquisition, establishment, construction, 6968
enlargement, improvement, equipment, or operation of airports, 6969
landing fields, and other air navigation facilities. 6970

All money accepted by the department pursuant to sections 6971
4561.01 to 4561.151 of the Revised Code shall be deposited in the 6972
state treasury to the credit of the highway operating fund. All 6973
such moneys shall be expended in accordance with the terms imposed 6974
by the United States in making the grants thereof. 6975

Sec. 4561.09. Each regional airport authority, county, ~~and~~ 6976
municipal corporation, and agency of this state may accept, 6977
receive, and give receipt for federal funds upon such terms as are 6978
prescribed by the laws of the United States and any rules and 6979
regulations made thereunder, and may treat similarly other funds, 6980
public or private, for the acquisition, establishment, 6981

construction, enlargement, improvement, equipment, or operation of 6982
airports, landing fields, and other air navigation facilities. 6983

The board of trustees of a regional airport authority and the 6984
legislative body of each county or municipal corporation may 6985
designate the department of transportation as the agent of such 6986
regional airport authority, county, or municipal corporation to 6987
accept, receive, and receipt for federal funds upon such terms as 6988
are prescribed by the laws of the United States and any rules or 6989
regulations made thereunder, and to treat similarly other funds, 6990
public or private, for the acquisition, establishment, 6991
construction, enlargement, improvement, equipment, or operation of 6992
airports, landing fields, and other air navigation facilities, 6993
whether such work is to be done by the regional airport authority, 6994
county, or municipal corporation alone, or jointly with the state, 6995
or jointly with the state and other counties or municipal 6996
corporations. Such board of trustees or legislative body may 6997
designate the department as its agent in any other matter 6998
connected with the acquisition, establishment, construction, 6999
enlargement, improvement, equipment, or operation of airports, 7000
landing fields, and other air navigation facilities, and may enter 7001
into, or authorize the executive department of such political 7002
subdivision to enter into, an agreement with the department 7003
prescribing the terms of such agency, in accordance with the laws 7004
of the United States and any rules or regulations made thereunder. 7005

All contracts for the acquisition, establishment, 7006
construction, enlargement, improvement, equipment, or operation of 7007
airports, landing fields, or other air navigation facilities made 7008
by a regional airport authority, county, ~~or~~ municipal corporation, 7009
or agency of this state shall be made pursuant to the laws of this 7010
state governing the making of such contracts; provided that when 7011
the acquisition, establishment, construction, enlargement, 7012
improvement, equipment, or operation of airports, landing fields, 7013

or other air navigation facilities is financed wholly or partly 7014
with federal funds, the regional airport authority, county, ~~or~~ 7015
municipal corporation, or agency of this state may let contracts 7016
in the manner prescribed by the federal authorities acting under 7017
the laws of the United States and any rules or regulations made 7018
thereunder. 7019

Sec. 4561.12. (A) ~~No~~ Unless operated by the department of 7020
transportation or its agents, no aircraft shall be operated or 7021
maintained on any public land or water owned or controlled by this 7022
state, or by any political subdivision of this state, except at 7023
such places and under such rules and regulations governing and 7024
controlling the operation and maintenance of aircraft as are 7025
adopted and promulgated by the department ~~of transportation~~ in 7026
accordance with sections 119.01 to 119.13 of the Revised Code. 7027

Such action and approval by the department shall not become 7028
effective until it has been approved by the adoption and 7029
promulgation of appropriate rules ~~and regulations~~ governing, 7030
controlling, and approving said places and the method of operation 7031
and maintenance of aircraft, by the department, division, 7032
political subdivision, agent, or agency of this state having 7033
ownership or control of the places on said public land or water 7034
which are affected by such operation or maintenance of aircraft 7035
thereon. 7036

(B) Whoever violates this section shall be fined not more 7037
than five hundred dollars, imprisoned not more than ninety days, 7038
or both. 7039

Sec. 4561.21. (A) The director of transportation shall 7040
deposit all aircraft transfer fees in the state treasury to the 7041
credit of the general fund. 7042

(B) The director shall deposit all aircraft license taxes and 7043

7044 fines in the state treasury to the credit of the airport
7045 assistance fund, which is hereby created. Money in the fund shall
7046 be used for maintenance and capital improvements to publicly owned
7047 airports, and the operating costs associated with the office of
7048 aviation. For maintenance and capital improvements to publicly
7049 owned airports, the director shall distribute the money to
7050 eligible recipients in accordance with such procedures,
7051 guidelines, and criteria as the director shall establish. No more
7052 than ten per cent of all funds deposited annually into the fund
7053 shall be spent annually to pay operating costs associated with the
7054 office of aviation.

7055 **Sec. 4582.06.** (A) A port authority created in accordance with
7056 section 4582.02 of the Revised Code may:

7057 (1) Acquire, construct, furnish, equip, maintain, repair,
7058 sell, exchange, lease to or from, lease with an option to
7059 purchase, convey other interests in, or operate real or personal
7060 property, or any combination thereof, related to, useful for, or
7061 in furtherance of any authorized purpose, and make charges for the
7062 use of any port authority facility, which shall be not less than
7063 the charges established for the same services furnished by a
7064 public utility or common carrier in the jurisdiction of the
7065 particular port authority;

7066 (2) Straighten, deepen, and improve any canal, channel,
7067 river, stream, or other water course or way that may be necessary
7068 or proper in the development of the facilities of the port
7069 authority;

7070 (3) Issue bonds or notes for the acquisition, construction,
7071 furnishing, or equipping of any real or personal property, or any
7072 combination thereof, related to, useful for, or in furtherance of
7073 any authorized purpose, in compliance with Chapter 133. of the
7074 Revised Code, except that the bonds or notes only may be issued

pursuant to a vote of the electors residing within the territory 7075
of the port authority. The net indebtedness incurred by a port 7076
authority shall never exceed two per cent of the total value of 7077
all property within the territory comprising the authority as 7078
listed and assessed for taxation. 7079

(4) By resolution of its board of directors, issue revenue 7080
bonds beyond the limit of bonded indebtedness provided by law, for 7081
the acquisition, construction, furnishing, or equipping of any 7082
real or personal property, or any combination thereof, related to, 7083
useful for, or in furtherance of any authorized purpose, including 7084
all costs in connection with or incidental thereto. 7085

The revenue bonds of the port authority shall be secured only 7086
by a pledge of and a lien on the revenues of the port authority 7087
derived from those loan payments, rentals, fees, charges, or other 7088
revenues that are designated in the resolution, including, but not 7089
limited to, any property to be acquired, constructed, furnished, 7090
or equipped with the proceeds of the bond issue, after provision 7091
only for the reasonable cost of operating, maintaining, and 7092
repairing the property of the port authority so designated. The 7093
bonds may further be secured by the covenant of the port authority 7094
to maintain rates or charges that will produce revenues sufficient 7095
to meet the costs of operating, maintaining, and repairing such 7096
property and to meet the interest and principal requirements of 7097
the bonds and to establish and maintain reserves for the foregoing 7098
purposes. The board of directors, by resolution, may provide for 7099
the issuance of additional revenue bonds from time to time, to be 7100
secured equally and ratably, without preference, priority, or 7101
distinction, with outstanding revenue bonds, but subject to the 7102
terms and limitations of any trust agreement described in this 7103
section, and of any resolution authorizing bonds then outstanding. 7104
The board of directors, by resolution, may designate additional 7105
property of the port authority, the revenues of which shall be 7106

pledged and be subject to a lien for the payment of the debt 7107
charges on revenue bonds theretofore authorized by resolution of 7108
the board of directors, to the same extent as the revenues above 7109
described. 7110

In the discretion of the board of directors, the revenue 7111
bonds of the port authority may be secured by a trust agreement 7112
between the board of directors on behalf of the port authority and 7113
a corporate trustee, that may be any trust company or bank having 7114
powers of a trust company, within or without the state. 7115

The trust agreement may provide for the pledge or assignment 7116
of the revenues to be received, but shall not pledge the general 7117
credit and taxing power of the port authority. A trust agreement 7118
securing revenue bonds issued to acquire, construct, furnish, or 7119
equip real property, plants, factories, offices, and other 7120
structures and facilities for authorized purposes consistent with 7121
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 7122
the real or personal property, or a combination thereof, to be 7123
acquired, constructed, furnished, or equipped from the proceeds of 7124
such revenue bonds, as further security for the bonds. The trust 7125
agreement or the resolution providing for the issuance of revenue 7126
bonds may set forth the rights and remedies of the bondholders and 7127
trustee, and may contain other provisions for protecting and 7128
enforcing their rights and remedies that are determined in the 7129
discretion of the board of directors to be reasonable and proper. 7130
The agreement or resolution may provide for the custody, 7131
investment, and disbursement of all moneys derived from the sale 7132
of such bonds, or from the revenues of the port authority, other 7133
than those moneys received from taxes levied pursuant to section 7134
4582.14 of the Revised Code, and may provide for the deposit of 7135
such funds without regard to section 4582.15 of the Revised Code. 7136

All bonds issued under authority of this chapter, regardless 7137
of form or terms and regardless of any other law to the contrary, 7138

shall have all qualities and incidents of negotiable instruments, 7139
subject to provisions for registration, and may be issued in 7140
coupon, fully registered, or other form, or any combination 7141
thereof, as the board of directors determines. Provision may be 7142
made for the registration of any coupon bonds as to principal 7143
alone or as to both principal and interest, and for the conversion 7144
into coupon bonds of any fully registered bonds or bonds 7145
registered as to both principal and interest. 7146

The revenue bonds shall bear interest at such rate or rates, 7147
shall bear such date or dates, and shall mature within forty-five 7148
years following the date of issuance and in such amount, at such 7149
time or times, and in such number of installments, as may be 7150
provided in or pursuant to the resolution authorizing their 7151
issuance. The final maturity of any original issue of revenue 7152
bonds shall not be later than forty-five years from their date of 7153
issue. Such resolution also shall provide for the execution of the 7154
bonds, which may be by facsimile signatures unless prohibited by 7155
the resolution, and the manner of sale of the bonds. The 7156
resolution shall provide for, or provide for the determination of, 7157
any other terms and conditions relative to the issuance, sale, and 7158
retirement of the bonds that the board of directors in its 7159
discretion determines to be reasonable and proper. 7160

Whenever a port authority considers it expedient, it may 7161
issue renewal notes and refund any bonds, whether the bonds to be 7162
refunded have or have not matured. The final maturity of any 7163
notes, including any renewal notes, shall not be later than five 7164
years from the date of issue of the original issue of notes. The 7165
final maturity of any refunding bonds shall not be later than the 7166
later of forty-five years from the date of issue of the original 7167
issue of bonds. The refunding bonds shall be sold and the proceeds 7168
applied to the purchase, redemption, or payment of the bonds to be 7169
refunded and the costs of issuance of the refunding bonds. The 7170

bonds and notes issued under this chapter, their transfer, and the 7171
income therefrom, shall at all times be free from taxation within 7172
the state. 7173

(5) Do any of the following, in regard to any interests in 7174
any real or personal property, or any combination thereof, 7175
including, without limitation, machinery, equipment, plants, 7176
factories, offices, and other structures and facilities related 7177
to, useful for, or in furtherance of any authorized purpose, for 7178
such consideration and in such manner, consistent with Article 7179
VIII, Ohio Constitution, as the board in its sole discretion may 7180
determine: 7181

(a) Loan moneys to any person or governmental entity for the 7182
acquisition, construction, furnishing, and equipping of the 7183
property; 7184

(b) Acquire, construct, maintain, repair, furnish, and equip 7185
the property; 7186

(c) Sell to, exchange with, lease, convey other interests in, 7187
or lease with an option to purchase the same or any lesser 7188
interest in the property to the same or any other person or 7189
governmental entity; 7190

(d) Guarantee the obligations of any person or governmental 7191
entity. 7192

A port authority may accept and hold as consideration for the 7193
conveyance of property or any interest therein such property or 7194
interests therein as the board in its discretion may determine, 7195
notwithstanding any restrictions that apply to the investment of 7196
funds by a port authority. 7197

(6) Construct, maintain, repair, furnish, equip, sell, 7198
exchange, lease, or lease with an option to purchase, any property 7199
that it is authorized to acquire. A port authority that is subject 7200
to this section also may operate any property in connection with 7201

transportation, recreational, governmental operations, or cultural 7202
activities. 7203

(a) Any purchase, exchange, sale, lease, lease with an option 7204
to purchase, conveyance of other interests in, or other contract 7205
with a person or governmental entity that pertains to the 7206
acquisition, construction, maintenance, repair, furnishing, 7207
equipping, or operation of any real or personal property, or any 7208
combination thereof, related to, useful for, or in furtherance of 7209
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 7210
Constitution, shall be made in such manner and subject to such 7211
terms and conditions as may be determined by the board of 7212
directors in its discretion. 7213

(b) Division (A)(6)(a) of this section applies to all 7214
contracts that are subject to the division, notwithstanding any 7215
other provision of law that might otherwise apply, including, 7216
without limitation, any requirement of notice, any requirement of 7217
competitive bidding or selection, or any requirement for the 7218
provision of security. 7219

(c) Divisions (A)(6)(a) and (b) of this section do not apply 7220
to either of the following: 7221

(i) Any contract secured by or to be paid from moneys raised 7222
by taxation or the proceeds of obligations secured by a pledge of 7223
moneys raised by taxation; 7224

(ii) Any contract secured exclusively by or to be paid 7225
exclusively from the general revenues of the port authority. For 7226
the purposes of this section, any revenues derived by the port 7227
authority under a lease or other agreement that, by its terms, 7228
contemplates the use of amounts payable under the agreement either 7229
to pay the costs of the improvement that is the subject of the 7230
contract or to secure obligations of the port authority issued to 7231
finance costs of such improvement, are excluded from general 7232

revenues. 7233

(7) Apply to the proper authorities of the United States 7234
pursuant to appropriate law for the right to establish, operate, 7235
and maintain foreign trade zones and to establish, operate, and 7236
maintain foreign trade zones; and to acquire land or property 7237
therefor, in a manner consistent with section 4582.17 of the 7238
Revised Code; 7239

(8) Exercise the right of eminent domain to appropriate any 7240
land, rights, rights-of-way, franchises, easements, or other 7241
property, necessary or proper for any authorized purpose, pursuant 7242
to the procedure provided in sections 163.01 to 163.22 of the 7243
Revised Code, if funds equal to the appraised value of the 7244
property to be acquired as a result of such proceedings are 7245
available for that purpose, except that nothing contained in 7246
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 7247
port authority to take or disturb property or facilities belonging 7248
to any agency or political subdivision of this state, public 7249
utility, or common carrier, which property or facilities are 7250
necessary and convenient in the operation of the agency or 7251
political subdivision, public utility, or common carrier, unless 7252
provision is made for the restoration, relocation, or duplication 7253
of the property or facilities, or upon the election of the agency 7254
or political subdivision, public utility, or common carrier, for 7255
the payment of compensation, if any, at the sole cost of the port 7256
authority, provided that: 7257

(a) If any restoration or duplication proposed to be made 7258
pursuant to this section involves a relocation of such property or 7259
facilities, the new facilities and location shall be of at least 7260
comparable utilitarian value and effectiveness, and the relocation 7261
shall not impair the ability of the public utility or common 7262
carrier to compete in its original area of operation. 7263

(b) If any restoration or duplication made pursuant to this 7264

section involves a relocation of such property or facilities, the 7265
port authority shall acquire no interest or right in or to the 7266
appropriated property or facilities, except as provided in 7267
division (A)(11) of this section, until the relocated property or 7268
facilities are available for use and until marketable title 7269
thereto has been transferred to the public utility or common 7270
carrier. 7271

(c) Provisions for restoration or duplication shall be 7272
described in detail in the resolution for appropriation passed by 7273
the port authority. 7274

(9) Enjoy and possess the same rights, privileges, and powers 7275
granted municipal corporations under sections 721.04 to 721.11 of 7276
the Revised Code; 7277

(10) Maintain such funds as it considers necessary; 7278

(11) Direct its agents or employees, when properly identified 7279
in writing, and after at least five days' written notice, to enter 7280
upon lands within the confines of its jurisdiction in order to 7281
make surveys and examinations preliminary to location and 7282
construction of works for the purposes of the port authority, 7283
without liability of the port authority or its agents or employees 7284
except for actual damage done; 7285

(12) Sell, lease, or convey other interests in real and 7286
personal property and grant easements or rights-of-way over 7287
property of the port authority. The board of directors shall 7288
specify the consideration and any terms thereof for the sale, 7289
lease, or conveyance of other interests in real and personal 7290
property. Any determinations made by the board of directors under 7291
this division shall be conclusive. The sale, lease, or conveyance 7292
may be made without advertising and the receipt of bids. 7293

(13) Promote, advertise, and publicize the port authority 7294
facilities and its authorized purposes, provide information to 7295

persons with an interest in transportation and other port 7296
authority activities, and appear before rate-making authorities to 7297
represent and promote the interests of the port authority and its 7298
authorized purposes; 7299

(14) Adopt rules, not in conflict with general law, governing 7300
the use of and the safeguarding of its property, grounds, 7301
buildings, equipment, and facilities, safeguarding persons and 7302
their property located on or in port authority property, and 7303
governing the conduct of its employees and the public, in order to 7304
promote the public safety and convenience in and about its 7305
terminals and grounds, and to maintain order. Any such regulation 7306
shall be posted at no less than five public places in the port 7307
authority, as determined by the board of directors, for a period 7308
of not fewer than fifteen days, and shall be available for public 7309
inspection at the principal office of the port authority during 7310
regular business hours. No person shall violate any lawful 7311
regulation adopted and posted as provided in this division. 7312

(15) Do all acts necessary or appropriate to carry out its 7313
authorized purposes. The port authority shall have the powers and 7314
rights granted to other subdivisions under section 9.20 of the 7315
Revised Code. 7316

(B) Any instrument by which real property is acquired 7317
pursuant to this section shall identify the agency of the state 7318
that has the use and benefit of the real property as specified in 7319
section 5301.012 of the Revised Code. 7320

(C) Whoever violates division (A)(14) of this section is 7321
guilty of a minor misdemeanor. 7322

Sec. 4582.171. A port authority may charge, alter, and 7323
collect rentals or other charges for the use or services of any 7324
port authority facility and contract in the manner provided by 7325
this section with one or more persons, one or more governmental 7326

agencies, or any combination thereof, desiring the use or services 7327
of the facility, and fix the terms, conditions, rentals, or other 7328
charges for the use or services. If the services are furnished in 7329
the jurisdiction of the port authority by a public utility or a 7330
common carrier, charges by the port authority for the services 7331
shall not be less than the charges established for the same 7332
services furnished by a public utility or common carrier in the 7333
port authority jurisdiction. The rentals or other charges shall 7334
not be subject to supervision or regulation by any other 7335
authority, commission, board, bureau, or agency of the state and 7336
the contract may provide for acquisition by the person or 7337
governmental agency of all or any part of the port authority 7338
facility for such consideration payable over the period of the 7339
contract or otherwise as the port authority in its sole discretion 7340
determines to be appropriate, but subject to the provisions of any 7341
resolution authorizing the issuance of port authority revenue 7342
bonds or any trust agreement securing the bonds. Any governmental 7343
agency that has power to construct, operate, and maintain port 7344
authority facilities may enter into a contract or lease with a 7345
port authority whereby the use or services of any port authority 7346
facility will be made available to the governmental agency, and 7347
may pay for the use or services rentals or other charges as may be 7348
agreed to by the port authority and the governmental agency. 7349

Any governmental agency or combination of governmental 7350
agencies may cooperate with the port authority in the acquisition 7351
or construction of port authority facilities and shall enter into 7352
such agreements with the port authority as may be appropriate, 7353
with a view to effective cooperative action and safeguarding of 7354
the respective interests of the parties thereto, which agreements 7355
shall provide for contributions by the parties thereto in a 7356
proportion as may be agreed upon and other terms as may be 7357
mutually satisfactory to the parties including, without 7358
limitation, the authorization of the construction of the facility 7359

by one of the parties acting as agent for all of the parties and 7360
the ownership and control of the facility by the port authority to 7361
the extent necessary or appropriate. Any governmental agency may 7362
provide the funds for the payment of any contribution required 7363
under such agreements by the levy of taxes or assessments if 7364
otherwise authorized by the laws governing the governmental agency 7365
in the construction of the type of port authority facility 7366
provided for in the agreements, and may pay the proceeds from the 7367
collection of the taxes or assessments; or the governmental agency 7368
may issue bonds or notes, if authorized by those laws, in 7369
anticipation of the collection of the taxes or assessments, and 7370
may pay the proceeds of the bonds or notes to the port authority 7371
pursuant to such agreements. In addition, any governmental agency 7372
may provide the funds for the payment of a contribution by the 7373
appropriation of money or, if otherwise authorized by law, by the 7374
issuance of bonds or notes and may pay the appropriated money or 7375
the proceeds of the bonds or notes to the port authority pursuant 7376
to such agreements. The agreement by the governmental agency to 7377
provide a contribution, whether from appropriated money or from 7378
the proceeds of taxes or assessments, or bonds or notes, or any 7379
combination thereof, shall not be subject to Chapter 133. of the 7380
Revised Code or any rules or limitations contained therein. The 7381
proceeds from the collection of taxes or assessments, and any 7382
interest earned thereon, shall be paid into a special fund 7383
immediately upon the collection thereof by the governmental agency 7384
for the purpose of providing the contribution at the times 7385
required under such agreements. 7386

When the contribution of any governmental agency is to be 7387
made over a period of time from the proceeds of the collection of 7388
special assessments, the interest accrued and to accrue before the 7389
first installment of the assessments is collected, which is 7390
payable by the governmental agency on the contribution under the 7391
terms and provisions of the agreements, shall be treated as part 7392

of the cost of the improvement for which the assessments are 7393
levied, and that portion of the assessments that is collected in 7394
installments shall bear interest at the same rate as the 7395
governmental agency is obligated to pay on the contribution under 7396
the terms and provisions of the agreements and for the same period 7397
of time as the contribution is to be made under the agreements. If 7398
the assessment or any installment thereof is not paid when due, it 7399
shall bear interest until the payment thereof at the same rate as 7400
the contribution and the county auditor shall annually place on 7401
the tax list and duplicate the interest applicable to the 7402
assessment and the penalty thereon as otherwise authorized by law. 7403

As used in this section, the term "governmental agency" has 7404
the meaning defined in section 4582.21 of the Revised Code. 7405

Sec. 4737.04. (A) As used in this section and sections 7406
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of 7407
the Revised Code: 7408

(1) "Scrap metal dealer" means the owner or operator of a 7409
business that purchases or receives scrap metal for the purpose of 7410
sorting, grading, and shipping metals to third parties for direct 7411
or indirect melting into new products. 7412

(2) "Special purchase article" means all of the following: 7413

(a) Beer kegs; 7414

(b) Cable, wire, electrical components, and other equipment 7415
used in providing cable service or any utility service, including, 7416
but not limited to, copper or aluminum coverings, housings, or 7417
enclosures related thereto; 7418

(c) Grave markers, sculptures, plaques, and vases made out of 7419
metal, the appearance of which suggests that the articles have 7420
been obtained from a cemetery; 7421

(d) Guard rails for bridges, highways, and roads; highway and 7422

street signs; street light poles and fixtures; worker access hole	7423
covers, water meter covers, and other similar types of utility	7424
access covers; traffic directional and control signs and light	7425
signals, metal marked with the name of a political subdivision of	7426
the state, and other metal articles that are purchased and	7427
installed for use upon authorization of the state or any political	7428
subdivision of the state;	7429
(e) Historical, commemorative, and memorial markers and	7430
plaques made out of metal;	7431
(f) Four-wheel metal carts, commonly referred to as "grocery	7432
carts," that are generally used by individuals to collect and	7433
transport consumer goods while shopping;	7434
(g) Four-wheel metal carts, commonly referred to as "metal	7435
bossies," that are used to transport or merchandise food products	7436
that are stored in crates, shells, or trays;	7437
(h) Railroad material, including journal brasses, rail	7438
spikes, rails, tie plates, frogs, and communication wire;	7439
(i) Metal trays, merchandise containers, or similar transport	7440
containers used by a product producer, distributor, retailer, or	7441
an agent of a product producer, distributor, or retailer as a	7442
means for the bulk transportation, storage, or carrying of retail	7443
containers of milk, baked goods, eggs, or bottled beverage	7444
products;	7445
(j) "Burnt wire," which is any <u>coated</u> metal <u>wire</u> that has	7446
been smelted, burned, or melted <u>thereby removing the</u>	7447
<u>manufacturer's or owner's identifying marks.</u>	7448
(3) "Bulk merchandise container" has the same meaning as in	7449
section 4737.012 of the Revised Code.	7450
(4) "Bulk merchandise container dealer" means a dealer who is	7451
subject to section 4737.012 of the Revised Code.	7452

(5) "Common recycled matter" means bottles and other 7453
containers made out of steel, tin, or aluminum and other consumer 7454
goods that are metal that are recycled by individual consumers and 7455
not in the bulk or quantity that could be supplied or recycled by 7456
large business establishments. "Common recycled matter" does not 7457
include a metal tray used by a product producer, distributor, 7458
retailer, or agent of a product producer, distributor, or retailer 7459
as a means for the bulk transportation, storage, or carrying of 7460
retail containers of milk, baked goods, eggs, or bottled beverage 7461
products. 7462

(6) "Consumer goods" has the same meaning as in section 7463
1309.102 of the Revised Code. 7464

(7) "Recyclable materials" means the metal materials 7465
described in division (C)(5) of this section, on the condition 7466
that those metal materials are not special purchase articles. 7467

(8) "Motor vehicle" has the same meaning as in section 7468
4501.01 of the Revised Code. 7469

(B)(1) No person shall engage in the business of scrap metal 7470
dealing or act as a bulk merchandise container dealer without 7471
first registering with the director of public safety in accordance 7472
with section 4737.045 of the Revised Code. 7473

~~(2) Notwithstanding section 2913.02 of the Revised Code, no 7474
person, with purpose to deprive the owner of a special purchase 7475
article or bulk merchandise container, shall knowingly obtain or 7476
exert control over the special purchase article or bulk 7477
merchandise container in any of the following ways: 7478~~

~~(a) Without the consent of the owner or person authorized to 7479
give consent; 7480~~

~~(b) Beyond the scope of the express or implied consent of the 7481
owner or person authorized to give consent; 7482~~

~~(c) By deception;~~ 7483

~~(d) By threat;~~ 7484

~~(e) By intimidation.~~ 7485

~~(3)~~ No person shall receive, purchase, or sell a special 7486
purchase article or a bulk merchandise container except as in 7487
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 7488
Revised Code. 7489

(C) Every scrap metal dealer shall maintain a record book or 7490
electronic file, in which the dealer shall keep an accurate and 7491
complete record of all articles purchased or received by the 7492
dealer in the course of the dealer's daily business. On and after 7493
September 11, 2008, every entry in the record book or electronic 7494
file shall be numbered consecutively and, on or after ~~the~~ 7495
~~effective date of this amendment~~ September 28, 2012, shall be 7496
maintained for inspection in numerical order. Until the registry 7497
developed by the director pursuant to section 4737.045 of the 7498
Revised Code is operational, a dealer shall maintain the record 7499
for each article purchased or received for a minimum period of one 7500
year after the date the dealer purchased or received the article, 7501
except that the dealer shall maintain the photograph required 7502
under division (I) of this section only for a period of sixty days 7503
after the dealer purchased or received the article. Beginning on 7504
the date the registry is operational, a dealer shall maintain the 7505
record for each article purchased or received only for a period of 7506
sixty days after the date the dealer purchased or received the 7507
article. The director shall adopt rules for the format and 7508
maintenance of the records required under this division. 7509

The records shall contain all of the following: 7510

(1) The name and residence of the person from whom the 7511
articles were purchased or received, a copy of that person's 7512
personal identification card, and a photograph of the person taken 7513

pursuant to division (I) of this section; 7514

(2) The date and time the scrap metal dealer purchased or 7515
received the articles and the weight of the articles as determined 7516
by a licensed commercial scale; 7517

(3) If the seller or provider of the articles arrives at the 7518
dealer's place of business in a motor vehicle, the license plate 7519
number of that motor vehicle along with the state that issued the 7520
license plate; 7521

(4) For metal articles that are not recyclable materials, a 7522
full and accurate description of each article purchased or 7523
received by the dealer that includes identifying letters or marks 7524
written, inscribed, or otherwise included on the article and the 7525
name and maker of the article if known; 7526

(5) For recyclable materials that are not special purchase 7527
articles, the following category codes to identify the recyclable 7528
materials that the dealer receives: 7529

(a) "Number one copper," which includes clean copper pipe, 7530
clean copper wire, or other number one copper that does not have 7531
solder, paint, or coating; 7532

(b) "Number two copper," which includes unclean copper pipe, 7533
unclean copper wire, or other number two copper; 7534

(c) "Sheet copper," which includes copper roofing, copper 7535
gutters, copper downspouts, and other sheet copper; 7536

(d) "Insulated copper wire"; 7537

(e) "Aluminum or copper radiators," which includes aluminum 7538
radiators, aluminum copper radiators, and copper radiators; 7539

(f) "Red brass," which includes red brass valves and other 7540
red brass; 7541

(g) "Yellow brass," which includes yellow brass fixtures, 7542
yellow brass valve and fitting, ornamental brass, and other yellow 7543

brass;	7544
(h) "Aluminum sheet";	7545
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	7546 7547 7548
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	7549 7550 7551
(k) "Clean aluminum wire";	7552
(l) "Unclean aluminum wire";	7553
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	7554 7555 7556
(n) "Contaminated aluminum";	7557
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	7558 7559 7560
(p) "Large appliances," which includes consumer and other appliances;	7561 7562
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	7563 7564 7565
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	7566 7567 7568
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	7569 7570
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle	7571 7572

parts;	7573
(u) "Catalytic converters";	7574
(v) "Lead";	7575
(w) "Electric motors-";	7576
<u>(x) "Electronic scrap," which includes any consumer or</u>	7577
<u>commercial electronic equipment such as computers, servers,</u>	7578
<u>routers, video displays, and similar products.</u>	7579
(6) For recyclable materials that are special purchase	7580
articles, the relevant category provided in division (A)(2) of	7581
this section.	7582
(D) Railroad material, including journal brasses, rail	7583
spikes, rails, tie plates, frogs, and communication wire, other	7584
than purchases and sales under sections 4973.13 to 4973.16 of the	7585
Revised Code, shall be held by a scrap metal dealer for a period	7586
of thirty days after being purchased or acquired.	7587
(E)(1) The records required under division (C) of this	7588
section or under section 4737.012 of the Revised Code shall be	7589
open for inspection by the representative of any law enforcement	7590
agency, railroad police officers, and the director of public	7591
safety or the director's designated representative during all	7592
business hours. A scrap metal dealer or bulk merchandise container	7593
dealer shall do both of the following:	7594
(a) Provide a copy of those records to any law enforcement	7595
agency or railroad police officer that requests the records or to	7596
the director or director's representative, upon request;	7597
(b) Prepare a daily electronic report, the content and format	7598
of which shall be established in rules adopted by the director,	7599
listing all retail transactions that occurred during the preceding	7600
day and containing the information described in division (C) of	7601
this section or division (A) of section 4737.012 of the Revised	7602

Code, as applicable. The dealer shall electronically transfer, by 7603
twelve noon eastern standard time, the report for inclusion in the 7604
registry created pursuant to division (E) of section 4737.045 of 7605
the Revised Code. 7606

(2) A law enforcement agency may inspect any photographic 7607
records collected and maintained by a scrap metal dealer of either 7608
yard operations or individual transactions. Records submitted to 7609
any law enforcement agency pursuant to this section are not public 7610
records for purposes of section 149.43 of the Revised Code. 7611

~~(2)~~(3) Records submitted to any law enforcement agency, 7612
railroad police officer, or the director or the director's 7613
designated representative as required by section 4737.012 of the 7614
Revised Code and sections 4737.04 to 4737.045 of the Revised Code 7615
shall not be public records for the purposes of section 149.43 of 7616
the Revised Code. 7617

(4) Notwithstanding division (E)(3) of this section, the 7618
names and addresses of scrap metal dealers and bulk merchandise 7619
container dealers shall be made available to the public by the 7620
director upon request. 7621

(5) A person who claims to own a stolen article that may be 7622
identified in those records, or an agent of that person, who 7623
provides proof of having filed a stolen property report with the 7624
appropriate law enforcement agency, may request those records. The 7625
law enforcement agency shall provide those records upon a request 7626
made by such a person or that person's agent, but the law 7627
enforcement agency shall redact information that reveals the name 7628
of the seller of any article and the price the dealer paid for any 7629
article the dealer purchased or the estimated value of any article 7630
the dealer received. The law enforcement agency shall determine 7631
which records to provide, based upon the time period that the 7632
alleged theft is reported to have taken place. A law enforcement 7633
agency may charge or collect a fee for providing records as 7634

required by this section. 7635

(F)(1) No scrap metal dealer shall purchase or receive any 7636
metal articles, and no bulk merchandise container dealer shall 7637
purchase or receive any bulk merchandise containers, from a person 7638
who refuses to show the dealer the person's personal 7639
identification card, or who refuses to allow the dealer to take a 7640
photograph of the person as required under division (I) of this 7641
section or of the person or container as required under division 7642
(B) of section 4737.012 of the Revised Code. 7643

(2) The law enforcement agency that serves the jurisdiction 7644
in which a scrap metal dealer or a bulk merchandise container 7645
dealer is located shall provide to the scrap metal dealer or bulk 7646
merchandise container dealer a searchable, electronic list 7647
prepared in accordance with rules adopted by the director, as that 7648
agency determines appropriate, of the names and descriptions of 7649
persons known to be thieves or receivers of stolen property. The 7650
law enforcement agency may request the appropriate clerk of courts 7651
to provide the list. No scrap metal dealer or bulk merchandise 7652
container dealer shall purchase or receive articles from any 7653
person who is either identified on the list the dealer receives 7654
from the law enforcement agency, or who appears on the lists made 7655
available by the director pursuant to division (E) of section 7656
4737.045 of the Revised Code. The law enforcement agency also 7657
shall provide the list to the department of public safety, in an 7658
electronic format in accordance with rules adopted by the 7659
director, for inclusion in the registry created in section 7660
4737.045 of the Revised Code. 7661

(3) No scrap metal dealer or bulk merchandise container 7662
dealer shall purchase or receive any special purchase articles or 7663
bulk merchandise containers from any person who is under eighteen 7664
years of age. 7665

(4) No scrap metal dealer shall purchase or receive any 7666

special purchase article without complying with division (C) ~~or~~ 7667
and (I) of this section and division (B), (C), or (D) of section 7668
4737.041 of the Revised Code. 7669

(5) No scrap metal dealer shall purchase or receive more than 7670
one catalytic converter per day from the same person except from a 7671
motor vehicle dealer as defined in section 4517.01 of the Revised 7672
Code. 7673

(6) No scrap metal dealer shall purchase or receive a beer 7674
keg that is marked with a company name or logo except from a 7675
manufacturer of beer as described in section 4303.02 of the 7676
Revised Code or an agent authorized by the manufacturer to dispose 7677
of damaged kegs. 7678

(7) No scrap metal dealer shall treat a transaction as exempt 7679
from section 4737.04 or 4737.041 of the Revised Code unless the 7680
seller provides evidence of satisfying division (D)(3) of section 7681
4737.043 of the Revised Code. 7682

(G) Every scrap metal dealer and bulk merchandise container 7683
dealer shall post a notice in a conspicuous place on the dealer's 7684
premises notifying persons who may wish to transact business with 7685
the dealer of the penalties applicable to any person who does any 7686
of the following: 7687

(1) Provides a false personal identification card to the 7688
dealer; 7689

(2) With purpose to defraud, provides any other false 7690
information to the dealer in connection with the dealer's duty to 7691
maintain the records required under division (C) of this section 7692
or under section 4737.012 of the Revised Code; 7693

(3) Violates section 2913.02 of the Revised Code ~~or division~~ 7694
~~(B)(2) of this section.~~ 7695

(H)(1) Except as otherwise provided in division (F)(2) of 7696

this section, a clerk of courts or an employee of a clerk of courts; a chief of police, marshal, or other chief law enforcement officer; a sheriff, constable, or chief of police of a township police department or police district police force; a deputy, officer, or employee of the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable; and an employee of the department of public safety is immune from liability in a civil action, including an action for defamation, libel, or slander, to recover damages for injury, death, or loss to persons or property or reputation allegedly caused by an act or omission in connection with compiling and providing the list required by division (F)(2) of this section.

(2) The immunity described in division (H)(1) of this section does not apply to a person described in that division if, in relation to the act or omission in question, any of the following applies:

(a) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.

(b) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(I) Every scrap metal dealer shall take a photograph, in accordance with rules adopted by the director, of each person who sells or otherwise gives the dealer an article for which the dealer must make record under division (C) of this section.

The dealer shall take the required photograph at the time the dealer purchases or receives the article and shall keep the photograph as part of the record in accordance with division (C) of this section.

(J)(1) An individual listed as a known thief or receiver of stolen property on a list prepared pursuant to division (F)(2) of this section may request that the individual's name be removed from the list by filing an application with the law enforcement agency responsible for preparing the list. 7728
7729
7730
7731
7732

(2) A law enforcement agency receiving an application in accordance with division (J)(1) of this section shall remove the applicant's name from the list of known thieves and receivers of stolen property if the individual has not been convicted of or pleaded guilty to either a misdemeanor that is a theft offense, as defined in section 2913.01 of the Revised Code, within three years immediately prior to the date of the application or a felony that is a theft offense within six years immediately prior to the date of the application. 7733
7734
7735
7736
7737
7738
7739
7740
7741

Sec. 4737.99. (A) Except as specified in divisions (B), (C), (D), (E), and (F) of this section, whoever violates sections 4737.01 to 4737.11 of the Revised Code, shall be fined not less than twenty-five nor more than one thousand dollars and the costs of prosecution. 7742
7743
7744
7745
7746

(B) Whoever violates division (F)(2) of section 4737.10 of the Revised Code is guilty of a misdemeanor of the fourth degree. 7747
7748

(C) Whoever fails to comply with or violates section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender one time previously has violated or failed to comply with section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, the violation or failure is a felony of the fifth degree. If the offender two or more times previously has violated or failed to comply with section 4737.01, 7749
7750
7751
7752
7753
7754
7755
7756
7757
7758

4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of 7759
section 4737.04, or division (D) of section 4737.045 of the 7760
Revised Code, the violation or failure is a felony of the fourth 7761
degree. For any second or subsequent violation of or failure to 7762
comply with section 4737.01, 4737.012, or 4737.041, or division 7763
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 7764
(D) of section 4737.045 of the Revised Code, a court may suspend 7765
the registration issued to the scrap metal dealer or bulk 7766
merchandise container dealer under section 4737.045 of the Revised 7767
Code for a period of ninety days, during which time period the 7768
person shall not engage in the business of a scrap metal dealer or 7769
a bulk merchandise container dealer, as applicable. 7770

(D) Whoever violates division (B)(1) of section 4737.04 of 7771
the Revised Code is guilty of a felony of the fifth degree. The 7772
court also shall enjoin the person from engaging in the business 7773
of a scrap metal dealer or a bulk merchandise dealer. 7774

(E) ~~Notwithstanding section 2913.02 of the Revised Code,~~ 7775
~~whoever~~ Whoever violates division (B)(2) ~~or (3)~~ of section 4737.04 7776
of the Revised Code is guilty of a felony of the fifth degree for 7777
the first offense and a felony of the third degree for any 7778
subsequent offense. 7779

(F) Any motor vehicle used in the theft or illegal 7780
transportation of metal shall be impounded for at least thirty 7781
days and not more than sixty days. If the same motor vehicle is 7782
used in connection with a second or subsequent theft or illegal 7783
transportation of metal, the motor vehicle shall be impounded for 7784
at least sixty days and not more than one hundred eighty days. Any 7785
motor vehicle used in the theft or illegal transportation of a 7786
special purchase article or bulk merchandise container shall be 7787
impounded for at least ninety days and not more than three hundred 7788
sixty days. A motor vehicle impounded pursuant to this division 7789
shall be stored at a municipal corporation impound lot, if 7790

available, or at a lot owned by a private entity or another 7791
governmental unit that the municipal corporation utilizes for the 7792
purpose of impounding a motor vehicle. An impounded motor vehicle 7793
may be recovered from the impound lot at the end of the impound 7794
term upon payment of fees, ~~fifty per cent of which shall be~~ 7795
~~remitted to the department of public safety to offset the costs of~~ 7796
~~operating the registry established pursuant to section 4737.045 of~~ 7797
~~the Revised Code.~~ 7798

Sec. 4743.05. Except as otherwise provided in sections 7799
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 7800
Revised Code, all money collected under Chapters 3773., 4701., 7801
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 7802
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 7803
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 7804
shall be paid into the state treasury to the credit of the 7805
occupational licensing and regulatory fund, which is hereby 7806
created for use in administering such chapters. 7807

At the end of each quarter, the director of budget and 7808
management shall transfer from the occupational licensing and 7809
regulatory fund to the nurse education assistance fund created in 7810
section 3333.28 of the Revised Code the amount certified to the 7811
director under division (B) of section 4723.08 of the Revised 7812
Code. 7813

At the end of each quarter, the director shall transfer from 7814
the occupational licensing and regulatory fund to the certified 7815
public accountant education assistance fund created in section 7816
4701.26 of the Revised Code the amount certified to the director 7817
under division (H)(2) of section 4701.10 of the Revised Code. 7818

Sec. 4765.02. (A)(1) There is hereby created the state board 7819
of emergency medical, fire, and transportation services within the 7820

division of emergency medical services of the department of public 7821
safety. The board shall consist of the members specified in this 7822
section who are residents of this state. The governor, with the 7823
advice and consent of the senate, shall appoint all members of the 7824
board, except the employee of the department of public safety 7825
designated by the director of public safety under this section to 7826
be a member of the board. In making the appointments, the governor 7827
shall appoint only members with background or experience in 7828
emergency medical services or trauma care and shall attempt to 7829
include members representing urban and rural areas, various 7830
geographical regions of the state, and various schools of 7831
training. 7832

(2) One member of the board shall be a physician certified by 7833
the American board of emergency medicine or the American 7834
osteopathic board of emergency medicine who is active in the 7835
practice of emergency medicine and is actively involved with an 7836
emergency medical service organization. The governor shall appoint 7837
this member from among three persons nominated by the Ohio chapter 7838
of the American college of emergency physicians and three persons 7839
nominated by the Ohio osteopathic association. One member shall be 7840
a physician certified by the American board of surgery or the 7841
American osteopathic board of surgery who is active in the 7842
practice of trauma surgery and is actively involved with emergency 7843
medical services. The governor shall appoint this member from 7844
among three persons nominated by the Ohio chapter of the American 7845
college of surgeons and three persons nominated by the Ohio 7846
osteopathic association. One member shall be a physician certified 7847
by the American academy of pediatrics or American osteopathic 7848
board of pediatrics who is active in the practice of pediatric 7849
emergency medicine and actively involved with an emergency medical 7850
service organization. The governor shall appoint this member from 7851
among three persons nominated by the Ohio chapter of the American 7852
academy of pediatrics and three persons nominated by the Ohio 7853

~~osteopathic association. One member shall be the administrator of~~ 7854
~~an adult or pediatric trauma center. The governor shall appoint~~ 7855
~~this member from among three persons nominated by the OHA: the~~ 7856
~~association for hospitals and health systems, three persons~~ 7857
~~nominated by the Ohio osteopathic association, three persons~~ 7858
~~nominated by the association of Ohio children's hospitals, and~~ 7859
~~three persons nominated by the health forum of Ohio. One member~~ 7860
shall be the administrator of a hospital ~~that is not a trauma~~ 7861
~~center~~ located in this state. The governor shall appoint this 7862
member from among three persons nominated by OHA: the association 7863
for hospitals and health systems, three persons nominated by the 7864
Ohio osteopathic association, and three persons nominated by the 7865
association of Ohio children's hospitals, ~~and three persons~~ 7866
~~nominated by the health forum of Ohio. One member shall be a~~ 7867
~~registered nurse~~ an adult or pediatric trauma program manager or 7868
trauma program director who is involved in the ~~active practice of~~ 7869
~~emergency nursing~~ daily management of a verified trauma center. 7870
The governor shall appoint this member from among three persons 7871
nominated by the Ohio nurses association, three persons nominated 7872
by the Ohio society of trauma nurse leaders, and three persons 7873
nominated by the Ohio state council of the emergency nurses 7874
association. One member shall be the chief of a fire department 7875
that is also an emergency medical service organization in which 7876
more than fifty per cent of the persons who provide emergency 7877
medical services are full-time paid employees. The governor shall 7878
appoint this member from among three persons nominated by the Ohio 7879
fire chiefs' association. One member shall be the chief of a fire 7880
department that is also an emergency medical service organization 7881
in which more than fifty per cent of the persons who provide 7882
emergency medical services are volunteers. The governor shall 7883
appoint this member from among three persons nominated by the Ohio 7884
fire chiefs' association. One member shall be a person who is 7885
certified to teach under section 4765.23 of the Revised Code ~~or,~~ 7886

if the board has not yet certified persons to teach under that 7887
section, a person who is qualified to be certified to teach under 7888
~~that section~~ and holds a valid certificate to practice as an EMT, 7889
AEMT, or paramedic. The governor shall appoint this member from 7890
among three persons nominated by the Ohio emergency medical 7891
technician instructors association and the Ohio 7892
instructor/coordinators' society. One member shall be an 7893
~~EMT basic, one shall be an EMT I, and one~~ EMT, AEMT, or paramedic, 7894
and one member shall be a paramedic. The governor shall appoint 7895
these members from among three ~~EMTs basic, three EMTs I,~~ EMTs or 7896
AEMTs and three paramedics nominated by the Ohio association of 7897
professional fire fighters and three ~~EMTs basic~~ EMTs, three ~~EMTs I~~ 7898
AEMTs, and three paramedics nominated by the northern Ohio fire 7899
fighters. One member shall be an ~~EMT basic, one shall be an EMT I,~~ 7900
~~and one~~ EMT, AEMT, or paramedic, and one member shall be a 7901
paramedic ~~whom the.~~ The governor shall appoint these members from 7902
among three ~~EMTs basic, three EMTs I,~~ EMTs or AEMTs and three 7903
paramedics nominated by the Ohio state firefighter's association. 7904
One member shall be a person whom the governor shall appoint from 7905
among an ~~EMT basic, an EMT I, and~~ EMT, AEMT, or a paramedic 7906
nominated by the Ohio association of emergency medical services or 7907
the Ohio ambulance and medical transportation association. One 7908
member shall be an EMT, AEMT, or a paramedic, whom the governor 7909
shall appoint from among three persons nominated by the Ohio 7910
ambulance and medical transportation association. One member shall 7911
be a paramedic, whom the governor shall appoint from among three 7912
persons nominated by the Ohio ambulance and medical transportation 7913
association. ~~The governor shall appoint one member who is an~~ 7914
~~EMT basic, EMT I, or paramedic~~ affiliated with an emergency 7915
medical services organization. One member shall be a member of the 7916
Ohio ambulance association whom the governor shall appoint from 7917
among three persons nominated by the Ohio ambulance association. 7918
One member shall be a physician certified by the American board of 7919

~~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 ambulette
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.

The director of public safety shall designate an employee of
the department of public safety to serve as a member of the board

at the director's pleasure. This member shall serve as a liaison 7952
between the department and the division of emergency medical 7953
services in cooperation with the executive director of the board. 7954

~~Initial appointments to the board by the governor and the 7955
director of public safety shall be made within ninety days after 7956
November 12, 1992. Of the initial appointments by the governor, 7957
five shall be for terms ending one year after November 12, 1992, 7958
six shall be for terms ending two years after November 12, 1992, 7959
and six shall be for terms ending three years after November 12, 7960
1992. Within ninety days after the effective date of this 7961
amendment, the governor shall appoint the member of the board who 7962
is the chief medical officer of an air medical agency for an 7963
initial term ending November 12, 2000. Thereafter, terms 7964~~

(B) Terms of office of all members appointed by the governor 7965
shall be for three years, each term ending on the same day of the 7966
same month as did the term it succeeds. Each member shall hold 7967
office from the date of appointment until the end of the term for 7968
which the member was appointed. A member shall continue in office 7969
subsequent to the expiration date of the member's term until the 7970
member's successor takes office, or until a period of sixty days 7971
has elapsed, whichever occurs first. 7972

Each vacancy shall be filled in the same manner as the 7973
original appointment. A member appointed to fill a vacancy 7974
occurring prior to the expiration of the term for which the 7975
member's predecessor was appointed shall hold office for the 7976
remainder of the unexpired term. 7977

The term of a member shall expire if the member ceases to 7978
meet any of the requirements to be appointed as that member. The 7979
governor may remove any member from office for neglect of duty, 7980
malfeasance, misfeasance, or nonfeasance, after an adjudication 7981
hearing held in accordance with Chapter 119. of the Revised Code. 7982

(C) The members of the board shall serve without compensation 7983
but shall be reimbursed for their actual and necessary expenses 7984
incurred in carrying out their duties as board members. 7985

(D) The board shall organize by annually selecting a chair 7986
and vice-chair from among its members. The board may adopt bylaws 7987
to regulate its affairs. A majority of all members of the board 7988
shall constitute a quorum. No action shall be taken without the 7989
concurrence of a majority of all members of the board. The board 7990
shall meet at least four times annually and at the call of the 7991
chair. The chair shall call a meeting on the request of the 7992
executive director or the medical director of the board or on the 7993
written request of five members. The board shall maintain written 7994
or electronic records of its meetings. 7995

(E) Upon twenty-four hours' notice from a member of the 7996
board, the member's employer shall release the member from the 7997
member's employment duties to attend meetings of the full board. 7998
Nothing in this ~~paragraph~~ division requires the employer of a 7999
member of the board to compensate the member for time the member 8000
is released from employment duties under this paragraph, but any 8001
civil immunity, workers' compensation, disability, or similar 8002
coverage that applies to a member of the board as a result of the 8003
member's employment shall continue to apply while the member is 8004
released from employment duties under this paragraph. 8005

Sec. 4765.03. (A) The director of public safety shall appoint 8006
a full-time executive director for the state board of emergency 8007
medical, fire, and transportation services. The executive director 8008
shall be knowledgeable in emergency medical services and trauma 8009
care and shall serve at the pleasure of the director of public 8010
safety. The director of public safety shall appoint the executive 8011
director from among three persons nominated by the board. The 8012
director of public safety may refuse, for cause, to appoint any of 8013

the board's nominees. If the director fails to appoint any of the board's nominees, the board shall continue to nominate groups of three persons until the director does appoint one of the board's nominees. The executive director shall serve as the chief executive officer of the board and as the executive director of the division of emergency medical services. The executive director shall attend each meeting of the board, except the board may exclude the executive director from discussions concerning the employment or performance of the executive director or medical director of the board. The executive director shall give a surety bond to the state in such sum as the board determines, conditioned on the faithful performance of the duties of the executive director's office. The executive director shall receive a salary from the board and shall be reimbursed for actual and necessary expenses incurred in carrying out duties as executive director.

The executive director shall submit a report to the director of public safety at least every three months regarding the status of emergency medical services in this state. The executive director shall meet with the director of public safety at the director's request.

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

association, and the Ohio state medical association. 8046

The medical director shall direct the executive director and 8047
advise the board with regard to adult and pediatric trauma and 8048
emergency medical services issues. The medical director shall 8049
attend each meeting of the board, except the board may exclude the 8050
medical director from discussions concerning the appointment or 8051
performance of the medical director or executive director of the 8052
board. The medical director shall be employed and paid by the 8053
board and shall be reimbursed for actual and necessary expenses 8054
incurred in carrying out duties as medical director. 8055

(C) The board may appoint employees as it determines 8056
necessary. The board shall prescribe the duties and titles of its 8057
employees. 8058

Sec. 4765.04. (A) The firefighter and fire safety inspector 8059
training committee of the state board of emergency medical, fire, 8060
and transportation services is hereby created and shall consist of 8061
the members of the board who are chiefs of fire departments, and 8062
the members of the board who are emergency medical 8063
technicians-basic, emergency medical technicians-intermediate, and 8064
emergency medical technicians-paramedic appointed from among 8065
persons nominated by the Ohio association of professional fire 8066
fighters or the northern Ohio fire fighters and from among persons 8067
nominated by the Ohio state firefighter's association. Each member 8068
of the committee, except the chairperson, may designate a person 8069
with fire experience to serve in that member's place. The members 8070
of the committee or their designees shall select a chairperson 8071
from among the members or their designees. 8072

The committee may conduct investigations in the course of 8073
discharging its duties under this chapter. In the course of an 8074
investigation, the committee may issue subpoenas. If a person 8075
subpoenaed fails to comply with the subpoena, the committee may 8076

authorize its chairperson to apply to the court of common pleas in 8077
the county where the person to be subpoenaed resides for an order 8078
compelling compliance in the same manner as compliance with a 8079
subpoena issued by the court is compelled. 8080

(B) The trauma committee of the state board of emergency 8081
medical, fire, and transportation services is hereby created and 8082
shall consist of the following members appointed by the director 8083
of public safety: 8084

(1) A physician who is certified by the American board of 8085
surgery or American osteopathic board of surgery and actively 8086
practices general trauma surgery, appointed from among three 8087
persons nominated by the Ohio chapter of the American college of 8088
surgeons, three persons nominated by the Ohio state medical 8089
association, and three persons nominated by the Ohio osteopathic 8090
association; 8091

(2) A physician who is certified by the American board of 8092
surgery or the American osteopathic board of surgery and actively 8093
practices orthopedic trauma surgery, appointed from among three 8094
persons nominated by the Ohio orthopedic society and three persons 8095
nominated by the Ohio osteopathic association; 8096

(3) A physician who is certified by the American board of 8097
neurological surgeons or the American osteopathic board of surgery 8098
and actively practices neurosurgery on trauma victims, appointed 8099
from among three persons nominated by the Ohio state neurological 8100
society and three persons nominated by the Ohio osteopathic 8101
association; 8102

(4) A physician who is certified by the American board of 8103
surgeons or American osteopathic board of surgeons and actively 8104
specializes in treating burn victims, appointed from among three 8105
persons nominated by the Ohio chapter of the American college of 8106
surgeons and three persons nominated by the Ohio osteopathic 8107

association; 8108

(5) A dentist who is certified by the American board of oral 8109
and maxillofacial surgery and actively practices oral and 8110
maxillofacial surgery, appointed from among three persons 8111
nominated by the Ohio dental association; 8112

(6) A physician who is certified by the American board of 8113
physical medicine and rehabilitation or American osteopathic board 8114
of rehabilitation medicine and actively provides rehabilitative 8115
care to trauma victims, appointed from among three persons 8116
nominated by the Ohio society of physical medicine and 8117
rehabilitation and three persons nominated by the Ohio osteopathic 8118
association; 8119

(7) A physician who is certified by the American board of 8120
surgery or American osteopathic board of surgery with special 8121
qualifications in pediatric surgery and actively practices 8122
pediatric trauma surgery, appointed from among three persons 8123
nominated by the Ohio chapter of the American academy of 8124
pediatrics and three persons nominated by the Ohio osteopathic 8125
association; 8126

(8) A physician who is certified by the American board of 8127
emergency medicine or American osteopathic board of emergency 8128
medicine, actively practices emergency medicine, and is actively 8129
involved in emergency medical services, appointed from among three 8130
persons nominated by the Ohio chapter of the American college of 8131
emergency physicians and three persons nominated by the Ohio 8132
osteopathic association; 8133

(9) A physician who is certified by the American board of 8134
pediatrics, American osteopathic board of pediatrics, or American 8135
board of emergency medicine, is sub-boarded in pediatric emergency 8136
medicine, actively practices pediatric emergency medicine, and is 8137
actively involved in emergency medical services, appointed from 8138

among three persons nominated by the Ohio chapter of the American 8139
academy of pediatrics, three persons nominated by the Ohio chapter 8140
of the American college of emergency physicians, and three persons 8141
nominated by the Ohio osteopathic association; 8142

(10) A physician who is certified by the American board of 8143
surgery, American osteopathic board of surgery, or American board 8144
of emergency medicine and is the chief medical officer of an air 8145
medical organization, appointed from among three persons nominated 8146
by the Ohio association of air medical services; 8147

(11) A coroner or medical examiner appointed from among three 8148
people nominated by the Ohio state coroners' association; 8149

(12) A registered nurse who actively practices trauma nursing 8150
at an adult or pediatric trauma center, appointed from among three 8151
persons nominated by the Ohio association of trauma nurse 8152
coordinators; 8153

(13) A registered nurse who actively practices emergency 8154
nursing and is actively involved in emergency medical services, 8155
appointed from among three persons nominated by the Ohio chapter 8156
of the emergency nurses' association; 8157

(14) The chief trauma registrar of an adult or pediatric 8158
trauma center, appointed from among three persons nominated by the 8159
alliance of Ohio trauma registrars; 8160

(15) The administrator of an adult or pediatric trauma 8161
center, appointed from among three persons nominated by OHA: the 8162
association for hospitals and health systems, three persons 8163
nominated by the Ohio osteopathic association, three persons 8164
nominated by the association of Ohio children's hospitals, and 8165
three persons nominated by the health forum of Ohio; 8166

(16) The administrator of a hospital that is not a trauma 8167
center and actively provides emergency care to adult or pediatric 8168
trauma patients, appointed from among three persons nominated by 8169

OHA: the association for hospitals and health systems, three 8170
persons nominated by the Ohio osteopathic association, three 8171
persons nominated by the association of Ohio children's hospitals, 8172
and three persons nominated by the health forum of Ohio; 8173

(17) The operator of an ambulance company that actively 8174
provides trauma care to emergency patients, appointed from among 8175
three persons nominated by the Ohio ambulance association; 8176

(18) The chief of a fire department that actively provides 8177
trauma care to emergency patients, appointed from among three 8178
persons nominated by the Ohio fire chiefs' association; 8179

(19) An EMT or paramedic who is certified under this chapter 8180
and actively provides trauma care to emergency patients, appointed 8181
from among three persons nominated by the Ohio association of 8182
professional firefighters, three persons nominated by the northern 8183
Ohio fire fighters, three persons nominated by the Ohio state 8184
firefighters' association, and three persons nominated by the Ohio 8185
association of emergency medical services; 8186

(20) A person who actively advocates for trauma victims, 8187
appointed from three persons nominated by the Ohio brain injury 8188
association and three persons nominated by the governor's council 8189
on people with disabilities; 8190

(21) A physician or nurse who has substantial administrative 8191
responsibility for trauma care provided in or by an adult or 8192
pediatric trauma center, appointed from among three persons 8193
nominated by OHA: the association for hospitals and health 8194
systems, three persons nominated by the Ohio osteopathic 8195
association, three persons nominated by the association of Ohio 8196
children's hospitals, and three persons nominated by the health 8197
forum of Ohio; 8198

(22) Three representatives of hospitals that are not trauma 8199
centers and actively provide emergency care to trauma patients, 8200

appointed from among three persons nominated by OHA: the 8201
association for hospitals and health systems, three persons 8202
nominated by the Ohio osteopathic association, three persons 8203
nominated by the association of Ohio children's hospitals, and 8204
three persons nominated by the health forum of Ohio. The 8205
representatives may be hospital administrators, physicians, 8206
nurses, or other clinical professionals. 8207

Members of the committee shall have substantial experience in 8208
the categories they represent, shall be residents of this state, 8209
and may be members of the state board of emergency medical, fire, 8210
and transportation services. In appointing members of the 8211
committee, the director shall attempt to include members 8212
representing urban and rural areas, various geographical areas of 8213
the state, and various schools of training. The director shall not 8214
appoint to the committee more than one member who is employed by 8215
or practices at the same hospital, health system, or emergency 8216
medical service organization. 8217

The director may refuse to appoint any of the persons 8218
nominated by an organization or organizations under this division. 8219
In that event, the organization or organizations shall continue to 8220
nominate the required number of persons until the director 8221
appoints to the committee one or more of the persons nominated by 8222
the organization or organizations. 8223

Initial appointments to the committee shall be made by the 8224
director not later than ninety days after November 3, 2000. 8225
Members of the committee shall serve at the pleasure of the 8226
director, except that any member of the committee who ceases to be 8227
qualified for the position to which the member was appointed shall 8228
cease to be a member of the committee. Vacancies on the committee 8229
shall be filled in the same manner as original appointments. 8230

The members of the committee shall serve without compensation 8231
but shall be reimbursed for actual and necessary expenses incurred 8232

in carrying out duties as members of the committee. 8233

The committee shall select a chairperson and vice-chairperson 8234
from among its members. A majority of all members of the committee 8235
shall constitute a quorum. No action shall be taken without the 8236
concurrence of a majority of all members of the committee. The 8237
committee shall meet at the call of the chair, upon written 8238
request of five members of the committee, and at the direction of 8239
the state board of emergency medical, fire, and transportation 8240
services. The committee shall not meet at times or locations that 8241
conflict with meetings of the board. The executive director and 8242
medical director of the state board of emergency medical, fire, 8243
and transportation services may participate in any meeting of the 8244
committee and shall do so at the request of the committee. 8245

The committee shall advise and assist the state board of 8246
emergency medical, fire, and transportation services in matters 8247
related to adult and pediatric trauma care and the establishment 8248
and operation of the state trauma registry. In matters relating to 8249
the state trauma registry, the board and the committee shall 8250
consult with trauma registrars from adult and pediatric trauma 8251
centers in the state. The committee may appoint a subcommittee to 8252
advise and assist with the trauma registry. The subcommittee may 8253
include persons with expertise relevant to the trauma registry who 8254
are not members of the board or committee. 8255

(C)(1) The medical transportation committee of the state 8256
board of emergency medical, fire, and transportation services is 8257
hereby created. The committee shall consist of members appointed 8258
by the board in accordance with rules adopted by the board. In 8259
appointing members of the committee, the board shall attempt to 8260
include members representing urban and rural areas and various 8261
geographical areas of the state, and shall ensure the members have 8262
substantial experience in the transportation of patients, 8263
including addressing the unique issues of mobile intensive care 8264

and air medical services. The members of the committee shall be 8265
residents of this state and may be members of the board. The 8266
members of the committee shall serve without compensation but 8267
shall be reimbursed for actual and necessary expenses incurred in 8268
carrying out duties as members of the committee. The committee 8269
shall select a chairperson and vice-chairperson from among its 8270
members. A majority of all members of the committee shall 8271
constitute a quorum. No action shall be taken without the 8272
concurrence of a majority of all members of the committee. The 8273
committee shall meet at the call of the chair and at the direction 8274
of the board. The committee shall not meet at times or locations 8275
that conflict with meetings of the board. The committee shall 8276
advise and assist the board in matters related to the licensing of 8277
nonemergency medical service, emergency medical service, and air 8278
medical service organizations in this state. 8279

(2) There is hereby created the critical care subcommittee of 8280
the medical transportation committee. The membership of the 8281
subcommittee and the conduct of the subcommittee's business shall 8282
conform to rules adopted by the board. The subcommittee shall 8283
advise and assist the committee and board in matters relating to 8284
mobile intensive care and air medical service organizations in 8285
this state. 8286

(D) The state board of emergency medical, fire, and 8287
transportation services may appoint other committees and 8288
subcommittees as it considers necessary. 8289

~~(D)~~(E) The state board of emergency medical, fire, and 8290
transportation services, and any of its committees or 8291
subcommittees, may request assistance from any state agency. The 8292
board and its committees and subcommittees may permit persons who 8293
are not members of those bodies to participate in deliberations of 8294
those bodies, but no person who is not a member of the board shall 8295
vote on the board and no person who is not a member of a committee 8296

created under division (A) ~~or~~, (B), or (C) of this section shall 8297
vote on that committee. 8298

~~(E)~~(F) Sections 101.82 to 101.87 of the Revised Code do not 8299
apply to the committees established under ~~division~~ divisions (A) 8300
~~or~~, (B), and (C) of this section. 8301

Sec. 4765.05. (A) As used in this section, "prehospital 8302
emergency medical services" means an emergency medical services 8303
system that provides medical services to patients who require 8304
immediate assistance, because of illness or injury, prior to their 8305
arrival at an emergency medical facility. 8306

(B) The state board of emergency medical, fire, and 8307
transportation services shall divide the state geographically into 8308
prehospital emergency medical services regions for purposes of 8309
overseeing the delivery of adult and pediatric prehospital 8310
emergency medical services. For each prehospital emergency medical 8311
services region, the state board of emergency medical, fire, and 8312
transportation services shall appoint either a physician to serve 8313
as the regional director or a physician advisory board to serve as 8314
the regional advisory board. The state board of emergency medical, 8315
fire, and transportation services shall specify the duties of each 8316
regional director and regional advisory board. Regional directors 8317
and members of regional advisory boards shall serve without 8318
compensation, but shall be reimbursed for actual and necessary 8319
expenses incurred in carrying out duties as regional directors and 8320
members of regional advisory boards. 8321

(C) Nothing in this section shall be construed to limit in 8322
any way the ability of a hospital to determine the market area of 8323
that hospital. 8324

Sec. 4765.06. (A) The state board of emergency medical, fire, 8325
and transportation services shall establish an emergency medical 8326

services incidence reporting system for the collection of 8327
information regarding the delivery of emergency medical services 8328
in this state and the frequency at which the services are 8329
provided. All emergency medical service organizations shall submit 8330
to the board any information that the board determines is 8331
necessary for maintaining the incidence reporting system. 8332

(B) The board shall establish a state trauma registry to be 8333
used for the collection of information regarding the care of adult 8334
and pediatric trauma victims in this state. The registry shall 8335
provide for the reporting of adult and pediatric trauma-related 8336
deaths, identification of adult and pediatric trauma patients, 8337
monitoring of adult and pediatric trauma patient care data, 8338
determination of the total amount of uncompensated adult and 8339
pediatric trauma care provided annually by each facility that 8340
provides care to trauma victims, and collection of any other 8341
information specified by the board. All persons designated by the 8342
board shall submit to the board any information it determines is 8343
necessary for maintaining the state trauma registry. At the 8344
request of the board any state agency possessing information 8345
regarding adult or pediatric trauma care shall provide the 8346
information to the board. The board shall maintain the state 8347
trauma registry in accordance with rules adopted under section 8348
4765.11 of the Revised Code. 8349

Rules relating to the state trauma registry adopted under 8350
this section and section 4765.11 of the Revised Code shall not 8351
prohibit the operation of other trauma registries and may provide 8352
for the reporting of information to the state trauma registry by 8353
or through other trauma registries in a manner consistent with 8354
information otherwise reported to the state trauma registry. Other 8355
trauma registries may report aggregate information to the state 8356
trauma registry, provided the information can be matched to the 8357
person that reported it. Information maintained by another trauma 8358

registry and reported to the state trauma registry in lieu of 8359
being reported directly to the state trauma registry is a public 8360
record and shall be maintained, made available to the public, held 8361
in confidence, risk adjusted, and not subject to discovery or 8362
introduction into evidence in a civil action as provided in 8363
section 149.43 of the Revised Code and this section. Any person 8364
who provides, maintains, or risk adjusts such information shall 8365
comply with this section and rules adopted under it in performing 8366
that function and has the same immunities with respect to that 8367
function as a person who performs that function with respect to 8368
the state trauma registry. 8369

(C) The board and any employee or contractor of the board or 8370
the department of public safety shall not make public information 8371
it receives under Chapter 4765. of the Revised Code that 8372
identifies or would tend to identify a specific recipient of 8373
emergency medical services or adult or pediatric trauma care. 8374

(D) Not later than two years after November 3, 2000, the 8375
board shall adopt and implement rules under section 4765.11 of the 8376
Revised Code that provide written standards and procedures for 8377
risk adjustment of information received by the board under Chapter 8378
4765. of the Revised Code. The rules shall be developed in 8379
consultation with appropriate medical, hospital, and emergency 8380
medical service organizations and may provide for risk adjustment 8381
by a contractor of the board. Except as provided in division (G) 8382
of this section, before risk adjustment standards and procedures 8383
are implemented, no member of the board and no employee or 8384
contractor of the board or the department of public safety shall 8385
make public information received by the board under Chapter 4765. 8386
of the Revised Code that identifies or would tend to identify a 8387
specific provider of emergency medical services or adult or 8388
pediatric trauma care. Except as provided in division (G) of this 8389
section, after risk adjustment standards and procedures are 8390

implemented, the board shall make public such information only on 8391
a risk adjusted basis. 8392

(E) The board shall adopt rules under section 4765.11 of the 8393
Revised Code that specify procedures for ensuring the 8394
confidentiality of information that is not to be made public under 8395
this section. The rules shall specify the circumstances in which 8396
deliberations of the persons performing risk adjustment functions 8397
under this section are not open to the public and records of those 8398
deliberations are maintained in confidence. Nothing in this 8399
section prohibits the board from making public statistical 8400
information that does not identify or tend to identify a specific 8401
recipient or provider of emergency medical services or adult or 8402
pediatric trauma care. 8403

(F) No provider that furnishes information to the board with 8404
respect to any patient the provider examined or treated shall, 8405
because of this furnishing, be deemed liable in damages to any 8406
person or be held to answer for betrayal of a professional 8407
confidence in the absence of willful or wanton misconduct. No such 8408
information shall be subject to introduction in evidence in any 8409
civil action against the provider. No provider that furnishes 8410
information to the board shall be liable for the misuse or 8411
improper release of the information by the board or any other 8412
person. 8413

No person who performs risk adjustment functions under this 8414
section shall, because of performing such functions, be held 8415
liable in a civil action for betrayal of professional confidence 8416
or otherwise in the absence of willful or wanton misconduct. 8417

(G) The board may transmit data that identifies or tends to 8418
identify a specific provider of emergency medical services care 8419
and has not been risk-adjusted from the emergency medical services 8420
incident reporting system directly to the national emergency 8421
medical services information system, pursuant to a written 8422

contract between the board and the federal agency that administers 8423
the national emergency medical services information system, which 8424
shall ensure to the maximum extent permitted by federal law that 8425
such agency shall use such data solely for inclusion in the 8426
national emergency medical services information system and shall 8427
not disclose such data to the public, through legal discovery, a 8428
freedom of information request, or otherwise, in a manner that 8429
identifies or tends to identify a specific provider of emergency 8430
medical services care. 8431

Sec. 4765.07. (A) The state board of emergency medical, fire, 8432
and transportation services shall adopt rules under section 8433
4765.11 of the Revised Code to establish and administer a grant 8434
program under which grants are distributed according to the 8435
following priorities: 8436

(1) First priority shall be given to emergency medical 8437
service organizations for the training of personnel, for the 8438
purchase of equipment and vehicles, and to improve the 8439
availability, accessibility, and quality of emergency medical 8440
services in this state. In this category, the board shall give 8441
priority to grants that fund training and equipping of emergency 8442
medical service personnel. 8443

(2) Second priority shall be given to entities that research, 8444
test, and evaluate medical procedures and systems related to adult 8445
and pediatric trauma care. 8446

(3) Third priority shall be given to entities that research 8447
the causes, nature, and effects of traumatic injuries, educate the 8448
public about injury prevention, and implement, test, and evaluate 8449
injury prevention strategies. 8450

(4) Fourth priority shall be given to entities that research, 8451
test, and evaluate procedures that promote the rehabilitation, 8452
retraining, and reemployment of adult or pediatric trauma victims 8453

and social service support mechanisms for adult or pediatric 8454
trauma victims and their families. 8455

(5) Fifth priority shall be given to entities that conduct 8456
research on, test, or evaluate one or more of the following: 8457

(a) Procedures governing the performance of emergency medical 8458
services in this state; 8459

(b) The training of emergency medical service personnel; 8460

(c) The staffing of emergency medical service organizations. 8461

(6) For grants distributed for the grant award years 8462
occurring not later than the award year ending June 30, 2017, 8463
sixth priority shall be given to entities that operate paramedic 8464
training programs and are seeking national accreditation of the 8465
programs. 8466

(B) To be eligible for a grant distributed pursuant to 8467
division (A)(6) of this section, an applicant for the grant shall 8468
meet all of the following conditions: 8469

(1) Hold a certificate of accreditation issued by the board 8470
under section 4765.17 of the Revised Code to operate a paramedic 8471
training program; 8472

(2) Be seeking initial national accreditation of the program 8473
from an accrediting organization approved by the board; 8474

(3) Apply for the national accreditation on or after February 8475
25, 2010. 8476

(C) The grant program shall be funded from the trauma and 8477
emergency medical services fund created by section 4513.263 of the 8478
Revised Code. 8479

Sec. 4765.08. The state board of emergency medical, fire, and 8480
transportation services shall prepare a statewide emergency 8481
medical services plan and shall revise the plan as necessary. 8482

The board shall prepare a plan for the statewide regulation of emergency medical services during periods of disaster. The plan shall be consistent with the statewide emergency medical services plan required under this section and with the statewide emergency operations plan required under section 5502.22 of the Revised Code. The board shall submit the plan to the emergency management agency created under section 5502.22 of the Revised Code. The board shall cooperate with the agency in any other manner the agency considers necessary to develop and implement the statewide emergency operations plan.

Sec. 4765.09. The state board of emergency medical, fire, and transportation services shall prepare recommendations for the operation of ambulance service organizations, air medical organizations, and emergency medical service organizations. Within thirty days following the preparation or modification of recommendations, the board shall notify the board of county commissioners of any county, the board of township trustees of any township, the board of trustees of any joint ambulance district, or the board of trustees of any joint emergency medical services district in which there exist ambulance service organizations, air medical organizations, or emergency medical service organizations of any board recommendations for the operation of such organizations. The recommendations shall include, but not be limited to:

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

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

(C) The minimum number and type of personnel for the

operation of ambulances and medical aircraft;	8514
(D) The communication systems necessary for the operation of ambulances and medical aircraft;	8515
(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.	8517
	8518
	8519
	8520
	8521
	8522
	8523
	8524
Sec. 4765.10. (A) The state board of emergency medical, <u>fire,</u> and <u>transportation</u> services shall do all of the following:	8525
	8526
(1) Administer and enforce the provisions of this chapter and the rules adopted under it;	8527
	8528
(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;	8529
	8530
	8531
	8532
	8533
(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;	8534
	8535
	8536
	8537
	8538
	8539
(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services;	8540
	8541
(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services;	8542
	8543

(6) Maintain a toll-free long distance telephone number 8544
through which it shall respond to questions about emergency 8545
medical services; 8546

(7) Work with appropriate state offices in coordinating the 8547
training of firefighters and emergency medical service personnel. 8548
Other state offices that are involved in the training of 8549
firefighters or emergency medical service personnel shall 8550
cooperate with the board and its committees and subcommittees to 8551
achieve this goal. 8552

(8) Provide a liaison to the state emergency operation center 8553
during those periods when a disaster, as defined in section 8554
5502.21 of the Revised Code, has occurred in this state and the 8555
governor has declared an emergency as defined in that section. 8556

(B) The board may do any of the following: 8557

(1) Investigate complaints concerning emergency medical 8558
services and emergency medical service organizations as it 8559
determines necessary; 8560

(2) Enter into reciprocal agreements with other states that 8561
have standards for accreditation of emergency medical services 8562
training programs and for certification of first responders, 8563
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 8564
inspectors that are substantially similar to those established 8565
under this chapter and the rules adopted under it; 8566

(3) Establish a statewide public information system and 8567
public education programs regarding emergency medical services; 8568

(4) Establish an injury prevention program. 8569

(C) The state board of emergency medical, fire, and 8570
transportation services shall not regulate any profession that 8571
otherwise is regulated by another board, commission, or similar 8572
regulatory entity. 8573

Sec. 4765.101. (A) The state board of emergency medical, 8574
fire, and transportation services shall investigate any allegation 8575
that a person has violated this chapter or a rule adopted under 8576
it. 8577

Any person may submit to the board a written complaint 8578
regarding an alleged violation of this chapter or a rule adopted 8579
under it. In the absence of fraud or bad faith, no person 8580
submitting a complaint to the board or testifying in an 8581
adjudication hearing conducted in accordance with Chapter 119. of 8582
the Revised Code with regard to such an alleged violation shall be 8583
liable to any person in damages in a civil action as a result of 8584
submitting the complaint or providing testimony. 8585

(B) In investigating an allegation, the board may do any of 8586
the following: 8587

(1) Administer oaths; 8588

(2) Order the taking of depositions; 8589

(3) Issue subpoenas; 8590

(4) Compel the attendance of witnesses and production of 8591
books, accounts, papers, records, documents, and testimony. 8592

(C) A subpoena for patient record information shall not be 8593
issued without consultation with the attorney general's office and 8594
approval of the executive director of the board. Before issuance 8595
of a subpoena for patient record information, the executive 8596
director shall determine whether there is probable cause to 8597
believe that the complaint filed alleges a violation of this 8598
chapter or any rule adopted under it and that the records sought 8599
are relevant to the alleged violation and material to the 8600
investigation. The subpoena may apply only to records that cover a 8601
reasonable period of time surrounding the alleged violation. 8602

(D) On failure to comply with any subpoena issued by the 8603

board and after reasonable notice to the person being subpoenaed, 8604
the board may move, pursuant to the Rules of Civil Procedure, for 8605
an order compelling the production of persons or records. 8606

(E) A subpoena issued by the board may be served by a 8607
sheriff, the sheriff's deputy, or an investigator for the division 8608
of emergency medical services of the department of public safety. 8609
Service of a subpoena issued by the board may be made by 8610
delivering a copy of the subpoena to the person named in it, 8611
reading it to the person, or leaving it at the person's usual 8612
place of residence. When the person being served is an individual 8613
authorized by this chapter to practice emergency medical services, 8614
service of the subpoena may be made by certified mail, restricted 8615
delivery, return receipt requested, and the subpoena shall be 8616
deemed served on the date delivery is made or on the date that the 8617
person refuses to accept delivery. 8618

Sec. 4765.102. (A) As used in this section, "licensing 8619
agency" means any entity that has the authority pursuant to Title 8620
XLVII of the Revised Code to issue a license, and any other agency 8621
of this or another state, other than the Ohio supreme court, that 8622
has the authority to issue a license that authorizes an individual 8623
to engage in an occupation or profession. "Licensing agency" 8624
includes an administrative officer that has authority to issue a 8625
license that authorizes an individual to engage in an occupation 8626
or profession. 8627

(B) Except as provided in divisions (C) and (D) of this 8628
section and section 4765.111 of the Revised Code, all information 8629
the state board of emergency medical, fire, and transportation 8630
services receives pursuant to an investigation, including 8631
information regarding an alleged violation of this chapter or 8632
rules adopted under it or a complaint submitted under division (A) 8633
of section 4765.101 of the Revised Code, is confidential, and is 8634

not subject to discovery in any civil action, during the course of 8635
the investigation and any adjudication proceedings that result 8636
from the investigation. Upon completion of the investigation and 8637
any resulting adjudication proceedings, the information is a 8638
matter of public record for purposes of section 149.43 of the 8639
Revised Code. 8640

(C) The board may release information otherwise made 8641
confidential by division (B) of this section to law enforcement 8642
officers or licensing agencies of this or another state that are 8643
prosecuting, adjudicating, or investigating the holder of a 8644
certificate issued under this chapter or a person who allegedly 8645
engaged in the unauthorized provision of emergency medical 8646
services. 8647

A law enforcement officer or licensing agency with 8648
information disclosed by the board under this division shall not 8649
divulge the information other than for the purpose of an 8650
adjudication by a court or licensing agency to which the subject 8651
of the adjudication is a party. 8652

(D) If an investigation conducted under section 4765.101 of 8653
the Revised Code requires a review of patient records, the 8654
investigation and proceedings related to it shall be conducted in 8655
such a manner as to protect patient confidentiality. The board 8656
shall not make public the name or any other identifying 8657
information about a patient unless proper consent is given in 8658
accordance with rules adopted by the board. If the patient is less 8659
than eighteen years of age, the board shall obtain consent from 8660
the patient's parent, guardian, or custodian. 8661

Sec. 4765.11. (A) The state board of emergency medical, fire, 8662
and transportation services shall adopt, and may amend and 8663
rescind, rules in accordance with Chapter 119. of the Revised Code 8664
and division (C) of this section that establish all of the 8665

following:	8666
(1) Procedures for its governance and the control of its actions and business affairs;	8667 8668
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	8669 8670 8671 8672
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	8673 8674 8675 8676 8677
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	8678 8679 8680
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	8681 8682 8683 8684 8685 8686
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	8687 8688 8689
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	8690 8691 8692 8693
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	8694 8695

(9) Standards for certificates of accreditation and certificates of approval;	8696 8697
(10) Qualifications for certificates to teach;	8698
(11) Requirements for a certificate to practice;	8699
(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;	8700 8701 8702 8703 8704
(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;	8705 8706 8707 8708 8709
(14) Examinations for certificates to practice;	8710
(15) Procedures for administering examinations for certificates to practice;	8711 8712
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	8713 8714 8715 8716
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	8717 8718
(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 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised	8719 8720 8721 8722 8723 8724 8725

Code to perform;	8726
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	8727 8728 8729 8730
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	8731 8732 8733
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	8734 8735
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	8736 8737 8738
(23) The manner in which a patient, or a patient's parent, guardian, or custodian may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;	8739 8740 8741 8742
(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;	8743 8744 8745 8746
(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, <u>fire, and transportation</u> services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.	8747 8748 8749 8750 8751 8752
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	8753 8754 8755

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

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

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

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

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

(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

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

Sec. 4765.111. Except as provided in this section or sections 8786
4765.112 to 4765.116 of the Revised Code, the state board of 8787
emergency medical, fire, and transportation services shall conduct 8788
disciplinary proceedings regarding the holder of a certificate 8789
issued under this chapter in accordance with rules adopted by the 8790
board under section 4765.11 of the Revised Code. 8791

The board and a holder of a certificate are the parties to a 8792
hearing conducted under this chapter. Either party may submit a 8793
written request to the other party for a list of witnesses and 8794
copies of documents intended to be introduced at the hearing. The 8795
request shall be in writing and shall be served not less than 8796
thirty-seven days prior to the commencement of the hearing, unless 8797
the hearing officer or presiding board member grants an extension 8798
of time to make the request. Not later than thirty days before the 8799
hearing, the responding party shall provide the requested list of 8800
witnesses and copies of documents to the requesting party, unless 8801
the hearing officer or presiding board member grants an extension 8802
of time to provide the list and copies. 8803

Failure to timely provide a list or copies requested in 8804
accordance with this section shall result in exclusion from the 8805
hearing of the witnesses, testimony, or documents. 8806

Sec. 4765.112. (A) The state board of emergency medical, 8807
fire, and transportation services, by an affirmative vote of the 8808
majority of its members, may suspend without a prior hearing a 8809
certificate to practice issued under this chapter if the board 8810
determines that there is clear and convincing evidence that 8811
continued practice by the certificate holder presents a danger of 8812
immediate and serious harm to the public and that the certificate 8813
holder has done any of the following: 8814

(1) Furnished false, fraudulent, or misleading information to 8815

the board; 8816

(2) Engaged in activities that exceed those permitted by the 8817
individual's certificate; 8818

(3) In a court of this or any other state or federal court 8819
been convicted of, pleaded guilty to, or been the subject of a 8820
judicial finding of guilt of, a judicial finding of guilt 8821
resulting from a plea of no contest to, or a judicial finding of 8822
eligibility for intervention in lieu of conviction for, a felony 8823
or for a misdemeanor committed in the course of practice or 8824
involving gross immorality or moral turpitude. 8825

(B) Immediately following the decision to impose a summary 8826
suspension, the board, in accordance with section 119.07 of the 8827
Revised Code, shall issue a written order of suspension, cause it 8828
to be delivered to the certificate holder, and notify the 8829
certificate holder of the opportunity for a hearing. If timely 8830
requested by the certificate holder, a hearing shall be conducted 8831
in accordance with section 4765.115 of the Revised Code. 8832

Sec. 4765.113. If the state board of emergency medical, fire, 8833
and transportation services imposes a suspension on the basis of a 8834
conviction, judicial finding, or plea as described in division 8835
(A)(3) of section 4765.112 of the Revised Code that is overturned 8836
on appeal, the certificate holder, on exhaustion of the criminal 8837
appeal process, may file with the board a petition for 8838
reconsideration of the suspension along with appropriate court 8839
documents. On receipt of the petition and documents, the board 8840
shall reinstate the certificate holder's certificate to practice. 8841

Sec. 4765.114. (A) A certificate to practice emergency 8842
medical services issued under this chapter is automatically 8843
suspended on the certificate holder's conviction of, plea of 8844
guilty to, or judicial finding of guilt of any of the following: 8845

aggravated murder, murder, voluntary manslaughter, felonious 8846
assault, kidnapping, rape, sexual battery, gross sexual 8847
imposition, aggravated arson, aggravated burglary, aggravated 8848
robbery, or a substantially equivalent offense committed in this 8849
or another jurisdiction. Continued practice after the suspension 8850
is practicing without a certificate. 8851

(B) If the state board of emergency medical, fire, and 8852
transportation services has knowledge that an automatic suspension 8853
has occurred, it shall notify, in accordance with section 119.07 8854
of the Revised Code, the certificate holder of the suspension and 8855
of the opportunity for a hearing. If timely requested by the 8856
certificate holder, a hearing shall be conducted in accordance 8857
with section 4765.115 of the Revised Code. 8858

Sec. 4765.115. (A) A suspension order issued under section 8859
4765.112 or automatic suspension under section 4765.114 of the 8860
Revised Code is not subject to suspension by a court prior to a 8861
hearing under this section or during the pendency of any appeal 8862
filed under section 119.12 of the Revised Code. 8863

(B) A suspension order issued under section 4765.112 or 8864
automatic suspension under section 4765.114 of the Revised Code 8865
remains in effect, unless reversed by the state board of emergency 8866
medical, fire, and transportation services, until a final 8867
adjudication order issued by the board pursuant to this section 8868
becomes effective. 8869

(C) Hearings requested pursuant to section 4765.112 or 8870
4765.114 of the Revised Code shall be conducted under this section 8871
in accordance with Chapter 119. of the Revised Code. 8872

(D) A hearing under this section shall be held not later than 8873
forty-five days but not earlier than forty days after the 8874
certificate holder requests it, unless another date is agreed to 8875

by the certificate holder and the board. 8876

(E) After completion of an adjudication hearing, the board 8877
may adopt, by an affirmative vote of the majority of its members, 8878
a final adjudication order that imposes any of the following 8879
sanctions: 8880

(1) Suspension of the holder's certificate to practice; 8881

(2) Revocation of the holder's certificate to practice; 8882

(3) Issuance of a written reprimand; 8883

(4) A refusal to renew or a limitation on the holder's 8884
certificate to practice. 8885

The board shall issue its final adjudication order not later 8886
than forty-five days after completion of an adjudication hearing. 8887
If the board does not issue a final order within that time period, 8888
the suspension order is void, but any final adjudication order 8889
subsequently issued is not affected. 8890

(F) Any action taken by the board under this section 8891
resulting in a suspension from practice shall be accompanied by a 8892
written statement of the conditions under which the certificate to 8893
practice may be reinstated. Reinstatement of a certificate 8894
suspended under this section requires an affirmative vote by the 8895
majority of the members of the board. 8896

(G) When the board revokes or refuses to reinstate a 8897
certificate to practice, the board may specify that its action is 8898
permanent. An individual subject to permanent action taken by the 8899
board is forever ineligible to hold a certificate of the type 8900
revoked or refused, and the board shall not accept from the 8901
individual an application for reinstatement of the certificate or 8902
for a new certificate. 8903

Sec. 4765.116. If a certificate holder subject to a 8904
suspension order issued by the state board of emergency medical, 8905

fire, and transportation services under section 4765.112 or an 8906
automatic suspension order under section 4765.114 of the Revised 8907
Code fails to make a timely request for a hearing, the following 8908
apply: 8909

(A) In the case of a certificate holder subject to a summary 8910
suspension order, the board is not required to hold a hearing, but 8911
may adopt, by an affirmative vote of a majority of its members, a 8912
final order that contains the board's findings. In the final 8913
order, the board may order any of the sanctions listed in division 8914
(E) of section 4765.115 of the Revised Code. 8915

(B) In the case of a certificate holder subject to an 8916
automatic suspension order, the board may adopt, by an affirmative 8917
vote of a majority of its members, a final order that permanently 8918
revokes the holder's certificate to practice. 8919

Sec. 4765.12. (A) Not later than two years after ~~the~~ 8920
~~effective date of this section~~ November 3, 2000, the state board 8921
of emergency medical, fire, and transportation services shall 8922
develop and distribute guidelines for the care of trauma victims 8923
by emergency medical service personnel and for the conduct of peer 8924
review and quality assurance programs by emergency medical service 8925
organizations. The guidelines shall be consistent with the state 8926
trauma triage protocols adopted in rules under sections 4765.11 8927
and 4765.40 of the Revised Code and shall place emphasis on the 8928
special needs of pediatric and geriatric trauma victims. In 8929
developing the guidelines, the board shall consult with entities 8930
with interests in trauma and emergency medical services and shall 8931
consider any relevant guidelines adopted by national 8932
organizations, including the American college of surgeons, 8933
American college of emergency physicians, and American academy of 8934
pediatrics. The board shall distribute the guidelines, and 8935
amendments to the guidelines, to each emergency medical service 8936

organization, regional director, regional physician advisory 8937
board, certified emergency medical service instructor, and person 8938
who regularly provides medical direction to emergency medical 8939
service personnel in this state. 8940

(B) Not later than three years after ~~the effective date of~~ 8941
~~this section~~ November 3, 2000, each emergency medical service 8942
organization in this state shall implement ongoing peer review and 8943
quality assurance programs designed to improve the availability 8944
and quality of the emergency medical services it provides. The 8945
form and content of the programs shall be determined by each 8946
emergency medical service organization. In implementing the 8947
programs, each emergency medical service organization shall 8948
consider how to improve its ability to provide effective trauma 8949
care, particularly for pediatric and geriatric trauma victims, and 8950
shall take into account the trauma care guidelines developed by 8951
the state board of emergency medical, fire, and transportation 8952
services under this section. 8953

Information generated solely for use in a peer review or 8954
quality assurance program conducted on behalf of an emergency 8955
medical service organization is not a public record under section 8956
149.43 of the Revised Code. Such information, and any discussion 8957
conducted in the course of a peer review or quality assurance 8958
program conducted on behalf of an emergency medical service 8959
organization, is not subject to discovery in a civil action and 8960
shall not be introduced into evidence in a civil action against 8961
the emergency medical service organization on whose behalf the 8962
information was generated or the discussion occurred. 8963

No emergency medical service organization on whose behalf a 8964
peer review or quality assurance program is conducted, and no 8965
person who conducts such a program, because of performing such 8966
functions, shall be liable in a civil action for betrayal of 8967
professional confidence or otherwise in the absence of willful or 8968

wanton misconduct. 8969

Sec. 4765.15. A person seeking to operate an emergency 8970
medical services training program shall submit a completed 8971
application for accreditation to the state board of emergency 8972
medical, fire, and transportation services on a form the board 8973
shall prescribe and furnish. The application shall be accompanied 8974
by the appropriate application fee established in rules adopted 8975
under section 4765.11 of the Revised Code. 8976

A person seeking to operate an emergency medical services 8977
continuing education program shall submit a completed application 8978
for approval to the board on a form the board shall prescribe and 8979
furnish. The application shall be accompanied by the appropriate 8980
application fee established in rules adopted under section 4765.11 8981
of the Revised Code. 8982

The board shall administer the accreditation and approval 8983
processes pursuant to rules adopted under section 4765.11 of the 8984
Revised Code. In administering these processes, the board may 8985
authorize other persons to evaluate applications for accreditation 8986
or approval and may accept the recommendations made by those 8987
persons. 8988

The board may cause an investigation to be made into the 8989
accuracy of the information submitted in any application for 8990
accreditation or approval. If an investigation indicates that 8991
false, misleading, or incomplete information has been submitted to 8992
the board in connection with any application for accreditation or 8993
approval, the board shall conduct a hearing on the matter in 8994
accordance with Chapter 119. of the Revised Code. 8995

Sec. 4765.16. (A) All courses offered through an emergency 8996
medical services training program or an emergency medical services 8997
continuing education program, other than ambulance driving, shall 8998

be developed under the direction of a physician who specializes in 8999
emergency medicine. Each course that deals with trauma care shall 9000
be developed in consultation with a physician who specializes in 9001
trauma surgery. Except as specified by the state board of 9002
emergency medical, fire, and transportation services pursuant to 9003
rules adopted under section 4765.11 of the Revised Code, each 9004
course offered through a training program or continuing education 9005
program shall be taught by a person who holds the appropriate 9006
certificate to teach issued under section 4765.23 of the Revised 9007
Code. 9008

(B) A training program for first responders shall meet the 9009
standards established in rules adopted by the board under section 9010
4765.11 of the Revised Code. The program shall include courses in 9011
both of the following areas for at least the number of hours 9012
established by the board's rules: 9013

(1) Emergency victim care; 9014

(2) Reading and interpreting a trauma victim's vital signs. 9015

(C) A training program for emergency medical 9016
technicians-basic shall meet the standards established in rules 9017
adopted by the board under section 4765.11 of the Revised Code. 9018
The program shall include courses in each of the following areas 9019
for at least the number of hours established by the board's rules: 9020

(1) Emergency victim care; 9021

(2) Reading and interpreting a trauma victim's vital signs; 9022

(3) Triage protocols for adult and pediatric trauma victims; 9023

(4) In-hospital training; 9024

(5) Clinical training; 9025

(6) Training as an ambulance driver. 9026

Each operator of a training program for emergency medical 9027
technicians-basic shall allow any pupil in the twelfth grade in a 9028

secondary school who is at least seventeen years old and who 9029
otherwise meets the requirements for admission into such a 9030
training program to be admitted to and complete the program and, 9031
as part of the training, to ride in an ambulance with emergency 9032
medical technicians-basic, emergency medical 9033
technicians-intermediate, and emergency medical 9034
technicians-paramedic. Each emergency medical service organization 9035
shall allow pupils participating in training programs to ride in 9036
an ambulance with emergency medical technicians-basic, advanced 9037
emergency medical technicians-intermediate, and emergency medical 9038
technicians-paramedic. 9039

(D) A training program for emergency medical 9040
technicians-intermediate shall meet the standards established in 9041
rules adopted by the board under section 4765.11 of the Revised 9042
Code. The program shall include, or require as a prerequisite, the 9043
training specified in division (C) of this section and courses in 9044
each of the following areas for at least the number of hours 9045
established by the board's rules: 9046

(1) Recognizing symptoms of life-threatening allergic 9047
reactions and in calculating proper dosage levels and 9048
administering injections of epinephrine to persons who suffer 9049
life-threatening allergic reactions, conducted in accordance with 9050
rules adopted by the board under section 4765.11 of the Revised 9051
Code; 9052

(2) Venous access procedures; 9053

(3) Cardiac monitoring and electrical interventions to 9054
support or correct the cardiac function. 9055

(E) A training program for emergency medical 9056
technicians-paramedic shall meet the standards established in 9057
rules adopted by the board under section 4765.11 of the Revised 9058
Code. The program shall include, or require as a prerequisite, the 9059

training specified in divisions (C) and (D) of this section and 9060
courses in each of the following areas for at least the number of 9061
hours established by the board's rules: 9062

(1) Medical terminology; 9063

(2) Venous access procedures; 9064

(3) Airway procedures; 9065

(4) Patient assessment and triage; 9066

(5) Acute cardiac care, including administration of 9067
parenteral injections, electrical interventions, and other 9068
emergency medical services; 9069

(6) Emergency and trauma victim care beyond that required 9070
under division (C) of this section; 9071

(7) Clinical training beyond that required under division (C) 9072
of this section. 9073

(F) A continuing education program for first responders, 9074
EMTs-basic, EMTs-I, or paramedics shall meet the standards 9075
established in rules adopted by the board under section 4765.11 of 9076
the Revised Code. A continuing education program shall include 9077
instruction and training in subjects established by the board's 9078
rules for at least the number of hours established by the board's 9079
rules. 9080

Sec. 4765.17. (A) The state board of emergency medical, fire, 9081
and transportation services shall issue the appropriate 9082
certificate of accreditation or certificate of approval to an 9083
applicant who is of good reputation and meets the requirements of 9084
section 4765.16 of the Revised Code. The board shall grant or deny 9085
a certificate of accreditation or certificate of approval within 9086
one hundred twenty days of receipt of the application. The board 9087
may issue or renew a certificate of accreditation or certificate 9088
of approval on a provisional basis to an applicant who is of good 9089

reputation and is in substantial compliance with the requirements 9090
of section 4765.16 of the Revised Code. The board shall inform an 9091
applicant receiving such a certificate of the conditions that must 9092
be met to complete compliance with section 4765.16 of the Revised 9093
Code. 9094

(B) Except as provided in division (C) of this section, a 9095
certificate of accreditation or certificate of approval is valid 9096
for up to five years and may be renewed by the board pursuant to 9097
procedures and standards established in rules adopted under 9098
section 4765.11 of the Revised Code. An application for renewal 9099
shall be accompanied by the appropriate renewal fee established in 9100
rules adopted under section 4765.11 of the Revised Code. 9101

(C) A certificate of accreditation or certificate of approval 9102
issued on a provisional basis is valid for the length of time 9103
established by the board. If the board finds that the holder of 9104
such a certificate has met the conditions it specifies under 9105
division (A) of this section, the board shall issue the 9106
appropriate certificate of accreditation or certificate of 9107
approval. 9108

(D) A certificate of accreditation is valid only for the 9109
emergency medical services training program or programs for which 9110
it is issued. The holder of a certificate of accreditation may 9111
apply to operate additional training programs in accordance with 9112
rules adopted by the board under section 4765.11 of the Revised 9113
Code. Any additional training programs shall expire on the 9114
expiration date of the applicant's current certificate. A 9115
certificate of approval is valid only for the emergency medical 9116
services continuing education program for which it is issued. 9117
Neither is transferable. 9118

(E) The holder of a certificate of accreditation or a 9119
certificate of approval may offer courses at more than one 9120
location in accordance with rules adopted under section 4765.11 of 9121

the Revised Code. 9122

Sec. 4765.18. The state board of emergency medical, fire, and 9123
transportation services may suspend or revoke a certificate of 9124
accreditation or a certificate of approval issued under section 9125
4765.17 of the Revised Code for any of the following reasons: 9126

(A) Violation of this chapter or any rule adopted under it; 9127

(B) Furnishing of false, misleading, or incomplete 9128
information to the board; 9129

(C) The signing of an application or the holding of a 9130
certificate of accreditation by a person who has pleaded guilty to 9131
or has been convicted of a felony, or has pleaded guilty to or 9132
been convicted of a crime involving moral turpitude; 9133

(D) The signing of an application or the holding of a 9134
certificate of accreditation by a person who is addicted to the 9135
use of any controlled substance or has been adjudicated 9136
incompetent for that purpose by a court, as provided in section 9137
5122.301 of the Revised Code; 9138

(E) Violation of any commitment made in an application for a 9139
certificate of accreditation or certificate of approval; 9140

(F) Presentation to prospective students of misleading, 9141
false, or fraudulent information relating to the emergency medical 9142
services training program or emergency medical services continuing 9143
education program, employment opportunities, or opportunities for 9144
enrollment in accredited institutions of higher education after 9145
entering or completing courses offered by the operator of a 9146
program; 9147

(G) Failure to maintain in a safe and sanitary condition 9148
premises and equipment used in conducting courses of study; 9149

(H) Failure to maintain financial resources adequate for the 9150
satisfactory conduct of courses of study or to retain a sufficient 9151

number of certified instructors; 9152

(I) Discrimination in the acceptance of students upon the 9153
basis of race, color, religion, sex, or national origin. 9154

Sec. 4765.22. A person seeking a certificate to teach in an 9155
emergency medical services training program or an emergency 9156
medical services continuing education program shall submit a 9157
completed application for certification to the state board of 9158
emergency medical, fire, and transportation services on a form the 9159
board shall prescribe and furnish. The application shall be 9160
accompanied by the appropriate application fee established in 9161
rules adopted under section 4765.11 of the Revised Code. 9162

Sec. 4765.23. The state board of emergency medical, fire, and 9163
transportation services shall issue a certificate to teach in an 9164
emergency medical services training program or an emergency 9165
medical services continuing education program to any applicant who 9166
it determines meets the qualifications established in rules 9167
adopted under section 4765.11 of the Revised Code. The certificate 9168
shall indicate each type of instruction and training the 9169
certificate holder may teach under the certificate. 9170

A certificate to teach shall have a certification cycle 9171
established by the board and may be renewed by the board pursuant 9172
to rules adopted under section 4765.11 of the Revised Code. An 9173
application for renewal shall be accompanied by the appropriate 9174
renewal fee established in rules adopted under section 4765.11 of 9175
the Revised Code. 9176

The board may suspend or revoke a certificate to teach 9177
pursuant to rules adopted under section 4765.11 of the Revised 9178
Code. 9179

Sec. 4765.28. A person seeking a certificate to practice as a 9180

first responder, emergency medical technician-basic, emergency 9181
medical technician-intermediate, or emergency medical 9182
technician-paramedic shall submit a completed application for 9183
certification to the state board of emergency medical, fire, and 9184
transportation services on a form the board shall prescribe and 9185
furnish. Except as provided in division (B) of section 4765.29 of 9186
the Revised Code, the application shall include evidence that the 9187
applicant received the appropriate certificate of completion 9188
pursuant to section 4765.24 of the Revised Code. The application 9189
shall be accompanied by the appropriate application fee 9190
established in rules adopted under section 4765.11 of the Revised 9191
Code, unless the board waives the fee on determining pursuant to 9192
those rules that the applicant cannot afford to pay the fee. 9193

Sec. 4765.29. (A) The state board of emergency medical, fire, 9194
and transportation services shall provide for the examination of 9195
applicants for certification to practice as first responders, 9196
emergency medical technicians-basic, emergency medical 9197
technicians-intermediate, and emergency medical 9198
technicians-paramedic. The examinations shall be established by 9199
the board in rules adopted under section 4765.11 of the Revised 9200
Code. The board may administer the examinations or contract with 9201
other persons to administer the examinations. In either case, the 9202
examinations shall be administered pursuant to procedures 9203
established in rules adopted under section 4765.11 of the Revised 9204
Code and shall be offered at various locations in the state 9205
selected by the board. 9206

Except as provided in division (B) of this section, an 9207
applicant shall not be permitted to take an examination for the 9208
same certificate to practice more than three times since last 9209
receiving the certificate of completion pursuant to section 9210
4765.24 of the Revised Code that qualifies the applicant to take 9211
the examination unless the applicant receives another certificate 9212

of completion that qualifies the applicant to take the 9213
examination. 9214

(B) On request of an applicant who fails three examinations 9215
for the same certificate to practice, the board may direct the 9216
applicant to complete a specific portion of an accredited 9217
emergency medical services training program. If the applicant 9218
provides satisfactory proof to the board that the applicant has 9219
successfully completed that portion of the program, the applicant 9220
shall be permitted to take the examination. 9221

Sec. 4765.30. (A)(1) The state board of emergency medical, 9222
fire, and transportation services shall issue a certificate to 9223
practice as a first responder to an applicant who meets all of the 9224
following conditions: 9225

(a) Except as provided in division (A)(2) of this section, is 9226
a volunteer for a nonprofit emergency medical service organization 9227
or a nonprofit fire department; 9228

(b) Holds the appropriate certificate of completion issued in 9229
accordance with section 4765.24 of the Revised Code; 9230

(c) Passes the appropriate examination conducted under 9231
section 4765.29 of the Revised Code; 9232

(d) Is not in violation of any provision of this chapter or 9233
the rules adopted under it; 9234

(e) Meets any other certification requirements established in 9235
rules adopted under section 4765.11 of the Revised Code. 9236

(2) The board may waive the requirement to be a volunteer for 9237
a nonprofit entity if the applicant meets other requirements 9238
established in rules adopted under division (B)(3) of section 9239
4765.11 of the Revised Code relative to a person's eligibility to 9240
practice as a first responder. 9241

(B) The state board of emergency medical, fire, and 9242

transportation services shall issue a certificate to practice as 9243
an emergency medical technician-basic to an applicant who meets 9244
all of the following conditions: 9245

(1) Holds a certificate of completion in emergency medical 9246
services training-basic issued in accordance with section 4765.24 9247
of the Revised Code; 9248

(2) Passes the examination for emergency medical 9249
technicians-basic conducted under section 4765.29 of the Revised 9250
Code; 9251

(3) Is not in violation of any provision of this chapter or 9252
the rules adopted under it; 9253

(4) Meets any other certification requirements established in 9254
rules adopted under section 4765.11 of the Revised Code. 9255

(C) The state board of emergency medical, fire, and 9256
transportation services shall issue a certificate to practice as 9257
an emergency medical technician-intermediate or emergency medical 9258
technician-paramedic to an applicant who meets all of the 9259
following conditions: 9260

(1) Holds a certificate to practice as an emergency medical 9261
technician-basic; 9262

(2) Holds the appropriate certificate of completion issued in 9263
accordance with section 4765.24 of the Revised Code; 9264

(3) Passes the appropriate examination conducted under 9265
section 4765.29 of the Revised Code; 9266

(4) Is not in violation of any provision of this chapter or 9267
the rules adopted under it; 9268

(5) Meets any other certification requirements established in 9269
rules adopted under section 4765.11 of the Revised Code. 9270

(D) A certificate to practice shall have a certification 9271
cycle established by the board and may be renewed by the board 9272

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 technician-paramedic shall complete an emergency medical services

continuing education program or pass an examination approved by 9304
the state board of emergency medical, fire, and transportation 9305
services under division (A) of section 4765.10 of the Revised Code 9306
prior to the expiration of the individual's certificate to 9307
practice. Completion of the continuing education requirements for 9308
EMTs-I or paramedics satisfies the continuing education 9309
requirements for renewing the certificate to practice as an 9310
EMT-basic held by an EMT-I or paramedic. 9311

(B)(1) An applicant for renewal of a certificate to practice 9312
may apply to the board, in writing, for an extension to complete 9313
the continuing education requirements established under division 9314
(A) of this section. The board may grant such an extension and 9315
determine the length of the extension. The board may authorize the 9316
applicant to continue to practice during the extension as if the 9317
certificate to practice had not expired. 9318

(2) An applicant for renewal of a certificate to practice may 9319
apply to the board, in writing, for an exemption from the 9320
continuing education requirements established under division (A) 9321
of this section. The board may exempt an individual or a group of 9322
individuals from all or any part of the continuing education 9323
requirements due to active military service, unusual circumstance, 9324
emergency, special hardship, or any other cause considered 9325
reasonable by the board. 9326

(C) Decisions of whether to grant an extension or exemption 9327
under division (B) of this section shall be made by the board 9328
pursuant to procedures established in rules adopted under section 9329
4765.11 of the Revised Code. 9330

Sec. 4765.32. A current, valid certificate of accreditation 9331
issued under the provisions of former section 3303.11 or 3303.23 9332
of the Revised Code shall remain valid until one year after the 9333
expiration date of the certificate as determined by the provisions 9334

of those sections and shall confer the same privileges and impose 9335
the same responsibilities and requirements as a certificate of 9336
accreditation issued by the state board of emergency medical, 9337
fire, and transportation services under section 4765.17 of the 9338
Revised Code. 9339

A certificate to practice as an emergency medical 9340
technician-ambulance that is valid on November 24, 1995, shall be 9341
considered a certificate to practice as an emergency medical 9342
technician-basic. A certificate to practice as an advanced 9343
emergency medical technician-ambulance that is valid on November 9344
24, 1995, shall be considered a certificate to practice as an 9345
emergency medical technician-intermediate. 9346

Sec. 4765.33. The state board of emergency medical, fire, and 9347
transportation services may suspend or revoke certificates to 9348
practice issued under section 4765.30 of the Revised Code, and may 9349
take other disciplinary action against first responders, emergency 9350
medical technicians-basic, emergency medical 9351
technicians-intermediate, and emergency medical 9352
technicians-paramedic pursuant to rules adopted under section 9353
4765.11 of the Revised Code. 9354

Sec. 4765.37. (A) An emergency medical technician-basic shall 9355
perform the emergency medical services described in this section 9356
in accordance with this chapter and any rules adopted under it by 9357
the state board of emergency medical, fire, and transportation 9358
services. 9359

(B) An emergency medical technician-basic may operate, or be 9360
responsible for operation of, an ambulance and may provide 9361
emergency medical services to patients. In an emergency, an 9362
EMT-basic may determine the nature and extent of illness or injury 9363
and establish priority for required emergency medical services. An 9364

EMT-basic may render emergency medical services such as opening 9365
and maintaining an airway, giving positive pressure ventilation, 9366
cardiac resuscitation, electrical interventions with automated 9367
defibrillators to support or correct the cardiac function and 9368
other methods determined by the board, controlling of hemorrhage, 9369
treatment of shock, immobilization of fractures, bandaging, 9370
assisting in childbirth, management of mentally disturbed 9371
patients, initial care of poison and burn patients, and 9372
determining triage of adult and pediatric trauma victims. Where 9373
patients must in an emergency be extricated from entrapment, an 9374
EMT-basic may assess the extent of injury and render all possible 9375
emergency medical services and protection to the entrapped 9376
patient; provide light rescue services if an ambulance has not 9377
been accompanied by a specialized unit; and after extrication, 9378
provide additional care in sorting of the injured in accordance 9379
with standard emergency procedures. 9380

(C) An EMT-basic may perform any other emergency medical 9381
services approved pursuant to rules adopted under section 4765.11 9382
of the Revised Code. The board shall determine whether the nature 9383
of any such service requires that an EMT-basic receive 9384
authorization prior to performing the service. 9385

(D)(1) Except as provided in division (D)(2) of this section, 9386
if the board determines under division (C) of this section that a 9387
service requires prior authorization, the service shall be 9388
performed only pursuant to the written or verbal authorization of 9389
a physician or of the cooperating physician advisory board, or 9390
pursuant to an authorization transmitted through a direct 9391
communication device by a physician, physician assistant 9392
designated by a physician, or registered nurse designated by a 9393
physician. 9394

(2) If communications fail during an emergency situation or 9395
the required response time prohibits communication, an EMT-basic 9396

may perform services subject to this division, if, in the judgment 9397
of the EMT-basic, the life of the patient is in immediate danger. 9398
Services performed under these circumstances shall be performed in 9399
accordance with the protocols for triage of adult and pediatric 9400
trauma victims established in rules adopted under sections 4765.11 9401
and 4765.40 of the Revised Code and any applicable protocols 9402
adopted by the emergency medical service organization with which 9403
the EMT-basic is affiliated. 9404

Sec. 4765.38. (A) An emergency medical 9405
technician-intermediate shall perform the emergency medical 9406
services described in this section in accordance with this chapter 9407
and any rules adopted under it. 9408

(B) An EMT-I may do any of the following: 9409

(1) Establish and maintain an intravenous lifeline that has 9410
been approved by a cooperating physician or physician advisory 9411
board; 9412

(2) Perform cardiac monitoring; 9413

(3) Perform electrical interventions to support or correct 9414
the cardiac function; 9415

(4) Administer epinephrine; 9416

(5) Determine triage of adult and pediatric trauma victims; 9417

(6) Perform any other emergency medical services approved 9418
pursuant to rules adopted under section 4765.11 of the Revised 9419
Code. 9420

(C)(1) Except as provided in division (C)(2) of this section, 9421
the services described in division (B) of this section shall be 9422
performed by an EMT-I only pursuant to the written or verbal 9423
authorization of a physician or of the cooperating physician 9424
advisory board, or pursuant to an authorization transmitted 9425
through a direct communication device by a physician, physician 9426

assistant designated by a physician, or registered nurse 9427
designated by a physician. 9428

(2) If communications fail during an emergency situation or 9429
the required response time prohibits communication, an EMT-I may 9430
perform any of the services described in division (B) of this 9431
section, if, in the judgment of the EMT-I, the life of the patient 9432
is in immediate danger. Services performed under these 9433
circumstances shall be performed in accordance with the protocols 9434
for triage of adult and pediatric trauma victims established in 9435
rules adopted under sections 4765.11 and 4765.40 of the Revised 9436
Code and any applicable protocols adopted by the emergency medical 9437
service organization with which the EMT-I is affiliated. 9438

(D) In addition to, and in the course of, providing emergency 9439
medical treatment, an emergency medical technician-intermediate 9440
may withdraw blood as provided under sections 1547.11, 4506.17, 9441
and 4511.19 of the Revised Code. An emergency medical 9442
technician-intermediate shall withdraw blood in accordance with 9443
this chapter and any rules adopted under it by the state board of 9444
emergency medical, fire, and transportation services. 9445

Sec. 4765.39. (A) An emergency medical technician-paramedic 9446
shall perform the emergency medical services described in this 9447
section in accordance with this chapter and any rules adopted 9448
under it. 9449

(B) A paramedic may do any of the following: 9450

(1) Perform cardiac monitoring; 9451

(2) Perform electrical interventions to support or correct 9452
the cardiac function; 9453

(3) Perform airway procedures; 9454

(4) Perform relief of pneumothorax; 9455

(5) Administer appropriate drugs and intravenous fluids; 9456

(6) Determine triage of adult and pediatric trauma victims; 9457

(7) Perform any other emergency medical services, including 9458
life support or intensive care techniques, approved pursuant to 9459
rules adopted under section 4765.11 of the Revised Code. 9460

(C)(1) Except as provided in division (C)(2) of this section, 9461
the services described in division (B) of this section shall be 9462
performed by a paramedic only pursuant to the written or verbal 9463
authorization of a physician or of the cooperating physician 9464
advisory board, or pursuant to an authorization transmitted 9465
through a direct communication device by a physician, physician 9466
assistant designated by a physician, or registered nurse 9467
designated by a physician. 9468

(2) If communications fail during an emergency situation or 9469
the required response time prohibits communication, a paramedic 9470
may perform any of the services described in division (B) of this 9471
section, if, in the paramedic's judgment, the life of the patient 9472
is in immediate danger. Services performed under these 9473
circumstances shall be performed in accordance with the protocols 9474
for triage of adult and pediatric trauma victims established in 9475
rules adopted under sections 4765.11 and 4765.40 of the Revised 9476
Code and any applicable protocols adopted by the emergency medical 9477
service organization with which the paramedic is affiliated. 9478

(D) In addition to, and in the course of, providing emergency 9479
medical treatment, an emergency medical technician-paramedic may 9480
withdraw blood as provided under sections 1547.11, 4506.17, and 9481
4511.19 of the Revised Code. An emergency medical 9482
technician-paramedic shall withdraw blood in accordance with this 9483
chapter and any rules adopted under it by the state board of 9484
emergency medical, fire, and transportation services. 9485

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 9486
~~effective date of this amendment~~ November 3, 2000, the state board 9487

of emergency medical, fire, and transportation services shall 9488
adopt rules under section 4765.11 of the Revised Code establishing 9489
written protocols for the triage of adult and pediatric trauma 9490
victims. The rules shall define adult and pediatric trauma in a 9491
manner that is consistent with section 4765.01 of the Revised 9492
Code, minimizes overtriage and undertriage, and emphasizes the 9493
special needs of pediatric and geriatric trauma patients. 9494

(2) The state triage protocols adopted under division (A) of 9495
this section shall require a trauma victim to be transported 9496
directly to an adult or pediatric trauma center that is qualified 9497
to provide appropriate adult or pediatric trauma care, unless one 9498
or more of the following exceptions applies: 9499

(a) It is medically necessary to transport the victim to 9500
another hospital for initial assessment and stabilization before 9501
transfer to an adult or pediatric trauma center; 9502

(b) It is unsafe or medically inappropriate to transport the 9503
victim directly to an adult or pediatric trauma center due to 9504
adverse weather or ground conditions or excessive transport time; 9505

(c) Transporting the victim to an adult or pediatric trauma 9506
center would cause a shortage of local emergency medical service 9507
resources; 9508

(d) No appropriate adult or pediatric trauma center is able 9509
to receive and provide adult or pediatric trauma care to the 9510
trauma victim without undue delay; 9511

(e) Before transport of a patient begins, the patient 9512
requests to be taken to a particular hospital that is not a trauma 9513
center or, if the patient is less than eighteen years of age or is 9514
not able to communicate, such a request is made by an adult member 9515
of the patient's family or a legal representative of the patient. 9516

(3)(a) The state triage protocols adopted under division (A) 9517
of this section shall require trauma patients to be transported to 9518

an adult or pediatric trauma center that is able to provide 9519
appropriate adult or pediatric trauma care, but shall not require 9520
a trauma patient to be transported to a particular trauma center. 9521
The state triage protocols shall establish one or more procedures 9522
for evaluating whether an injury victim requires or would benefit 9523
from adult or pediatric trauma care, which procedures shall be 9524
applied by emergency medical service personnel based on the 9525
patient's medical needs. In developing state trauma triage 9526
protocols, the board shall consider relevant model triage rules 9527
and shall consult with the commission on minority health, regional 9528
directors, regional physician advisory boards, and appropriate 9529
medical, hospital, and emergency medical service organizations. 9530

(b) Before the joint committee on agency rule review 9531
considers state triage protocols for trauma victims proposed by 9532
the state board of emergency medical, fire, and transportation 9533
services, or amendments thereto, the board shall send a copy of 9534
the proposal to the Ohio chapter of the American college of 9535
emergency physicians, the Ohio chapter of the American college of 9536
surgeons, the Ohio chapter of the American academy of pediatrics, 9537
OHA: the association for hospitals and health systems, the Ohio 9538
osteopathic association, and the association of Ohio children's 9539
hospitals and shall hold a public hearing at which it must 9540
consider the appropriateness of the protocols to minimize 9541
overtriage and undertriage of trauma victims. 9542

(c) The board shall provide copies of the state triage 9543
protocols, and amendments to the protocols, to each emergency 9544
medical service organization, regional director, regional 9545
physician advisory board, certified emergency medical service 9546
instructor, and person who regularly provides medical direction to 9547
emergency medical service personnel in the state; to each medical 9548
service organization in other jurisdictions that regularly provide 9549
emergency medical services in this state; and to others upon 9550

request. 9551

(B)(1) The state board of emergency medical, fire, and 9552
transportation services shall approve regional protocols for the 9553
triage of adult and pediatric trauma victims, and amendments to 9554
such protocols, that are submitted to the board as provided in 9555
division (B)(2) of this section and provide a level of adult and 9556
pediatric trauma care comparable to the state triage protocols 9557
adopted under division (A) of this section. The board shall not 9558
otherwise approve regional triage protocols for trauma victims. 9559
The board shall not approve regional triage protocols for regions 9560
that overlap and shall resolve any such disputes by apportioning 9561
the overlapping territory among appropriate regions in a manner 9562
that best serves the medical needs of the residents of that 9563
territory. The trauma committee of the board shall have reasonable 9564
opportunity to review and comment on regional triage protocols and 9565
amendments to such protocols before the board approves or 9566
disapproves them. 9567

(2) Regional protocols for the triage of adult and pediatric 9568
trauma victims, and amendments to such protocols, shall be 9569
submitted in writing to the state board of emergency medical, 9570
fire, and transportation services by the regional physician 9571
advisory board or regional director, as appropriate, that serves a 9572
majority of the population in the region in which the protocols 9573
apply. Prior to submitting regional triage protocols, or an 9574
amendment to such protocols, to the state board of emergency 9575
medical, fire, and transportation services, a regional physician 9576
advisory board or regional director shall consult with each of the 9577
following that regularly serves the region in which the protocols 9578
apply: 9579

(a) Other regional physician advisory boards and regional 9580
directors; 9581

(b) Hospitals that operate an emergency facility; 9582

(c) Adult and pediatric trauma centers;	9583
(d) Professional societies of physicians who specialize in adult or pediatric emergency medicine or adult or pediatric trauma surgery;	9584 9585 9586
(e) Professional societies of nurses who specialize in adult or pediatric emergency nursing or adult or pediatric trauma surgery;	9587 9588 9589
(f) Professional associations or labor organizations of emergency medical service personnel;	9590 9591
(g) Emergency medical service organizations and medical directors of such organizations;	9592 9593
(h) Certified emergency medical service instructors.	9594
(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.	9595 9596 9597 9598 9599 9600 9601 9602 9603 9604
(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 amendment to each entity in the region in which the protocols apply to which the board is required to send a copy of the state triage protocols adopted under division (A) of this section.	9605 9606 9607 9608 9609 9610 9611 9612

(C)(1) The state board of emergency medical, fire, and 9613
transportation services shall review the state triage protocols 9614
adopted under division (A) of this section at least every three 9615
years to determine if they are causing overtriage or undertriage 9616
of trauma patients, and shall modify them as necessary to minimize 9617
overtriage and undertriage. 9618

(2) Each regional physician advisory board or regional 9619
director that has had regional triage protocols approved under 9620
division (B)(2) of this section shall review the protocols at 9621
least every three years to determine if they are causing 9622
overtriage or undertriage of trauma patients and shall submit an 9623
appropriate amendment to the state board, as provided in division 9624
(B) of this section, as necessary to minimize overtriage and 9625
undertriage. The state board shall approve the amendment if it 9626
will reduce overtriage or undertriage while complying with 9627
division (B) of this section, and shall not otherwise approve the 9628
amendment. 9629

(D) No provider of emergency medical services or person who 9630
provides medical direction to emergency medical service personnel 9631
in this state shall fail to comply with the state triage protocols 9632
adopted under division (A) of this section or applicable regional 9633
triage protocols approved under division (B)(2) of this section. 9634

(E) The state board of emergency medical, fire, and 9635
transportation services shall adopt rules under section 4765.11 of 9636
the Revised Code that provide for enforcement of the state triage 9637
protocols adopted under division (A) of this section and regional 9638
triage protocols approved under division (B)(2) of this section, 9639
and for education regarding those protocols for emergency medical 9640
service organizations and personnel, regional directors and 9641
regional physician advisory boards, emergency medical service 9642
instructors, and persons who regularly provide medical direction 9643
to emergency medical service personnel in this state. 9644

Sec. 4765.42. Each emergency medical service organization 9645
shall give notice of the name of its medical director or the names 9646
of the members of its cooperating physician advisory board to the 9647
state board of emergency medical, fire, and transportation 9648
services. The notice shall be made in writing. 9649

Sec. 4765.48. The attorney general, the prosecuting attorney 9650
of the county, or the city director of law shall, upon complaint 9651
of the state board of emergency medical, fire, and transportation 9652
services, prosecute to termination or bring an action for 9653
injunction against any person violating this chapter or the rules 9654
adopted under it. The common pleas court in which an action for 9655
injunction is filed has the jurisdiction to grant injunctive 9656
relief upon a showing that the respondent named in the complaint 9657
is in violation of this chapter or the rules adopted under it. 9658

Sec. 4765.49. (A) A first responder, emergency medical 9659
technician-basic, emergency medical technician-intermediate, or 9660
emergency medical technician-paramedic is not liable in damages in 9661
a civil action for injury, death, or loss to person or property 9662
resulting from the individual's administration of emergency 9663
medical services, unless the services are administered in a manner 9664
that constitutes willful or wanton misconduct. A physician, 9665
physician assistant designated by a physician, or registered nurse 9666
designated by a physician, any of whom is advising or assisting in 9667
the emergency medical services by means of any communication 9668
device or telemetering system, is not liable in damages in a civil 9669
action for injury, death, or loss to person or property resulting 9670
from the individual's advisory communication or assistance, unless 9671
the advisory communication or assistance is provided in a manner 9672
that constitutes willful or wanton misconduct. Medical directors 9673
and members of cooperating physician advisory boards of emergency 9674

medical service organizations are not liable in damages in a civil 9675
action for injury, death, or loss to person or property resulting 9676
from their acts or omissions in the performance of their duties, 9677
unless the act or omission constitutes willful or wanton 9678
misconduct. 9679

(B) A political subdivision, joint ambulance district, joint 9680
emergency medical services district, or other public agency, and 9681
any officer or employee of a public agency or of a private 9682
organization operating under contract or in joint agreement with 9683
one or more political subdivisions, that provides emergency 9684
medical services, or that enters into a joint agreement or a 9685
contract with the state, any political subdivision, joint 9686
ambulance district, or joint emergency medical services district 9687
for the provision of emergency medical services, is not liable in 9688
damages in a civil action for injury, death, or loss to person or 9689
property arising out of any actions taken by a first responder, 9690
EMT-basic, EMT-I, or paramedic working under the officer's or 9691
employee's jurisdiction, or for injury, death, or loss to person 9692
or property arising out of any actions of licensed medical 9693
personnel advising or assisting the first responder, EMT-basic, 9694
EMT-I, or paramedic, unless the services are provided in a manner 9695
that constitutes willful or wanton misconduct. 9696

(C) A student who is enrolled in an emergency medical 9697
services training program accredited under section 4765.17 of the 9698
Revised Code or an emergency medical services continuing education 9699
program approved under that section is not liable in damages in a 9700
civil action for injury, death, or loss to person or property 9701
resulting from either of the following: 9702

(1) The student's administration of emergency medical 9703
services or patient care or treatment, if the services, care, or 9704
treatment is administered while the student is under the direct 9705
supervision and in the immediate presence of an EMT-basic, EMT-I, 9706

paramedic, registered nurse, physician assistant, or physician and 9707
while the student is receiving clinical training that is required 9708
by the program, unless the services, care, or treatment is 9709
provided in a manner that constitutes willful or wanton 9710
misconduct; 9711

(2) The student's training as an ambulance driver, unless the 9712
driving is done in a manner that constitutes willful or wanton 9713
misconduct. 9714

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 9715
holds a valid commercial driver's license issued pursuant to 9716
Chapter 4506. of the Revised Code or driver's license issued 9717
pursuant to Chapter 4507. of the Revised Code and who is employed 9718
by an emergency medical service organization that is not owned or 9719
operated by a political subdivision as defined in section 2744.01 9720
of the Revised Code, is not liable in damages in a civil action 9721
for injury, death, or loss to person or property that is caused by 9722
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 9723
or other operator while responding to or completing a call for 9724
emergency medical services, unless the operation constitutes 9725
willful or wanton misconduct or does not comply with the 9726
precautions of section 4511.03 of the Revised Code. An emergency 9727
medical service organization is not liable in damages in a civil 9728
action for any injury, death, or loss to person or property that 9729
is caused by the operation of an ambulance by its employee or 9730
agent, if this division grants the employee or agent immunity from 9731
civil liability for the injury, death, or loss. 9732

(E) An employee or agent of an emergency medical service 9733
organization who receives requests for emergency medical services 9734
that are directed to the organization, dispatches first 9735
responders, EMTs-basic, EMTs-I, or paramedics in response to those 9736
requests, communicates those requests to those employees or agents 9737
of the organization who are authorized to dispatch first 9738

responders, EMTs-basic, EMTs-I, or paramedics, or performs any 9739
combination of these functions for the organization, is not liable 9740
in damages in a civil action for injury, death, or loss to person 9741
or property resulting from the individual's acts or omissions in 9742
the performance of those duties for the organization, unless an 9743
act or omission constitutes willful or wanton misconduct. 9744

(F) A person who is performing the functions of a first 9745
responder, EMT-basic, EMT-I, or paramedic under the authority of 9746
the laws of a state that borders this state and who provides 9747
emergency medical services to or transportation of a patient in 9748
this state is not liable in damages in a civil action for injury, 9749
death, or loss to person or property resulting from the person's 9750
administration of emergency medical services, unless the services 9751
are administered in a manner that constitutes willful or wanton 9752
misconduct. A physician, physician assistant designated by a 9753
physician, or registered nurse designated by a physician, any of 9754
whom is licensed to practice in the adjoining state and who is 9755
advising or assisting in the emergency medical services by means 9756
of any communication device or telemetering system, is not liable 9757
in damages in a civil action for injury, death, or loss to person 9758
or property resulting from the person's advisory communication or 9759
assistance, unless the advisory communication or assistance is 9760
provided in a manner that constitutes willful or wanton 9761
misconduct. 9762

(G) A person certified under section 4765.23 of the Revised 9763
Code to teach in an emergency medical services training program or 9764
emergency medical services continuing education program, and a 9765
person who teaches at the Ohio fire academy established under 9766
section 3737.33 of the Revised Code or in a fire service training 9767
program described in division (A) of section 4765.55 of the 9768
Revised Code, is not liable in damages in a civil action for 9769
injury, death, or loss to person or property resulting from the 9770

person's acts or omissions in the performance of the person's 9771
duties, unless an act or omission constitutes willful or wanton 9772
misconduct. 9773

(H) In the accreditation of emergency medical services 9774
training programs or approval of emergency medical services 9775
continuing education programs, the state board of emergency 9776
medical, fire, and transportation services and any person or 9777
entity authorized by the board to evaluate applications for 9778
accreditation or approval are not liable in damages in a civil 9779
action for injury, death, or loss to person or property resulting 9780
from their acts or omissions in the performance of their duties, 9781
unless an act or omission constitutes willful or wanton 9782
misconduct. 9783

(I) A person authorized by an emergency medical service 9784
organization to review the performance of first responders, 9785
EMTs-basic, EMTs-I, and paramedics or to administer quality 9786
assurance programs is not liable in damages in a civil action for 9787
injury, death, or loss to person or property resulting from the 9788
person's acts or omissions in the performance of the person's 9789
duties, unless an act or omission constitutes willful or wanton 9790
misconduct. 9791

Sec. 4765.55. (A) The executive director of the state board 9792
of emergency medical, fire, and transportation services, with the 9793
advice and counsel of the firefighter and fire safety inspector 9794
training committee of the state board of emergency medical, fire, 9795
and transportation services, shall assist in the establishment and 9796
maintenance by any state agency, or any county, township, city, 9797
village, school district, or educational service center of a fire 9798
service training program for the training of all persons in 9799
positions of any fire training certification level approved by the 9800
executive director, including full-time paid firefighters, 9801

part-time paid firefighters, volunteer firefighters, and fire 9802
safety inspectors in this state. The executive director, with the 9803
advice and counsel of the committee, shall adopt rules to regulate 9804
those firefighter and fire safety inspector training programs, and 9805
other training programs approved by the executive director. The 9806
rules may include, but need not be limited to, training 9807
curriculum, certification examinations, training schedules, 9808
minimum hours of instruction, attendance requirements, required 9809
equipment and facilities, basic physical requirements, and methods 9810
of training for all persons in positions of any fire training 9811
certification level approved by the executive director, including 9812
full-time paid firefighters, part-time paid firefighters, 9813
volunteer firefighters, and fire safety inspectors. The rules 9814
adopted to regulate training programs for volunteer firefighters 9815
shall not require more than thirty-six hours of training. 9816

The executive director, with the advice and counsel of the 9817
committee, shall provide for the classification and chartering of 9818
fire service training programs in accordance with rules adopted 9819
under division (B) of this section, and may take action against 9820
any chartered training program or applicant, in accordance with 9821
rules adopted under divisions (B)(4) and (5) of this section, for 9822
failure to meet standards set by the adopted rules. 9823

(B) The executive director, with the advice and counsel of 9824
the firefighter and fire safety inspector training committee of 9825
the state board of emergency medical, fire, and transportation 9826
services, shall adopt, and may amend or rescind, rules under 9827
Chapter 119. of the Revised Code that establish all of the 9828
following: 9829

(1) Requirements for, and procedures for chartering, the 9830
training programs regulated by this section; 9831

(2) Requirements for, and requirements and procedures for 9832
obtaining and renewing, an instructor certificate to teach the 9833

training programs and continuing education classes regulated by this section;	9834 9835
(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;	9836 9837 9838
(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:	9839 9840 9841 9842
(a) Failure to satisfy the education or training requirements of this section;	9843 9844
(b) Conviction of a felony offense;	9845
(c) Conviction of a misdemeanor involving moral turpitude;	9846
(d) Conviction of a misdemeanor committed in the course of practice;	9847 9848
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	9849 9850 9851
(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;	9852 9853 9854 9855 9856 9857
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	9858 9859 9860
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	9861 9862
(8) Certification cycles for which the certificates and	9863

charters regulated by this section are valid. 9864

(C) The executive director, with the advice and counsel of 9865
the firefighter and fire safety inspector training committee of 9866
the state board of emergency medical, fire, and transportation 9867
services, shall issue or renew an instructor certificate to teach 9868
the training programs and continuing education classes regulated 9869
by this section to any applicant that the executive director 9870
determines meets the qualifications established in rules adopted 9871
under division (B) of this section, and may take disciplinary 9872
action against an instructor certificate holder or applicant in 9873
accordance with rules adopted under division (B) of this section. 9874
The executive director, with the advice and counsel of the 9875
committee, shall charter or renew the charter of any training 9876
program that the executive director determines meets the 9877
qualifications established in rules adopted under division (B) of 9878
this section, and may take disciplinary action against the holder 9879
of a charter in accordance with rules adopted under division (B) 9880
of this section. 9881

(D) The executive director shall issue or renew a fire 9882
training certificate for a firefighter, a fire safety inspector, 9883
or another position of any fire training certification level 9884
approved by the executive director, to any applicant that the 9885
executive director determines meets the qualifications established 9886
in rules adopted under division (B) of this section and may take 9887
disciplinary actions against a certificate holder or applicant in 9888
accordance with rules adopted under division (B) of this section. 9889

(E) Certificates issued under this section shall be on a form 9890
prescribed by the executive director, with the advice and counsel 9891
of the firefighter and fire safety inspector training committee of 9892
the state board of emergency medical, fire, and transportation 9893
services. 9894

(F)(1) The executive director, with the advice and counsel of 9895

the firefighter and fire safety inspector training committee of 9896
the state board of emergency medical, fire, and transportation 9897
services, shall establish criteria for evaluating the standards 9898
maintained by other states and the branches of the United States 9899
military for firefighter, fire safety inspector, and fire 9900
instructor training programs, and other training programs 9901
recognized by the executive director, to determine whether the 9902
standards are equivalent to those established under this section 9903
and shall establish requirements and procedures for issuing a 9904
certificate to each person who presents proof to the executive 9905
director of having satisfactorily completed a training program 9906
that meets those standards. 9907

(2) The executive director, with the committee's advice and 9908
counsel, shall adopt rules establishing requirements and 9909
procedures for issuing a fire training certificate in lieu of 9910
completing a chartered training program. 9911

(G) Nothing in this section invalidates any other section of 9912
the Revised Code relating to the fire training academy. Section 9913
4765.11 of the Revised Code does not affect any powers and duties 9914
granted to the executive director under this section. 9915

Sec. 4765.56. On receipt of a notice pursuant to section 9916
3123.43 of the Revised Code, the state board of emergency medical, 9917
fire, and transportation services shall comply with sections 9918
3123.41 to 3123.50 of the Revised Code and any applicable rules 9919
adopted under section 3123.63 of the Revised Code with respect to 9920
a certificate to practice issued pursuant to this chapter. 9921

Sec. 4765.59. The state board of emergency medical, fire, and 9922
transportation services shall not administer laws and rules 9923
exceeding the statutory authority provided to the board under 9924
Chapters 4765. and 4766. of the Revised Code. 9925

Sec. 4766.01. As used in this chapter:	9926
(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.	9927 9928 9929
(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.	9930 9931 9932 9933
(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.	9934 9935 9936
(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.	9937 9938 9939 9940 9941 9942 9943 9944 9945 9946 9947
(E) "Ambulette" means a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for transportation upon the streets or highways of this state of persons who require use of a wheelchair.	9948 9949 9950 9951
(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an EMT-basic <u>EMT</u> is certified to perform.	9952 9953 9954
(G) "Disaster situation" means any condition or situation	9955

described by rule of the ~~Ohio~~ state board of emergency medical, 9956
fire, and transportation board services as a mass casualty, major 9957
emergency, natural disaster, or national emergency. 9958

(H) "Emergency medical service organization" means an 9959
organization that uses ~~EMTs-basic EMTs, EMTs-I AEMTs,~~ or 9960
paramedics, or a combination of ~~EMTs-basic EMTs, EMTs-I AEMTs,~~ and 9961
paramedics, to provide medical care to victims of illness or 9962
injury. An emergency medical service organization includes, but is 9963
not limited to, a commercial ambulance service organization, a 9964
hospital, and a funeral home. 9965

(I) "~~EMT-basic EMT,~~" "~~EMT-I AEMT,~~" and "paramedic" have the 9966
same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the 9967
Revised Code. 9968

(J) "Fixed wing air ambulance" means a fixed wing aircraft 9969
that is specifically designed, constructed, or modified and 9970
equipped and is intended to be used as a means of air medical 9971
transportation. 9972

(K) "Intermediate life support" means treatment described in 9973
section 4765.38 of the Revised Code that an ~~EMT-I AEMT~~ is 9974
certified to perform. 9975

(L) "Major emergency" means any emergency event that cannot 9976
be resolved through the use of locally available emergency 9977
resources. 9978

(M) "Mass casualty" means an emergency event that results in 9979
ten or more persons being injured, incapacitated, made ill, or 9980
killed. 9981

(N) "Medical emergency" means an unforeseen event affecting 9982
an individual in such a manner that a need for immediate care is 9983
created. 9984

(O) "Mobile intensive care unit" means an ambulance used only 9985

for maintaining specialized or intensive care treatment and used 9986
primarily for interhospital transports of patients whose 9987
conditions require care beyond the scope of a paramedic as 9988
provided in section 4765.39 of the Revised Code. 9989

(P)(1) "Nonemergency medical service organization" means a 9990
person that does both of the following: 9991

(a) Provides services to the public on a regular basis for 9992
the purpose of transporting individuals who require the use of a 9993
wheelchair or are confined to a wheelchair to receive health care 9994
services at health care facilities or health care practitioners' 9995
offices in nonemergency circumstances; 9996

(b) Provides the services for a fee, regardless of whether 9997
the fee is paid by the person being transported, a third party 9998
payer, as defined in section 3702.51 of the Revised Code, or any 9999
other person or government entity. 10000

(2) "Nonemergency medical service organization" does not 10001
include a health care facility, as defined in section 1751.01 of 10002
the Revised Code, that provides ambulette services only to 10003
patients of that facility. 10004

(Q) "Nontransport vehicle" means a motor vehicle operated by 10005
a licensed emergency medical service organization not as an 10006
ambulance, but as a vehicle for providing services in conjunction 10007
with the ambulances operated by the organization or other 10008
emergency medical service organizations. 10009

(R) "Patient" means any individual who as a result of illness 10010
or injury needs medical attention, whose physical or mental 10011
condition is such that there is imminent danger of loss of life or 10012
significant health impairment, who may be otherwise incapacitated 10013
or helpless as a result of a physical or mental condition, or 10014
whose physical condition requires the use of a wheelchair. 10015

(S) "Rotorcraft air ambulance" means a helicopter or other 10016

aircraft capable of vertical takeoffs, vertical landings, and 10017
hovering that is specifically designed, constructed, or modified 10018
and equipped and is intended to be used as a means of air medical 10019
transportation. 10020

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical, 10021
fire, and transportation board services shall adopt rules, in 10022
accordance with Chapter 119. of the Revised Code, implementing the 10023
requirements of this chapter. The rules shall include provisions 10024
relating to the following: 10025

(1) Requirements for an emergency medical service 10026
organization to receive a permit for an ambulance or nontransport 10027
vehicle; 10028

(2) Requirements for an emergency medical service 10029
organization to receive a license as a basic life-support, 10030
intermediate life-support, advanced life-support, or mobile 10031
intensive care unit organization; 10032

(3) Requirements for a nonemergency medical service 10033
organization to receive a permit for an ambulette vehicle; 10034

(4) Requirements for a nonemergency medical service 10035
organization to receive a license for an ambulette service; 10036

(5) Requirements for an air medical service organization to 10037
receive a permit for a rotorcraft air ambulance or fixed wing air 10038
ambulance; 10039

(6) Requirements for licensure of air medical service 10040
organizations; 10041

(7) Forms for applications and renewals of licenses and 10042
permits; 10043

(8) Requirements for record keeping of service responses made 10044
by licensed emergency medical service organizations; 10045

(9) Fee amounts for licenses and permits, and their renewals;	10046
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	10047 10048
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	10049 10050 10051
(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle or aircraft the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle or aircraft;	10052 10053 10054 10055 10056 10057 10058 10059 10060
(13) The level of care each type of emergency medical service organization, nonemergency medical service organization, and air medical service organization is authorized to provide;	10061 10062 10063
(14) Eligibility requirements for employment as an ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulette driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment.	10064 10065 10066 10067 10068 10069 10070
(15) Any other rules that the board determines necessary for the implementation and enforcement of this chapter.	10071 10072
(B) In the rules for ambulances and nontransport vehicles adopted under division (A)(12) of this section, the board may establish requirements that vary according to whether the emergency medical service organization using the vehicles is	10073 10074 10075 10076

licensed as a basic life-support, intermediate life-support, 10077
advanced life-support, or mobile intensive care unit organization. 10078

(C) A mobile intensive care unit that is not dually certified 10079
to provide advanced life-support and meets the requirements of the 10080
rules adopted under this section is not required to carry 10081
immobilization equipment, including board splint kits, traction 10082
splints, backboards, backboard straps, cervical immobilization 10083
devices, cervical collars, stair chairs, folding cots, or other 10084
types of immobilization equipment determined by the board to be 10085
unnecessary for mobile intensive care units. 10086

A mobile intensive care unit is exempt from the emergency 10087
medical technician staffing requirements of section 4765.43 of the 10088
Revised Code when it is staffed by at least one physician or 10089
registered nurse and another person, designated by a physician, 10090
who holds a valid license or certificate to practice in a health 10091
care profession, and when at least one of the persons staffing the 10092
mobile intensive care unit is a registered nurse whose training 10093
meets or exceeds the training required for a paramedic. 10094

Sec. 4766.04. (A) Except as otherwise provided in this 10095
chapter, no person shall furnish, operate, conduct, maintain, 10096
advertise, engage in, or propose or profess to engage in the 10097
business or service in this state of transporting persons who are 10098
seriously ill, injured, or otherwise incapacitated or who require 10099
the use of a wheelchair or are confined to a wheelchair unless the 10100
person is licensed pursuant to this section. 10101

(B) To qualify for a license as a basic life-support, 10102
intermediate life-support, advanced life-support, or mobile 10103
intensive care unit organization, an emergency medical service 10104
organization shall do all of the following: 10105

(1) Apply for a permit for each ambulance and nontransport 10106
vehicle owned or leased as provided in section 4766.07 of the 10107

Revised Code;	10108
(2) Meet all requirements established in rules adopted by the	10109
Ohio state board of emergency <u>medical, fire, and</u> transportation	10110
board services regarding ambulances and nontransport vehicles,	10111
including requirements pertaining to equipment, communications	10112
systems, staffing, and level of care the particular organization	10113
is permitted to render;	10114
(3) Maintain the appropriate type and amount of insurance as	10115
specified in section 4766.06 of the Revised Code;	10116
(4) Meet all other requirements established under rules	10117
adopted by the board for the particular license.	10118
(C) To qualify for a license to provide ambulette service, a	10119
nonemergency medical service organization shall do all of the	10120
following:	10121
(1) Apply for a permit for each ambulette owned or leased as	10122
provided in section 4766.07 of the Revised Code;	10123
(2) Meet all requirements established in rules adopted by the	10124
Ohio state board of emergency <u>medical, fire, and</u> transportation	10125
board services regarding ambulettes, including requirements	10126
pertaining to equipment, communication systems, staffing, and	10127
level of care the organization is permitted to render;	10128
(3) Maintain the appropriate type and amount of insurance as	10129
specified in section 4766.06 of the Revised Code;	10130
(4) Meet all other requirements established under rules	10131
adopted by the board for the license.	10132
(D) To qualify for a license to provide air medical	10133
transportation, an air medical service organization shall do all	10134
of the following:	10135
(1) Apply for a permit for each rotorcraft air ambulance and	10136
fixed wing air ambulance owned or leased as provided in section	10137

4766.07 of the Revised Code; 10138

(2) Meet all requirements established in rules adopted by the 10139
~~Ohio~~ state board of emergency medical, fire, and transportation 10140
~~board~~ services regarding rotorcraft air ambulances and fixed wing 10141
air ambulances, including requirements pertaining to equipment, 10142
communication systems, staffing, and level of care the 10143
organization is permitted to render; 10144

(3) Maintain the appropriate type and amount of insurance as 10145
specified in section 4766.06 of the Revised Code; 10146

(4) Meet all other requirements established under rules 10147
adopted by the board for the license. 10148

(E) An emergency medical service organization that applies 10149
for a license as a basic life-support, intermediate life-support, 10150
advanced life-support, or mobile intensive care unit organization; 10151
a nonemergency medical service organization that applies for a 10152
license to provide ambulance service; or an air medical service 10153
organization that applies for a license to provide air medical 10154
transportation shall submit a completed application to the board, 10155
on a form provided by the board for each particular license, 10156
together with the appropriate fees established under section 10157
4766.05 of the Revised Code. The application form shall include 10158
all of the following: 10159

(1) The name and business address of the operator of the 10160
organization for which licensure is sought; 10161

(2) The name under which the applicant will operate the 10162
organization; 10163

(3) A list of the names and addresses of all officers and 10164
directors of the organization; 10165

(4) For emergency medical service organizations and 10166
nonemergency medical service organizations, a description of each 10167

vehicle to be used, including the make, model, year of 10168
manufacture, mileage, vehicle identification number, and the color 10169
scheme, insignia, name, monogram, or other distinguishing 10170
characteristics to be used to designate the applicant's vehicle; 10171

(5) For air medical service organizations using fixed wing 10172
air ambulances, a description of each aircraft to be used, 10173
including the make, model, year of manufacture, and aircraft hours 10174
on airframe; 10175

(6) For air medical service organizations using rotorcraft 10176
air ambulances, a description of each aircraft to be used, 10177
including the make, model, year of manufacture, aircraft hours on 10178
airframe, aircraft identification number, and the color scheme, 10179
insignia, name, monogram, or other distinguishing characteristics 10180
to be used to designate the applicant's rotorcraft air ambulance; 10181

(7) The location and description of each place from which the 10182
organization will operate; 10183

(8) A description of the geographic area to be served by the 10184
applicant; 10185

(9) Any other information the board, by rule, determines 10186
necessary. 10187

(F) Within sixty days after receiving a completed application 10188
for licensure as a basic life-support, intermediate life-support, 10189
advanced life-support, or mobile intensive care unit organization; 10190
an ambulette service; or an air medical service organization, the 10191
board shall approve or deny the application. The board shall deny 10192
an application if it determines that the applicant does not meet 10193
the requirements of this chapter or any rules adopted under it. 10194
The board shall send notice of the denial of an application by 10195
certified mail to the applicant. The applicant may request a 10196
hearing within ten days after receipt of the notice. If the board 10197
receives a timely request, it shall hold a hearing in accordance 10198

with Chapter 119. of the Revised Code. 10199

(G) If an applicant or licensee operates or plans to operate 10200
an organization in more than one location under the same or 10201
different identities, the applicant or licensee shall apply for 10202
and meet all requirements for licensure or renewal of a license, 10203
other than payment of a license fee or renewal fee, for operating 10204
the organization at each separate location. An applicant or 10205
licensee that operates or plans to operate under the same 10206
organization identity in separate locations shall pay only a 10207
single license fee. 10208

(H) An emergency medical service organization that wishes to 10209
provide ambulance services to the public must apply for a separate 10210
license under division (C) of this section. 10211

(I) Each license issued under this section and each permit 10212
issued under section 4766.07 of the Revised Code expires one year 10213
after the date of issuance and may be renewed in accordance with 10214
the standard renewal procedures of Chapter 4745. of the Revised 10215
Code. An application for renewal shall include the license or 10216
permit renewal fee established under section 4766.05 of the 10217
Revised Code. An applicant for renewal of a permit also shall 10218
submit to the board proof of an annual inspection of the vehicle 10219
or aircraft for which permit renewal is sought. The board shall 10220
renew a license if the applicant meets the requirements for 10221
licensure and shall renew a permit if the applicant and vehicle or 10222
aircraft meet the requirements to maintain a permit for that 10223
vehicle or aircraft. 10224

(J) Each licensee shall maintain accurate records of all 10225
service responses conducted. The records shall be maintained on 10226
forms prescribed by the board and shall contain information as 10227
specified by rule by the board. 10228

Sec. 4766.05. (A) The ~~Ohio~~ state board of emergency medical, 10229

fire, and transportation board services shall establish by rule a license fee, a permit fee for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle owned or leased by the licensee that is or will be used as provided in section 4766.07 of the Revised Code, and fees for renewals of licenses and permits, taking into consideration the actual costs incurred by the board in carrying out its duties under this chapter. However, the fee for each license and each renewal of a license shall not exceed one hundred dollars, and the fee for each permit and each renewal of a permit shall not exceed one hundred dollars for each ambulance, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle. ~~The fee for each permit and each renewal of a permit shall be twenty five dollars for each ambulette for one year after March 9, 2004. Thereafter, the board shall determine by rule the fee, which shall not exceed fifty dollars, for each permit and each renewal of a permit for each ambulette. For purposes of establishing fees, "actual costs" includes the costs of salaries, expenses, inspection equipment, supervision, and program administration.~~

(B) The board shall deposit all fees and other moneys collected pursuant to sections 4766.04, 4766.07, and 4766.08 of the Revised Code in the state treasury to the credit of the ~~occupational licensing~~ trauma and regulatory emergency medical services fund, which is created by section ~~4743.05~~ 4513.263 of the Revised Code. ~~All moneys from the fund shall be used solely for the salaries and expenses of the board incurred in implementing and enforcing this chapter.~~

(C) The board, subject to the approval of the controlling board, may establish fees in excess of the maximum amounts allowed under division (A) of this section, but such fees shall not exceed those maximum amounts by more than fifty per cent.

Sec. 4766.07. (A) Except as otherwise provided by rule of the 10262
~~Ohio state board of emergency~~ medical, fire, and transportation 10263
~~board services~~, each emergency medical service organization, 10264
nonemergency medical service organization, and air medical service 10265
organization subject to licensure under this chapter shall possess 10266
a valid permit for each ambulance, ambulette, rotorcraft air 10267
ambulance, fixed wing air ambulance, and nontransport vehicle it 10268
owns or leases that is or will be used by the licensee to perform 10269
the services permitted by the license. Each licensee and license 10270
applicant shall submit the appropriate fee and an application for 10271
a permit for each ambulance, ambulette, rotorcraft air ambulance, 10272
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 10273
state board of emergency ~~medical, fire, and~~ transportation ~~board~~ 10274
services on forms provided by the board. The application shall 10275
include documentation that the vehicle or aircraft meets the 10276
appropriate standards set by the board, that the vehicle or 10277
aircraft has been inspected pursuant to division (C) of this 10278
section, that the permit applicant maintains insurance as provided 10279
in section 4766.06 of the Revised Code, and that the vehicle or 10280
aircraft and permit applicant meet any other requirements 10281
established under rules adopted by the board. 10282

The ~~Ohio state board of emergency~~ medical, fire, and 10283
transportation ~~board services~~ may adopt rules in accordance with 10284
Chapter 119. of the Revised Code to authorize the temporary use of 10285
a vehicle or aircraft for which a permit is not possessed under 10286
this section in back-up or disaster situations. 10287

(B)(1) Within sixty days after receiving a completed 10288
application for a permit, the board shall issue or deny the 10289
permit. The board shall deny an application if it determines that 10290
the permit applicant, vehicle, or aircraft does not meet the 10291
requirements of this chapter and the rules adopted under it that 10292
apply to permits for ambulances, ambulettes, rotorcraft air 10293

ambulances, fixed wing air ambulances, and nontransport vehicles. 10294
The board shall send notice of the denial of an application by 10295
certified mail to the permit applicant. The permit applicant may 10296
request a hearing within ten days after receipt of the notice. If 10297
the board receives a timely request, it shall hold a hearing in 10298
accordance with Chapter 119. of the Revised Code. 10299

(2) If the board issues the vehicle permit for an ambulance, 10300
ambulette, or nontransport vehicle, it also shall issue a decal, 10301
in a form prescribed by rule, to be displayed on the rear window 10302
of the vehicle. The board shall not issue a decal until all of the 10303
requirements for licensure and permit issuance have been met. 10304

(3) If the board issues the aircraft permit for a rotorcraft 10305
air ambulance or fixed wing air ambulance, it also shall issue a 10306
decal, in a form prescribed by rule, to be displayed on the left 10307
fuselage aircraft window in a manner that complies with all 10308
applicable federal aviation regulations. The board shall not issue 10309
a decal until all of the requirements for licensure and permit 10310
issuance have been met. 10311

(C) In addition to any other requirements that the board 10312
establishes by rule, a licensee or license applicant applying for 10313
an initial vehicle or aircraft permit under division (A) of this 10314
section shall submit to the board the vehicle or aircraft for 10315
which the permit is sought. Thereafter, a licensee shall annually 10316
submit to the board each vehicle or aircraft for which a permit 10317
has been issued. 10318

(1) The board shall conduct a physical inspection of an 10319
ambulance, ambulette, or nontransport vehicle to determine its 10320
roadworthiness and compliance with standard motor vehicle 10321
requirements. 10322

(2) The board shall conduct a physical inspection of the 10323
medical equipment, communication system, and interior of an 10324

ambulance to determine the operational condition and safety of the 10325
equipment and the ambulance's interior and to determine whether 10326
the ambulance is in compliance with the federal requirements for 10327
ambulance construction that were in effect at the time the 10328
ambulance was manufactured, as specified by the general services 10329
administration in the various versions of its publication titled 10330
"federal specification for the star-of-life ambulance, 10331
KKK-A-1822." 10332

(3) The board shall conduct a physical inspection of the 10333
equipment, communication system, and interior of an ambulette to 10334
determine the operational condition and safety of the equipment 10335
and the ambulette's interior and to determine whether the 10336
ambulette is in compliance with state requirements for ambulette 10337
construction. The board shall determine by rule requirements for 10338
the equipment, communication system, interior, and construction of 10339
an ambulette. 10340

(4) The board shall conduct a physical inspection of the 10341
medical equipment, communication system, and interior of a 10342
rotorcraft air ambulance or fixed wing air ambulance to determine 10343
the operational condition and safety of the equipment and the 10344
aircraft's interior. 10345

(5) The board shall issue a certificate to the applicant for 10346
each vehicle or aircraft that passes the inspection and may assess 10347
a fee for each inspection, as established by the board. 10348

(6) The board shall adopt rules regarding the implementation 10349
and coordination of inspections. The rules may permit the board to 10350
contract with a third party to conduct the inspections required of 10351
the board under this section. 10352

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical, 10353
fire, and transportation board ~~may~~ services, pursuant to an 10354
adjudication conducted in accordance with Chapter 119. of the 10355

Revised Code, may suspend or revoke any license or permit or 10356
renewal thereof issued under this chapter for any one or 10357
combination of the following causes: 10358

(1) Violation of this chapter or any rule adopted thereunder; 10359

(2) Refusal to permit the board to inspect a vehicle or 10360
aircraft used under the terms of a permit or to inspect the 10361
records or physical facilities of a licensee; 10362

(3) Failure to meet the ambulance, ambulette, rotorcraft air 10363
ambulance, fixed wing air ambulance, and nontransport vehicle 10364
requirements specified in this chapter or the rules adopted 10365
thereunder; 10366

(4) Violation of an order issued by the board; 10367

(5) Failure to comply with any of the terms of an agreement 10368
entered into with the board regarding the suspension or revocation 10369
of a license or permit or the imposition of a penalty under this 10370
section. 10371

(B) If the board determines that the records, record-keeping 10372
procedures, or physical facilities of a licensee, or an ambulance, 10373
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 10374
nontransport vehicle for which a valid permit has been issued, do 10375
not meet the standards specified in this chapter and the rules 10376
adopted thereunder, the board shall notify the licensee of any 10377
deficiencies within thirty days of finding the deficiencies. If 10378
the board determines that the deficiencies exist and they remain 10379
uncorrected after thirty days, the board may suspend the license, 10380
vehicle permit, or aircraft permit. The licensee, notwithstanding 10381
the suspension under this division, may operate until all appeals 10382
have been exhausted. 10383

(C) At the discretion of the board, a licensee whose license 10384
has been suspended or revoked under this section may be ineligible 10385

to be licensed under this chapter for a period of not more than 10386
three years from the date of the violation, provided that the 10387
board shall make no determination on a period of ineligibility 10388
until all the licensee's appeals relating to the suspension or 10389
revocation have been exhausted. 10390

(D) The board may, in addition to any other action taken 10391
under this section and after a hearing conducted pursuant to 10392
Chapter 119. of the Revised Code, impose a penalty of not more 10393
than fifteen hundred dollars for any violation specified in this 10394
section. The attorney general shall institute a civil action for 10395
the collection of any such penalty imposed. 10396

Sec. 4766.09. This chapter does not apply to any of the 10397
following: 10398

(A) A person rendering services with an ambulance in the 10399
event of a disaster situation when licensees' vehicles based in 10400
the locality of the disaster situation are incapacitated or 10401
insufficient in number to render the services needed; 10402

(B) Any person operating an ambulance, ambulette, rotorcraft 10403
air ambulance, or fixed wing air ambulance outside this state 10404
unless receiving a person within this state for transport to a 10405
location within this state; 10406

(C) A publicly owned or operated emergency medical service 10407
organization and the vehicles it owns or leases and operates, 10408
except as provided in section 307.051, division (G) of section 10409
307.055, division (F) of section 505.37, division (B) of section 10410
505.375, and division (B)(3) of section 505.72 of the Revised 10411
Code; 10412

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 10413
wing air ambulance, or nontransport vehicle owned or leased and 10414
operated by the federal government; 10415

(E) A publicly owned and operated fire department vehicle;	10416
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	10417 10418 10419
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	10420 10421 10422
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	10423 10424 10425
(I) A public emergency medical service organization;	10426
(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;	10427 10428 10429 10430
(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;	10431 10432 10433
(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;	10434 10435 10436
(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:	10437 10438 10439 10440
(1) A public nonemergency medical service organization;	10441
(2) An urban or rural public transit system;	10442
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	10443 10444

(N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:	10445 10446
(a) The entity is certified by the department of aging or the department's designee in accordance with section 173.391 of the Revised Code or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code.	10447 10448 10449 10450 10451
(b) The entity meets the requirements of section 4766.14 of the Revised Code.	10452 10453
(c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan.	10454 10455
(2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:	10456 10457
(a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.	10458 10459
(b) The vehicle does not provide ambulette services that are reimbursed under the state medicaid plan.	10460 10461
(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan:	10462 10463 10464
(1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310;	10465 10466 10467
(2) The department of transportation holds a lien on the vehicle.	10468 10469
Sec. 4766.10. This chapter does not invalidate any ordinance or resolution adopted by a municipal corporation that establishes standards for the licensure of emergency medical service organizations as basic life-support, intermediate life-support, or	10470 10471 10472 10473

advanced life-support service organizations that have their 10474
principal places of business located within the limits of the 10475
municipal corporation, as long as the licensure standards meet or 10476
exceed the standards established in this chapter and the rules 10477
adopted thereunder. 10478

Emergency medical service organizations licensed by a 10479
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 10480
state board of emergency medical, fire, and transportation board 10481
services, but the fees they pay to the board for licenses, 10482
permits, and renewals thereof shall not exceed fifty per cent of 10483
the fee amounts established by the board pursuant to section 10484
4766.03 of the Revised Code. The board may choose to waive the 10485
vehicle inspection requirements and inspection fees, but not the 10486
permit fees, for the vehicles of organizations licensed by a 10487
municipal corporation. 10488

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical, 10489
fire, and transportation board services may investigate alleged 10490
violations of this chapter or the rules adopted under it and may 10491
investigate any complaints received regarding alleged violations. 10492

In addition to any other remedies available and regardless of 10493
whether an adequate remedy at law exists, the board may apply to 10494
the court of common pleas in the county where a violation of any 10495
provision of this chapter or any rule adopted pursuant thereto is 10496
occurring for a temporary or permanent injunction restraining a 10497
person from continuing to commit that violation. On a showing that 10498
a person has committed a violation, the court shall grant the 10499
injunction. 10500

In conducting an investigation under this section, the board 10501
may issue subpoenas compelling the attendance and testimony of 10502
witnesses and the production of books, records, and other 10503

documents pertaining to the investigation. If a person fails to 10504
obey a subpoena from the board, the board may apply to the court 10505
of common pleas in the county where the investigation is being 10506
conducted for an order compelling the person to comply with the 10507
subpoena. On application by the board, the court shall compel 10508
obedience by attachment proceedings for contempt, as in the case 10509
of disobedience of the requirements of a subpoena from the court 10510
or a refusal to testify therein. 10511

(B) The ~~medical transportation~~ board may suspend a license 10512
issued under this chapter without a prior hearing if it determines 10513
that there is evidence that the license holder is subject to 10514
action under this section and that there is clear and convincing 10515
evidence that continued operation by the license holder presents a 10516
danger of immediate and serious harm to the public. The 10517
chairperson and executive director of the board shall make a 10518
preliminary determination and describe the evidence on which they 10519
made their determination to the board members. The board by 10520
resolution may designate another board member to act in place of 10521
the chairperson or another employee to act in place of the 10522
executive director in the event that the chairperson or executive 10523
director is unavailable or unable to act. Upon review of the 10524
allegations, the board, by the affirmative vote of ~~at least four a~~ 10525
majority of its members, may suspend the license without a 10526
hearing. 10527

~~Any method of communication, including a telephone conference 10528
call, may be utilized for describing the evidence to the board 10529
members, for reviewing the allegations, and for voting on the 10530
suspension.~~ 10531

Immediately following the decision by the board to suspend a 10532
license under this division, the board shall issue a written order 10533
of suspension and cause it to be delivered in accordance with 10534
section 119.07 of the Revised Code. If the license holder subject 10535

to the suspension requests an adjudication hearing by the board, 10536
the date set for the adjudication shall be within fifteen days but 10537
not earlier than seven days after the request unless another date 10538
is agreed to by the license holder and the board. 10539

Any summary suspension imposed under this division remains in 10540
effect, unless reversed by the board, until a final adjudicative 10541
order issued by the board pursuant to this section and Chapter 10542
119. of the Revised Code becomes effective. The board shall issue 10543
its final adjudicative order not less than ninety days after 10544
completion of its adjudication hearing. Failure to issue the order 10545
by that day shall cause the summary suspension order to end, but 10546
such failure shall not affect the validity of any subsequent final 10547
adjudication order. 10548

Sec. 4766.12. If a county, township, joint ambulance 10549
district, or joint emergency medical services district chooses to 10550
have the ~~Ohio~~ state board of emergency medical, fire, and 10551
transportation ~~board~~ services license its emergency medical 10552
service organizations and issue permits for its vehicles pursuant 10553
to this chapter, except as may be otherwise provided, all 10554
provisions of this chapter and all rules adopted by the board 10555
thereunder are fully applicable. However, a county, township, 10556
joint ambulance district, or joint emergency medical services 10557
district is not required to obtain any type of permit from the 10558
board for any of its nontransport vehicles. 10559

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical, 10560
fire, and transportation ~~board~~ services, by endorsement, may 10561
license and issue vehicle permits to an emergency medical service 10562
organization or a nonemergency medical service organization that 10563
is regulated by another state. To qualify for a license and 10564
vehicle permits by endorsement, an organization must submit 10565
evidence satisfactory to the board that it has met standards in 10566

another state that are equal to or more stringent than the 10567
standards established by this chapter and the rules adopted under 10568
it. 10569

Sec. 4766.15. (A) An applicant for employment as an ambulette 10570
driver with an organization licensed pursuant to this chapter 10571
shall submit proof to the organization of, or give consent to the 10572
employer to obtain, all of the following: 10573

(1)(a) A valid driver's license issued pursuant to Chapter 10574
4506. or 4507. of the Revised Code, or its equivalent, if the 10575
applicant is a resident of another state; 10576

(b) A recent certified abstract of the applicant's record of 10577
convictions for violations of motor vehicle laws provided by the 10578
registrar of motor vehicles pursuant to section 4509.05 of the 10579
Revised Code, or its equivalent, if the applicant is a resident of 10580
another state. 10581

(2)(a) A certificate of completion of a course in first aid 10582
techniques offered by the American red cross or an equivalent 10583
organization; 10584

(b) A certificate of completion of a course in 10585
cardiopulmonary resuscitation, or its equivalent, offered by an 10586
organization approved by the ~~Ohio~~ state board of emergency 10587
medical, fire, and transportation board services. 10588

(3) The result of a chemical test or tests of the applicant's 10589
blood, breath, or urine conducted at a hospital or other 10590
institution approved by the board for the purpose of determining 10591
the alcohol, drug of abuse, controlled substance, or metabolite of 10592
a controlled substance content of the applicant's whole blood, 10593
blood serum or plasma, breath, or urine; 10594

(4) The result of a criminal records check conducted by the 10595
bureau of criminal identification and investigation. 10596

(B) An organization may employ an applicant on a temporary 10597
provisional basis pending the completion of all of the 10598
requirements of this section. The length of the provisional period 10599
shall be determined by the board. 10600

(C) An organization licensed pursuant to this chapter shall 10601
use information received pursuant to this section to determine in 10602
accordance with rules adopted by the ~~Ohio~~ state board of emergency 10603
medical, fire, and transportation board services under section 10604
4766.03 of the Revised Code whether an applicant is disqualified 10605
for employment. 10606

No applicant shall be accepted for permanent employment as an 10607
ambulette driver by an organization licensed pursuant to this 10608
chapter until all of the requirements of division (A) of this 10609
section have been met. 10610

Sec. 4766.22. (A) Not later than forty-five days after the 10611
end of each fiscal year, the ~~Ohio~~ state board of emergency 10612
medical, fire, and transportation board services shall submit a 10613
report to the governor and general assembly that provides all of 10614
the following information for that fiscal year: 10615

- (1) The number of each of the following the board issued: 10616
- (a) Basic life-support organization licenses; 10617
 - (b) Intermediate life-support organization licenses; 10618
 - (c) Advanced life-support organization licenses; 10619
 - (d) Mobile intensive care unit organization licenses; 10620
 - (e) Ambulette service licenses; 10621
 - (f) Air medical service organization licenses; 10622
 - (g) Ambulance permits; 10623
 - (h) Nontransport vehicle permits; 10624

(i) Ambulette vehicle permits;	10625
(j) Rotorcraft air ambulance permits;	10626
(k) Fixed wing air ambulance permits.	10627
(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;	10628 10629 10630
(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;	10631 10632 10633 10634
(4) The number of complaints that were submitted to the board;	10635 10636
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	10637 10638
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	10639 10640
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	10641 10642
(8) Other information the board determines reflects the board's operations.	10643 10644
(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.	10645 10646 10647
Sec. 5501.03. (A) The department of transportation shall:	10648
(1) Exercise and perform such other duties, powers, and functions as are conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department;	10649 10650 10651 10652

(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning;

(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions;

(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration;

(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;

(6) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as prescribed under divisions (A)(2) and (3) of this section;

(7) Conduct, in cooperation with the Ohio legislative service commission, any studies or comparisons of state traffic laws and local traffic ordinances with model laws and ordinances that may be required to meet program standards adopted by the United States department of transportation pursuant to the "Highway Safety Act of 1966," 80 Stat. 731, U.S.C.A. 401;

(8) Prepare, print, distribute, and advertise books, maps, pamphlets, and other information that, in the judgment of the director, will inform the public and other governmental departments, agencies, and authorities as to the duties, powers,

and functions of the department; 10684

(9) In its research and development program, consider 10685
technologies for improving safety, mobility, aviation and aviation 10686
education, transportation facilities, roadways, including 10687
construction techniques and materials to prolong project life, 10688
being used or developed by other states that have geographic, 10689
geologic, or climatic features similar to this state's, and 10690
collaborate with those states in that development. 10691

(B) Nothing contained in ~~division (A)(1)~~ of this section 10692
shall be held to in any manner affect, limit, restrict, or 10693
otherwise interfere with the exercise of powers relating to 10694
transportation facilities by appropriate agencies of the federal 10695
government, or by counties, municipal corporations, or other 10696
political subdivisions or special districts in this state 10697
authorized by law to exercise such powers. 10698

(C) The department may use all appropriate sources of revenue 10699
to assist in the development and implementation of rail service as 10700
defined by division (C) of section 4981.01 of the Revised Code. 10701

(D) The director of transportation may enter into contracts 10702
with public agencies including political subdivisions, other state 10703
agencies, boards, commissions, regional transit authorities, 10704
county transit boards, and port authorities, to administer the 10705
design, qualification of bidders, competitive bid letting, 10706
construction inspection, research, and acceptance of any projects 10707
or transportation facilities administered by the department, 10708
provided the administration of such projects or transportation 10709
facilities is performed in accordance with all applicable state 10710
and federal laws and regulations with oversight by the department. 10711

Sec. 5501.17. The director of transportation may employ such 10712
assistants as are necessary to prepare plans and surveys. 10713
Compensation paid for the preparation of plans, surveys, and 10714

specifications shall be regarded as a part of the cost and expense 10715
of the improvement for which they were made and shall be paid from 10716
funds set aside for the improvement. 10717

The director may appoint additional clerks and stenographers, 10718
and such other engineers, inspectors, technicians, and other 10719
employees as are necessary to carry out Chapters 4561., 5501., 10720
5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 10721
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 10722
Code. All such technicians employed under the authority of this 10723
section shall be eligible to receive pay during periods of on the 10724
job training or while attending special training schools conducted 10725
by the department of transportation. Such employees and 10726
appointees, in addition to their salaries, shall receive their 10727
actual necessary traveling expenses when on official business. 10728

The director may contract with regional, county, or municipal 10729
planning commissions or county engineers having adequate staffs, 10730
and with planning agencies of adjacent states, for the preparation 10731
of comprehensive transportation and land use studies and major 10732
thoroughfare reports, or parts thereof, and pay the commissions, 10733
county engineers, or planning agencies of adjacent states for such 10734
work from funds available to the department. 10735

Sec. 5501.31. The director of transportation shall have 10736
general supervision of all roads comprising the state highway 10737
system. The director may alter, widen, straighten, realign, 10738
relocate, establish, construct, reconstruct, improve, maintain, 10739
repair, and preserve any road or highway on the state highway 10740
system, and, in connection therewith, relocate, alter, widen, 10741
deepen, clean out, or straighten the channel of any watercourse as 10742
the director considers necessary, and purchase or appropriate 10743
property for the disposal of surplus materials or borrow pits, 10744
and, where an established road has been relocated, establish, 10745

construct, and maintain such connecting roads between the old and 10746
new location as will provide reasonable access thereto. 10747

The director may purchase or appropriate property necessary 10748
for the location or construction of any culvert, bridge, or 10749
viaduct, or the approaches thereto, including any property needed 10750
to extend, widen, or alter any feeder or outlet road, street, or 10751
way adjacent to or under the bridge or viaduct when the extension, 10752
widening, or alteration of the feeder road, street, or way is 10753
necessary for the full utilization of the bridge or viaduct, or 10754
for any other highway improvement. The director may purchase or 10755
appropriate, for such length of time as is necessary and 10756
desirable, any additional property required for the construction 10757
and maintenance of slopes, detour roads, sewers, roadside parks, 10758
rest areas, recreational park areas, park and ride facilities, and 10759
park and carpool or vanpool facilities, scenic view areas, 10760
drainage systems, or land to replace wetlands, incident to any 10761
highway improvement, that the director is or may be authorized to 10762
locate or construct. Also incident to any authorized highway 10763
improvement, the director may purchase property from a willing 10764
seller as required for the construction and maintenance of 10765
bikeways and bicycle paths or to replace, preserve, or conserve 10766
any environmental resource if the replacement, preservation, or 10767
conservation is required by state or federal law. 10768

Title to property purchased or appropriated by the director 10769
shall be taken in the name of the state either in fee simple or in 10770
any lesser estate or interest that the director considers 10771
necessary or proper, in accordance with forms to be prescribed by 10772
the attorney general. The deed shall contain a description of the 10773
property and be recorded in the county where the property is 10774
situated and, when recorded, shall be kept on file in the 10775
department of transportation. The property may be described by 10776
metes and bounds or by the department of transportation parcel 10777

number as shown on a right of way plan recorded in the county 10778
where the property is located. 10779

Provided that when property, other than property used by a 10780
railroad for operating purposes, is acquired in connection with 10781
improvements involving projects affecting railroads wherein the 10782
department is obligated to acquire property under grade separation 10783
statutes, or on other improvements wherein the department is 10784
obligated to acquire lands under agreements with railroads, or 10785
with a public utility, political subdivision, public corporation, 10786
or private corporation owning transportation facilities for the 10787
readjustment, relocation, or improvement of their facilities, a 10788
fee simple title or an easement may be acquired by purchase or 10789
appropriation in the name of the railroad, public utility, 10790
political subdivision, public corporation, or private corporation 10791
in the discretion of the director. When the title to lands, which 10792
are required to adjust, relocate, or improve such facilities 10793
pursuant to agreements with the director, is taken in the name of 10794
the state, then, in the discretion of the director, the title to 10795
such lands may be conveyed to the railroad, public utility, 10796
political subdivision, or public corporation for which they were 10797
acquired. The conveyance shall be prepared by the attorney general 10798
and executed by the governor and bear the great seal of the state 10799
of Ohio. 10800

The director, in the maintenance or repair of state highways, 10801
is not limited to the use of the materials with which the 10802
highways, including the bridges and culverts thereon, were 10803
originally constructed, but may use any material that is proper or 10804
suitable. The director may aid any board of county commissioners 10805
in establishing, creating, and repairing suitable systems of 10806
drainage for all highways within the jurisdiction or control of 10807
the board and advise with it as to the establishment, 10808
construction, improvement, maintenance, and repair of the 10809

highways. 10810

Chapters 4561., 5501., 5503., 5511., 5513., 5515., 5516., 10811
5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 10812
5533., and 5535. of the Revised Code do not prohibit the federal 10813
government, any government agency, or any individual or 10814
corporation, from contributing a portion of the cost of the 10815
establishment, construction, reconstruction, relocating, widening, 10816
resurfacing, maintenance, and repair of the highways or 10817
transportation facilities. 10818

Except in the case of maintaining, repairing, erecting 10819
traffic signs on, or pavement marking of state highways within 10820
villages, which is mandatory as required by section 5521.01 of the 10821
Revised Code, and except as provided in section 5501.49 of the 10822
Revised Code, no duty of constructing, reconstructing, widening, 10823
resurfacing, maintaining, or repairing state highways within 10824
municipal corporations, or the culverts thereon, shall attach to 10825
or rest upon the director, but the director may construct, 10826
reconstruct, widen, resurface, maintain, and repair the same with 10827
or without the cooperation of any municipal corporation, or with 10828
or without the cooperation of boards of county commissioners upon 10829
each municipal corporation consenting thereto. 10830

Sec. 5501.73. (A) After selecting a solicited or unsolicited 10831
proposal for a public-private initiative, the department of 10832
transportation shall enter into a public-private agreement for a 10833
transportation facility with the selected private entity or any 10834
configuration of private entities. An affected jurisdiction may be 10835
a party to a public-private agreement entered into by the 10836
department and a selected private entity or combination of private 10837
entities. 10838

(B) A public-private agreement under this section shall 10839
provide for all of the following: 10840

(1) Planning, acquisition, financing, development, design,	10841
construction, reconstruction, replacement, improvement,	10842
maintenance, management, repair, leasing, or operation of a	10843
transportation facility;	10844
(2) Term of the public-private agreement;	10845
(3) Type of property interest, if any, the private entity	10846
will have in the transportation facility;	10847
(4) A specific plan to ensure proper maintenance of the	10848
transportation facility throughout the term of the agreement and a	10849
return of the facility to the department, if applicable, in good	10850
condition and repair;	10851
(5) Whether user fees will be collected on the transportation	10852
facility and the basis by which such user fees shall be determined	10853
and modified;	10854
(6) Compliance with applicable federal, state, and local	10855
laws;	10856
(7) Grounds for termination of the public-private agreement	10857
by the department or operator;	10858
(8) Disposition of the facility upon completion of the	10859
agreement;	10860
(9) Procedures for amendment of the agreement.	10861
(C) A public-private agreement under this section may provide	10862
for any of the following:	10863
(1) Review and approval by the department of the operator's	10864
plans for the development and operation of the transportation	10865
facility;	10866
(2) Inspection by the department of construction of or	10867
improvements to the transportation facility;	10868
(3) Maintenance by the operator of a policy of liability	10869

insurance or self-insurance;	10870
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	10871 10872 10873
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	10874 10875
(6) Financing obligations of the operator and the department;	10876
(7) Apportionment of expenses between the operator and the department;	10877 10878
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	10879 10880 10881
(9) Rights and remedies available in the event of default or delay;	10882 10883
(10) Terms and conditions of indemnification of the operator by the department;	10884 10885
(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;	10886 10887 10888 10889
(12) Sale or lease to the operator of private property related to the transportation facility;	10890 10891
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	10892 10893
<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 upon agreement of all parties to the controversy. If all parties</u>	10894 10895 10896 10897 10898 10899

do not agree to proceed to a binding dispute resolution, a party 10900
having a claim against the department shall exhaust its 10901
administrative remedies specified in the public-private agreement 10902
prior to filing any action against the department in the court of 10903
claims. 10904

No appeal from the determination of a technical expert lies 10905
to any court, except that the court of common pleas of Franklin 10906
County may issue an order vacating such a determination upon the 10907
application of any party to the binding dispute resolution if any 10908
of the following applies: 10909

(a) The determination was procured by corruption, fraud, or 10910
undue means. 10911

(b) There was evidence of partiality or corruption on the 10912
part of the technical expert. 10913

(c) The technical expert was guilty of misconduct in refusing 10914
to postpone the hearing, upon sufficient cause shown, or in 10915
refusing to hear evidence pertinent and material to the 10916
controversy, or of any other misbehavior by which the rights of 10917
any party have been prejudiced. 10918

(2) As used in this division, "binding dispute resolution" 10919
means a binding determination after review by a technical expert 10920
of all relevant items, which may include documents, and by 10921
interviewing appropriate personnel and visiting the project site 10922
involved in the controversy. "Binding dispute resolution" does not 10923
involve representation by legal counsel or advocacy by any person 10924
on behalf of any party to the controversy. 10925

(E) No public-private agreement entered into under this 10926
section shall be construed to transfer to a private entity the 10927
director's authority to appropriate property under Chapters 163., 10928
5501., and 5519. of the Revised Code. 10929

Sec. 5501.77. (A) For the purposes of carrying out sections 10930
5501.70 to 5501.83 of the Revised Code, the department of 10931
transportation may do all of the following: 10932

(1) Accept, subject to applicable terms and conditions, 10933
available funds from the United States or any of its agencies, 10934
whether the funds are made available by grant, loan, or other 10935
financial assistance; 10936

(2) Enter into agreements or other arrangements with the 10937
United States or any of its agencies as may be necessary; 10938

(3) For the purpose of completing a transportation facility 10939
under an agreement, accept from any source any grant, donation, 10940
gift, or other form of conveyance of land, money, other real or 10941
personal property, or other item of value made to the state or the 10942
department. 10943

(B) Any transportation facility may be financed in whole or 10944
in part by contribution of any funds or property made by any 10945
private entity or affected jurisdiction that is party to a 10946
public-private agreement under sections 5501.70 to 5501.83 of the 10947
Revised Code. 10948

(C) The department may use federal, state, local, and private 10949
funds to finance a transportation facility under sections 5501.70 10950
to 5501.83 of the Revised Code and shall comply with any 10951
requirements and restrictions governing the use of the funds, 10952
including maintaining the funds separately when necessary. 10953

(D) The director of transportation, in accordance with 10954
Chapter 119. of the Revised Code, may adopt such rules as the 10955
director considers advisable for the control and regulation of 10956
traffic on any transportation facility subject to a public-private 10957
agreement, for the protection and preservation of the 10958
transportation facility, for the maintenance and preservation of 10959

good order within the transportation facility, and for the purpose 10960
of establishing vehicle owner or operator liability for avoidance 10961
of user fees. The rules shall provide that public police officers 10962
shall be afforded ready access, while in the performance of their 10963
official duties, to the transportation facility without the 10964
payment of user fees. 10965

(1) No person shall violate any rules of the department of 10966
transportation adopted under this division. 10967

(2)(a) All fines collected for the violation of applicable 10968
laws of the state and the rules of the department of 10969
transportation or money arising from bonds forfeited for such 10970
violation shall be disposed of in accordance with section 5503.04 10971
of the Revised Code. 10972

(b) All fees or charges assessed by the department of 10973
transportation or a public-private operator in accordance with 10974
this section against an owner or operator of a vehicle as a civil 10975
violation for failure to comply with toll collection rules shall 10976
be revenues of the department or public-private operator as set 10977
forth in the public-private agreement. 10978

(E)(1) Except as provided in division (E)(2) of this section, 10979
whoever violates division (D)(1) of this section is guilty of a 10980
minor misdemeanor on a first offense; on each subsequent offense 10981
such person is guilty of a misdemeanor of the fourth degree. 10982

(2) Whoever violates division (D)(1) of this section when the 10983
violation is a civil violation for failure to comply with toll 10984
collection rules is subject to a fee or charge established by the 10985
department by rule. 10986

Sec. 5502.01. (A) The department of public safety shall 10987
administer and enforce the laws relating to the registration, 10988
licensing, sale, and operation of motor vehicles and the laws 10989

pertaining to the licensing of drivers of motor vehicles. 10990

The department shall compile, analyze, and publish statistics 10991
relative to motor vehicle accidents and the causes of them, 10992
prepare and conduct educational programs for the purpose of 10993
promoting safety in the operation of motor vehicles on the 10994
highways, and conduct research and studies for the purpose of 10995
promoting safety on the highways of this state. 10996

(B) The department shall administer the laws and rules 10997
relative to trauma and emergency medical services specified in 10998
Chapter 4765. of the Revised Code and any laws and rules relative 10999
to medical transportation services specified in Chapter 4766. of 11000
the Revised Code. 11001

(C) The department shall administer and enforce the laws 11002
contained in Chapters 4301. and 4303. of the Revised Code and 11003
enforce the rules and orders of the liquor control commission 11004
pertaining to retail liquor permit holders. 11005

(D) The department shall administer the laws governing the 11006
state emergency management agency and shall enforce all additional 11007
duties and responsibilities as prescribed in the Revised Code 11008
related to emergency management services. 11009

(E) The department shall conduct investigations pursuant to 11010
Chapter 5101. of the Revised Code in support of the duty of the 11011
department of job and family services to administer the 11012
supplemental nutrition assistance program throughout this state. 11013
The department of public safety shall conduct investigations 11014
necessary to protect the state's property rights and interests in 11015
the supplemental nutrition assistance program. 11016

(F) The department of public safety shall enforce compliance 11017
with orders and rules of the public utilities commission and 11018
applicable laws in accordance with Chapters 4905., 4921., and 11019
4923. of the Revised Code regarding commercial motor vehicle 11020

transportation safety, economic, and hazardous materials 11021
requirements. 11022

(G) Notwithstanding Chapter 4117. of the Revised Code, the 11023
department of public safety may establish requirements for its 11024
enforcement personnel, including its enforcement agents described 11025
in section 5502.14 of the Revised Code, that include standards of 11026
conduct, work rules and procedures, and criteria for eligibility 11027
as law enforcement personnel. 11028

(H) The department shall administer, maintain, and operate 11029
the Ohio criminal justice network. The Ohio criminal justice 11030
network shall be a computer network that supports state and local 11031
criminal justice activities. The network shall be an electronic 11032
repository for various data, which may include arrest warrants, 11033
notices of persons wanted by law enforcement agencies, criminal 11034
records, prison inmate records, stolen vehicle records, vehicle 11035
operator's licenses, and vehicle registrations and titles. 11036

(I) The department shall coordinate all homeland security 11037
activities of all state agencies and shall be a liaison between 11038
state agencies and local entities for those activities and related 11039
purposes. 11040

(J) Beginning July 1, 2004, the department shall administer 11041
and enforce the laws relative to private investigators and 11042
security service providers specified in Chapter 4749. of the 11043
Revised Code. 11044

(K) The department shall administer criminal justice services 11045
in accordance with sections 5502.61 to 5502.66 of the Revised 11046
Code. 11047

Sec. 5503.01. There is hereby created in the department of 11048
public safety a division of state highway patrol which shall be 11049
administered by a superintendent of the state highway patrol. 11050

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. 11083

The superintendent and state highway patrol troopers shall be 11084
vested with the authority of peace officers for the purpose of 11085
enforcing the laws of the state that it is the duty of the patrol 11086
to enforce and may arrest, without warrant, any person who, in the 11087
presence of the superintendent or any trooper, is engaged in the 11088
violation of any such laws. The state highway patrol troopers 11089
shall never be used as peace officers in connection with any 11090
strike or labor dispute. 11091

Each state highway patrol trooper and radio operator, upon 11092
appointment and before entering upon official duties, shall take 11093
an oath of office for faithful performance of the trooper's or 11094
radio operator's official duties and execute a bond in the sum of 11095
twenty-five hundred dollars, payable to the state and for the use 11096
and benefit of any aggrieved party who may have a cause of action 11097
against any trooper or radio operator for misconduct while in the 11098
performance of official duties. In no event shall the bond include 11099
any claim arising out of negligent operation of a motorcycle or 11100
motor vehicle used by a trooper or radio operator in the 11101
performance of official duties. 11102

The superintendent shall prescribe a distinguishing uniform 11103
and badge which shall be worn by each state highway patrol trooper 11104
and radio operator while on duty, unless otherwise designated by 11105
the superintendent. No person shall wear the distinguishing 11106
uniform of the state highway patrol or the badge or any 11107
distinctive part of that uniform, except on order of the 11108
superintendent. 11109

The superintendent, with the approval of the director, may 11110
appoint necessary clerks, stenographers, and employees. 11111

Sec. 5503.03. The state highway patrol and the superintendent 11112
of the state highway patrol shall be furnished by the state with 11113

such vehicles, equipment, and supplies as the director of public 11114
safety deems necessary, all of which shall remain the property of 11115
the state and be strictly accounted for by each member of the 11116
patrol. 11117

The patrol may be equipped with standardized and tested 11118
devices for weighing vehicles, and may stop and weigh any vehicle 11119
which appears to weigh in excess of the amounts permitted by 11120
sections 5577.01 to 5577.14 of the Revised Code. 11121

The superintendent, with the approval of the director, shall 11122
prescribe rules for instruction and discipline, make all 11123
administrative rules, and fix the hours of duty for patrol 11124
officers. ~~He~~ The superintendent shall divide the state into 11125
districts and assign members of the patrol to such districts in a 11126
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 11127
superintendent may transfer members of the patrol from one 11128
district to another, ~~and classify~~ and rank members of the patrol. 11129
All ranks below the level of superintendent shall be classified. 11130
All promotions to a higher grade shall be made from the next lower 11131
grade. When a patrol officer is promoted by the superintendent, 11132
the officer's salary shall be increased to that of the lowest step 11133
in the pay range for the new grade which shall increase the 11134
officer's salary or wage by at least nine per cent of the base pay 11135
wherever possible. 11136

Sec. 5503.04. Forty-five per cent of the fines collected from 11137
or moneys arising from bail forfeited by persons apprehended or 11138
arrested by state highway patrol troopers shall be paid into the 11139
state treasury to be credited to the general revenue fund, five 11140
per cent shall be paid into the state treasury to be credited to 11141
the trauma and emergency medical services fund created by section 11142
4513.263 of the Revised Code, and fifty per cent shall be paid 11143
into the treasury of the municipal corporation where the case is 11144

prosecuted, if in a mayor's court. If the prosecution is in a 11145
trial court outside a municipal corporation, or outside the 11146
territorial jurisdiction of a municipal court, the fifty per cent 11147
of the fines and moneys that is not paid into the state treasury 11148
shall be paid into the treasury of the county where the case is 11149
prosecuted. The fines and moneys paid into a county treasury and 11150
the fines and moneys paid into the treasury of a municipal 11151
corporation shall be deposited one-half to the same fund and 11152
expended in the same manner as is the revenue received from the 11153
registration of motor vehicles, and one-half to the general fund 11154
of such county or municipal corporation. 11155

If the prosecution is in a municipal court, forty-five per 11156
cent of the fines and moneys shall be paid into the state treasury 11157
to be credited to the general revenue fund, five per cent shall be 11158
paid into the state treasury to be credited to the trauma and 11159
emergency medical services ~~grants~~ fund created by division (E) of 11160
section 4513.263 of the Revised Code, ten per cent shall be paid 11161
into the county treasury to be credited to the general fund of the 11162
county, and forty per cent shall be paid into the municipal 11163
treasury to be credited to the general fund of the municipal 11164
corporation. In the Auglaize county, Clermont county, Crawford 11165
county, Hocking county, Jackson county, Lawrence county, Madison 11166
county, Miami county, Ottawa county, Portage county, and Wayne 11167
county municipal courts, that portion of money otherwise paid into 11168
the municipal treasury shall be paid into the county treasury. 11169

The trial court shall make remittance of the fines and moneys 11170
as prescribed in this section, and at the same time as the 11171
remittance is made of the state's portion to the state treasury, 11172
the trial court shall notify the superintendent of the state 11173
highway patrol of the case and the amount covered by the 11174
remittance. 11175

This section does not apply to fines for violations of 11176

division (B) of section 4513.263 of the Revised Code, or for 11177
violations of any municipal ordinance that is substantively 11178
comparable to that division, all of which shall be delivered to 11179
the treasurer of state as provided in division (E) of section 11180
4513.263 of the Revised Code. 11181

Sec. 5503.31. The state highway patrol shall have the same 11182
authority as is conferred upon it by section 5503.02 of the 11183
Revised Code with respect to the enforcement of state laws on 11184
other roads and highways and on other state properties, to enforce 11185
on all turnpike projects the laws of the state and the bylaws, 11186
rules, and regulations of the Ohio turnpike and infrastructure 11187
commission. The patrol, the superintendent of the patrol, and all 11188
state highway patrol troopers shall have the same authority to 11189
make arrests on all turnpike projects for violations of state laws 11190
and of bylaws, rules, and regulations of the Ohio turnpike and 11191
infrastructure commission as is conferred upon them by section 11192
5503.02 of the Revised Code to make arrests on, and in connection 11193
with offenses committed on, other roads and highways and on other 11194
state properties. 11195

Sec. 5503.32. The director of public safety may from time to 11196
time enter into contracts with the Ohio turnpike and 11197
infrastructure commission with respect to the policing of turnpike 11198
projects by the state highway patrol. The contracts shall provide 11199
for the reimbursement of the state by the commission for the costs 11200
incurred by the patrol in policing turnpike projects, including, 11201
but not limited to, the salaries of employees of the patrol 11202
assigned to the policing, the current costs of funding retirement 11203
pensions for the employees of the patrol and of providing workers' 11204
compensation for them, the cost of training state highway patrol 11205
troopers and radio operators assigned to turnpike projects, and 11206
the cost of equipment and supplies used by the patrol in such 11207

policing, and of housing for such troopers and radio operators, to 11208
the extent that the equipment, supplies, and housing are not 11209
directly furnished by the commission. Each contract may provide 11210
for the ascertainment of such costs, and shall be of any duration, 11211
not in excess of five years, and may contain any other terms, that 11212
the director and the commission may agree upon. The patrol shall 11213
not be obligated to furnish policing services on any turnpike 11214
project beyond the extent required by the contract. All payments 11215
pursuant to any contract in reimbursement of the costs of the 11216
policing shall be deposited in the state treasury to the credit of 11217
the turnpike policing fund, which is hereby created. All 11218
investment earnings of the fund shall be credited to the fund. 11219

Sec. 5513.01. (A) All purchases of machinery, materials, 11220
supplies, or other articles that the director of transportation 11221
makes shall be in the manner provided in this section. In all 11222
cases except those in which the director provides written 11223
authorization for purchases by district deputy directors of 11224
transportation, all such purchases shall be made at the central 11225
office of the department of transportation in Columbus. Before 11226
making any purchase at that office, the director, as provided in 11227
this section, shall give notice to bidders of the director's 11228
intention to purchase. Where the expenditure does not exceed the 11229
amount applicable to the purchase of supplies specified in 11230
division (B) of section 125.05 of the Revised Code, as adjusted 11231
pursuant to division (D) of that section, the director shall give 11232
such notice as the director considers proper, or the director may 11233
make the purchase without notice. Where the expenditure exceeds 11234
the amount applicable to the purchase of supplies specified in 11235
division (B) of section 125.05 of the Revised Code, as adjusted 11236
pursuant to division (D) of that section, the director shall give 11237
notice by posting for not less than ten days a written, typed, or 11238
printed invitation to bidders on a bulletin board, which shall be 11239

located in a place in the offices assigned to the department and 11240
open to the public during business hours. Producers or 11241
distributors of any product may notify the director, in writing, 11242
of the class of articles for the furnishing of which they desire 11243
to bid and their post-office addresses, in which case copies of 11244
all invitations to bidders relating to the purchase of such 11245
articles shall be mailed to such persons by the director by 11246
regular first class mail at least ten days prior to the time fixed 11247
for taking bids. The director also may mail copies of all 11248
invitations to bidders to news agencies or other agencies or 11249
organizations distributing information of this character. Requests 11250
for invitations shall not be valid nor require action by the 11251
director unless renewed, either annually or after such shorter 11252
period as the director may prescribe by a general rule. The 11253
invitation to bidders shall contain a brief statement of the 11254
general character of the article that it is intended to purchase, 11255
the approximate quantity desired, and a statement of the time and 11256
place where bids will be received, and may relate to and describe 11257
as many different articles as the director thinks proper, it being 11258
the intent and purpose of this section to authorize the inclusion 11259
in a single invitation of as many different articles as the 11260
director desires to invite bids upon at any given time. 11261
Invitations issued during each calendar year shall be given 11262
consecutive numbers, and the number assigned to each invitation 11263
shall appear on all copies thereof. In all cases where notice is 11264
required by this section, sealed bids shall be taken, on forms 11265
prescribed and furnished by the director, and modification of bids 11266
after they have been opened shall not be permitted. 11267

(B) The director may permit the Ohio turnpike and 11268
infrastructure commission, any political subdivision, and any 11269
state university or college to participate in contracts into which 11270
the director has entered for the purchase of machinery, materials, 11271
supplies, or other articles. The turnpike and infrastructure 11272

commission and any political subdivision or state university or 11273
college desiring to participate in such purchase contracts shall 11274
file with the director a certified copy of the bylaws or rules of 11275
the turnpike and infrastructure commission or the ordinance or 11276
resolution of the legislative authority, board of trustees, or 11277
other governing board requesting authorization to participate in 11278
such contracts and agreeing to be bound by such terms and 11279
conditions as the director prescribes. Purchases made by the 11280
turnpike and infrastructure commission, political subdivisions, or 11281
state universities or colleges under this division are exempt from 11282
any competitive bidding required by law for the purchase of 11283
machinery, materials, supplies, or other articles. 11284

(C) As used in this section: 11285

(1) "Political subdivision" means any county, township, 11286
municipal corporation, conservancy district, township park 11287
district, park district created under Chapter 1545. of the Revised 11288
Code, port authority, regional transit authority, regional airport 11289
authority, regional water and sewer district, county transit 11290
board, or school district as defined in section 5513.04 of the 11291
Revised Code. 11292

(2) "State university or college" has the same meaning as in 11293
division (A)(1) of section 3345.32 of the Revised Code. 11294

(3) "Ohio turnpike and infrastructure commission" means the 11295
commission created by section 5537.02 of the Revised Code. 11296

Sec. 5517.02. (A) Before undertaking the construction, 11297
reconstruction by widening or resurfacing, or improvement of a 11298
state highway, or a bridge or culvert thereon, or the installation 11299
of a traffic control signal on a state highway, the director of 11300
transportation, except as provided in section 5517.021 of the 11301
Revised Code, shall make an estimate of the cost of the work using 11302
the force account project assessment form developed by the auditor 11303

of state under section 117.16 of the Revised Code. ~~In~~ 11304
~~constructing, or reconstructing by widening or resurfacing,~~ 11305
~~improving, maintaining, and repairing state highways, and the~~ 11306
~~bridges and culverts thereon, and in installing, maintaining, and~~ 11307
~~repairing traffic control signals on state highways, the director,~~ 11308
~~except as provided in division (B) of this section, shall proceed~~ 11309
~~by contract let to the lowest competent and responsible bidder,~~ 11310
~~after advertisement as provided in section 5525.01 of the Revised~~ 11311
Code When a force account project assessment form is required, the 11312
estimate shall include costs for subcontracted work and any 11313
competitively bid component costs. 11314

(B)(1) ~~Where the work contemplated is the construction of a~~ 11315
~~bridge or culvert, or the installation of a traffic control~~ 11316
~~signal, estimated to cost not more than fifty thousand dollars,~~ 11317
~~the director may proceed by employing labor, purchasing materials,~~ 11318
~~and furnishing equipment.~~ 11319

~~(2) The~~ After complying with division (A) of this section, 11320
the director may also proceed without competitive bidding with 11321
maintenance or repair work by employing labor, purchasing 11322
materials, and furnishing equipment, provided if the total 11323
estimated cost of the completed operation, or series of connected 11324
operations, does not exceed ~~twenty-five~~ the following, as adjusted 11325
under division (B)(2) of this section: 11326

(a) Thirty thousand dollars per centerline mile of highway, 11327
exclusive of structures and traffic control signals, ~~or fifty;~~ 11328

(b) Sixty thousand dollars for any single structure or 11329
traffic control signal or any other single project. 11330

~~(3)(2)~~ On the first day of July of every odd-numbered year 11331
beginning in 2015, the director shall increase the amounts 11332
established in division (B)(1) of this section by an amount not to 11333
exceed the lesser of three per cent, or the percentage amount of 11334

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. 11335
11336
11337
11338

(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. 11339
11340
11341
11342
11343
11344
11345
11346
11347

(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. 11348
11349
11350
11351
11352
11353
11354
11355
11356
11357

(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: 11358
11359
11360
11361

(1) When the scope of work exceeds the limits established in section 5517.021 of the Revised Code; 11362
11363

(2) When the estimated cost for a project, other than work described in section 5517.021 of the Revised Code, exceeds the 11364
11365

amounts established in division (B) of this section, as adjusted. 11366

Sec. 5517.021. (A)(1) The director of transportation may 11367
proceed without competitive bidding by employing labor, purchasing 11368
materials, and furnishing equipment to do any of the following 11369
work: 11370

(a) Replace any single span bridge in its substantial 11371
entirety or widen any single span bridge, including necessary 11372
modifications to accommodate widening the existing substructure 11373
and wing walls. The director shall proceed under division 11374
(A)(1)(a) of this section only if the deck area of the new or 11375
widened bridge does not exceed seven hundred square feet as 11376
measured around the outside perimeter of the deck. 11377

(b) Replace the bearings, beams, and deck of any bridge on 11378
that bridge's existing foundation if the deck area of the 11379
rehabilitated structure does not exceed eight hundred square feet; 11380

(c) Construct or replace any single cell or multi-cell 11381
culvert whose total waterway opening does not exceed fifty-two 11382
square feet; 11383

(d) Pave or patch an asphalt surface if the operation does 11384
not exceed one hundred twenty tons of asphalt per lane-mile of 11385
roadway length, except that the department shall not perform a 11386
continuous resurfacing operation under this section if the cost of 11387
the work exceeds the amount established in division (B)(1)(a) of 11388
section 5517.02 of the Revised Code, as adjusted. 11389

(2) Work performed in accordance with division (A)(1) of this 11390
section may include approach roadway work, extending not more than 11391
one hundred fifty feet as measured from the back side of the 11392
bridge abutment wall or outside edge of the culvert, as 11393
applicable. The length of an approach guardrail shall be in 11394
accordance with department of transportation design requirements 11395

and shall not be included in the approach work size limitation. 11396

(B) The requirements of section 117.16 of the Revised Code 11397
shall not apply to work described in division (A) of this section 11398
and the work shall be exempt from audit for force account purposes 11399
except to determine compliance with the applicable size or tonnage 11400
restrictions. 11401

Sec. 5525.01. Before entering into a contract, the director 11402
of transportation shall advertise for bids for two consecutive 11403
weeks in one newspaper of general circulation published in the 11404
county in which the improvement or part thereof is located, but if 11405
there is no such newspaper then in one newspaper having general 11406
circulation in an adjacent county. In the alternative, the 11407
director may advertise for bids as provided in section 7.16 of the 11408
Revised Code. The director may advertise for bids in such other 11409
publications as the director considers advisable. Such notices 11410
shall state that plans and specifications for the improvement are 11411
on file in the office of the director and the district deputy 11412
director of the district in which the improvement or part thereof 11413
is located and the time within which bids therefor will be 11414
received. 11415

Each bidder shall be required to file with the bidder's bid a 11416
bid guaranty in the form of a certified check, a cashier's check, 11417
or an electronic funds transfer to the treasurer of state that is 11418
evidenced by a receipt or by a certification to the director of 11419
transportation in a form prescribed by the director that an 11420
electronic funds transfer has been made to the treasurer of state, 11421
for an amount equal to five per cent of the bidder's bid, but in 11422
no event more than fifty thousand dollars, or a bid bond for ten 11423
per cent of the bidder's bid, payable to the director, which 11424
check, transferred sum, or bond shall be forthwith returned to the 11425
bidder in case the contract is awarded to another bidder, or, in 11426

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 11460
court may affirm or reverse the decision of the director and may 11461
order the director to refund the amount of the forfeiture. At the 11462
hearing before the common pleas court evidence may be introduced 11463
for and against the decision of the director. The decision of the 11464
common pleas court may be appealed as in other cases. 11465

There is hereby created the ODOT letting fund, which shall be 11466
in the custody of the treasurer of state but shall not be part of 11467
the state treasury. All certified checks and cashiers' checks 11468
received with bidders' bids, and all sums transferred to the 11469
treasurer of state by electronic funds transfer in connection with 11470
bidders' bids, under this section shall be credited to the fund. 11471
All such bid guaranties shall be held in the fund until a 11472
determination is made as to the final disposition of the money. If 11473
the department determines that any such bid guaranty is no longer 11474
required to be held, the amount of the bid guaranty shall be 11475
returned to the appropriate bidder. If the department determines 11476
that a bid guaranty under this section shall be forfeited, the 11477
amount of the bid guaranty shall be transferred or, in the case of 11478
money paid on a forfeited bond, deposited into the state treasury, 11479
to the credit of the highway operating fund. Any investment 11480
earnings of the ODOT letting fund shall be distributed as the 11481
treasurer of state considers appropriate. 11482

The director shall require all bidders to furnish the 11483
director, upon such forms as the director may prescribe, detailed 11484
information with respect to all pending work of the bidder, 11485
whether with the department of transportation or otherwise, 11486
together with such other information as the director considers 11487
necessary. 11488

In the event a bidder fails to submit anything required to be 11489
submitted with the bid and then fails or refuses to so submit such 11490
at the request of the director, the failure or refusal constitutes 11491

grounds for the director, in the director's discretion, to declare 11492
as forfeited the bid guaranty submitted with the bid. 11493

The director may reject any or all bids. Except in regard to 11494
contracts for environmental remediation and specialty work for 11495
which there are no classes of work set out in the rules adopted by 11496
the director, if the director awards the contract, the director 11497
shall award it to the lowest competent and responsible bidder as 11498
defined by rules adopted by the director under section 5525.05 of 11499
the Revised Code, who is qualified to bid under sections 5525.02 11500
to 5525.09 of the Revised Code. In regard to contracts for 11501
environmental remediation and specialty work for which there are 11502
no classes of work set out in the rules adopted by the director, 11503
the director shall competitively bid the projects in accordance 11504
with this chapter and shall award the contracts to the lowest and 11505
best bidder. 11506

The award for all projects competitively let by the director 11507
under this section shall be made within ten days after the date on 11508
which the bids are opened, and the successful bidder shall enter 11509
into a contract and furnish a contract performance bond and a 11510
payment bond, as provided for in section 5525.16 of the Revised 11511
Code, within ten days after the bidder is notified that the bidder 11512
has been awarded the contract. 11513

The director may insert in any contract awarded under this 11514
chapter a clause providing for value engineering change proposals, 11515
under which a contractor who has been awarded a contract may 11516
propose a change in the plans and specifications of the project 11517
that saves the department time or money on the project without 11518
impairing any of the essential functions and characteristics of 11519
the project such as service life, reliability, economy of 11520
operation, ease of maintenance, safety, and necessary standardized 11521
features. If the director adopts the value engineering proposal, 11522
the savings from the proposal shall be divided between the 11523

department and the contractor according to guidelines established 11524
by the director, provided that the contractor shall receive at 11525
least fifty per cent of the savings from the proposal. The 11526
adoption of a value engineering proposal does not invalidate the 11527
award of the contract or require the director to rebid the 11528
project. 11529

Sec. 5525.16. (A) Before entering into a contract, the 11530
director of transportation shall require a contract performance 11531
bond and a payment bond with sufficient sureties, as follows: 11532

(1) A contract performance bond in an amount equal to one 11533
hundred per cent of the ~~estimated cost of the work~~ contract 11534
amount, conditioned, among other things, that the contractor will 11535
perform the work upon the terms proposed, within the time 11536
prescribed, and in accordance with the plans and specifications, 11537
will indemnify the state against any damage that may result from 11538
any failure of the contractor to so perform, and, further, in case 11539
of a grade separation will indemnify any railroad company involved 11540
against any damage that may result by reason of the negligence of 11541
the contractor in making the improvement. 11542

(2) A payment bond in an amount equal to one hundred per cent 11543
of the ~~estimated cost of the work~~ contract amount, conditioned for 11544
the payment by the contractor and all subcontractors for labor or 11545
work performed or materials furnished in connection with the work, 11546
improvement, or project involved. 11547

(B) In no case is the state liable for damages sustained in 11548
the construction of any work, improvement, or project under this 11549
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 11550
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 11551
5535. of the Revised Code. 11552

This section does not require the director to take bonds as 11553
described in division (A) of this section in connection with any 11554

force account work, but the director may require those bonds in 11555
connection with force account work. 11556

If any bonds taken under this section are executed by a 11557
surety company, the director may not approve such bonds unless 11558
there is attached a certificate of the superintendent of insurance 11559
that the company is authorized to transact business in this state, 11560
and a copy of the power of attorney of the agent of the company. 11561
The superintendent, upon request, shall issue to any licensed 11562
agent of such company the certificate without charge. 11563

The bonds required to be taken under this section shall be 11564
executed by the same surety, approved by the director as to 11565
sufficiency of the sureties, and be in the form prescribed by the 11566
attorney general. 11567

(C) Any person to whom any money is due for labor or work 11568
performed or materials furnished in connection with a work, 11569
improvement, or project, at any time after performing the labor or 11570
furnishing the materials but not later than ninety days after the 11571
acceptance of the work, improvement, or project by the director, 11572
may furnish to the sureties on the payment bond a statement of the 11573
amount due the person. If the indebtedness is not paid in full at 11574
the expiration of sixty days after the statement is furnished, the 11575
person may commence an action in the person's own name upon the 11576
bond as provided in sections 2307.06 and 2307.07 of the Revised 11577
Code. 11578

An action shall not be commenced against the sureties on a 11579
payment bond until sixty days after the furnishing of the 11580
statement described in this section or, notwithstanding section 11581
2305.12 of the Revised Code, later than one year after the date of 11582
the acceptance of the work, improvement, or project. 11583

(D) As used in this section, "improvement," "subcontractor," 11584
"material supplier," and "materials" have the same meanings as in 11585

section 1311.01 of the Revised Code, and "contractor" has the same 11586
meaning as "original contractor" as defined in that section. 11587

Sec. 5526.01. As used in this chapter: 11588

(A) "Firm" means any person or limited liability company that 11589
is legally engaged in rendering professional services. 11590

(B) "Federal Water Pollution Control Act" has the same 11591
meaning as in section 6111.01 of the Revised Code. 11592

(C) "Professional services" means any of the following: 11593

(1) The practice of engineering as defined in section 4733.01 11594
of the Revised Code; 11595

(2) The practice of surveying as defined in section 4733.01 11596
of the Revised Code; 11597

(3) The practice of landscape architecture as defined in 11598
section 4703.30 of the Revised Code; 11599

(4) The evaluation of environmental impacts performed in 11600
accordance with the "National Environmental Policy Act of 1969," 11601
83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water 11602
Pollution Control Act, or any other applicable law or regulation; 11603

(5) Right-of-way acquisition services such as right-of-way 11604
project management, title searches, property valuations, 11605
appraisals, appraisal reviews, negotiations, relocation services, 11606
appropriation activities, real estate closings, and property 11607
management activities that are performed for the purpose of 11608
properly acquiring private and public property rights in 11609
conjunction with public highway projects and that conform to 11610
Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to 11611
5501:2-5-06 of the Ohio Administrative Code; the "Uniform 11612
Relocation Assistance and Real Property Acquisition Policies Act 11613
of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the 11614
"Surface Transportation and Uniform Relocation Assistance Act of 11615

1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions 11616
of Titles 23 and 49 of the Code of Federal Regulations; and any 11617
applicable policies and procedures established by the department 11618
of transportation; 11619

(6) Services related to the department's administration of 11620
construction contract claims, including, but not limited to, the 11621
analysis of claims, assistance in negotiations, and assistance 11622
during litigation; 11623

(7) Architectural services related to bridges; 11624

(8) Any other professional service that is determined by the 11625
director of transportation or any other designated officials of 11626
the department to be necessary for the provision of transportation 11627
services or to provide assistance to the department in furtherance 11628
of its statutory duties and powers. 11629

"Professional services" does not mean the practice of 11630
architecture as regulated under Chapter 4703. of the Revised Code, 11631
except landscape architecture and architectural services related 11632
to bridges as provided in divisions (C)(3) and (7) of this 11633
section. 11634

(D) "Qualifications" means all of the following: 11635

(1) The competence of a firm to perform required professional 11636
services as indicated by the technical training, education, and 11637
experience of the firm's personnel, in particular the technical 11638
training, education, and experience of the firm's personnel 11639
assigned to perform professional services for the department; 11640

(2) The ability of a firm in terms of its workload and the 11641
availability of qualified personnel, equipment, and facilities to 11642
perform the required professional services competently and 11643
expeditiously; 11644

(3) The past performance of a firm as indicated by 11645

evaluations of previous clients of the firm with respect to such 11646
factors as control of costs, quality of work, and meeting of 11647
deadlines; 11648

(4) Any other relevant factors as determined by the director. 11649

Sec. 5533.121. In addition to any other name prescribed in 11650
the Revised Code or otherwise, that portion of the road known as 11651
United States highway number twenty-two, within the municipal 11652
corporation of Zanesville only, in Muskingum county, shall be 11653
known as the "U.S. Army Staff Sergeant Lester O. "Buddy" Kinney II 11654
Memorial Highway." 11655

The director of transportation may erect suitable markers 11656
along the highway indicating its name. 11657

Sec. 5533.31. The road known as interstate route eighty, 11658
extending across Ohio from the Pennsylvania border in Trumbull 11659
county to the Indiana border in Williams county, shall be known as 11660
the "Christopher Columbus highway." 11661

The director of transportation may erect suitable markers 11662
upon the portions of such highway under ~~his~~ the director's 11663
jurisdiction indicating its name, and the Ohio turnpike and 11664
infrastructure commission may erect suitable markers on the 11665
portions of such highway under its jurisdiction indicating its 11666
name. 11667

Sec. 5537.01. As used in this chapter: 11668

(A) "Commission" means the Ohio turnpike and infrastructure 11669
commission created by section 5537.02 of the Revised Code or, if 11670
that commission is abolished, the board, body, officer, or 11671
commission succeeding to the principal functions thereof or to 11672
which the powers given by this chapter to the commission are given 11673
by law. 11674

(B) "~~Project~~ or ~~turnpike~~ Turnpike project" means any 11675
express or limited access highway, super highway, or motorway 11676
constructed, operated, or improved, under the jurisdiction of the 11677
commission and pursuant to this chapter, at a location or 11678
locations reviewed by the turnpike legislative review committee 11679
and approved by the governor, including all bridges, tunnels, 11680
overpasses, underpasses, interchanges, entrance plazas, 11681
approaches, those portions of connecting public roads that serve 11682
interchanges and are determined by the commission and the director 11683
of transportation to be necessary for the safe merging of traffic 11684
between the turnpike project and those public roads, toll booths, 11685
service facilities, and administration, storage, and other 11686
buildings, property, and facilities that the commission considers 11687
necessary for the operation or policing of the turnpike project, 11688
together with all property and rights which may be acquired by the 11689
commission for the construction, maintenance, or operation of the 11690
turnpike project, and includes any sections or extensions of a 11691
turnpike project designated by the commission as such for the 11692
particular purpose. Each turnpike project shall be separately 11693
designated, by name or number, and may be constructed, improved, 11694
or extended in such sections as the commission may from time to 11695
time determine. Construction includes the improvement and 11696
renovation of a previously constructed turnpike project, including 11697
additional interchanges, whether or not the turnpike project was 11698
initially constructed by the commission. 11699

(C) "Infrastructure project" means any public express or 11700
limited access highway, super highway, or motorway, including all 11701
bridges, tunnels, overpasses, underpasses, interchanges, entrance 11702
plazas, approaches, and those portions of connecting public roads 11703
that serve interchanges, that is constructed or improved, in whole 11704
or in part, with infrastructure funding approved pursuant to 11705
criteria established under section 5537.18 of the Revised Code. 11706

(D) "Cost," as applied to construction of a turnpike project 11707
or an infrastructure project, includes the cost of construction, 11708
including bridges over or under existing highways and railroads, 11709
acquisition of all property acquired either by the commission or 11710
by the owner of the infrastructure project for the construction, 11711
demolishing or removing any buildings or structures on land so 11712
acquired, including the cost of acquiring any lands to which the 11713
buildings or structures may be moved, site clearance, improvement, 11714
and preparation, diverting public roads, interchanges with public 11715
roads, access roads to private property, including the cost of 11716
land or easements therefor, all machinery, furnishings, and 11717
equipment, communications facilities, financing expenses, interest 11718
prior to and during construction and for one year after completion 11719
of construction, traffic estimates, indemnity and surety bonds and 11720
premiums on insurance, title work and title commitments, 11721
insurance, and guarantees, engineering, feasibility studies, and 11722
legal expenses, plans, specifications, surveys, estimates of cost 11723
and revenues, other expenses necessary or incident to determining 11724
the feasibility or practicability of constructing or operating a 11725
turnpike project or an infrastructure project, administrative 11726
expenses, and any other expense that may be necessary or incident 11727
to the construction of the turnpike project or an infrastructure 11728
project, the financing of the construction, and the placing of the 11729
turnpike project or an infrastructure project in operation. Any 11730
obligation or expense incurred by the department of transportation 11731
with the approval of the commission for surveys, borings, 11732
preparation of plans and specifications, and other engineering 11733
services in connection with the construction of a turnpike project 11734
or an infrastructure project, or by the federal government with 11735
the approval of the commission for any public road projects which 11736
must be reimbursed as a condition to the exercise of any of the 11737
powers of the commission under this chapter, shall be regarded as 11738
a part of the cost of the turnpike project or an infrastructure 11739

project and shall be reimbursed to the state or the federal 11740
government, as the case may be, from revenues, state taxes, or the 11741
proceeds of bonds as authorized by this chapter. 11742

~~(D)~~(E) "Owner" includes all persons having any title or 11743
interest in any property authorized to be acquired by the 11744
commission for turnpike projects under this chapter, or the public 11745
entity for whom an infrastructure project is funded, in whole or 11746
in part, by the commission under this chapter. 11747

~~(E)~~(F) "Revenues" means all tolls, service revenues, 11748
investment income on special funds, rentals, gifts, grants, and 11749
all other moneys coming into the possession of or under the 11750
control of the commission by virtue of this chapter, except the 11751
proceeds from the sale of bonds. "Revenues" does not include state 11752
taxes. 11753

~~(F)~~(G) "Public roads" means all public highways, roads, and 11754
streets in the state, whether maintained by a state agency or any 11755
other governmental agency. 11756

~~(G)~~(H) "Public utility facilities" means tracks, pipes, 11757
mains, conduits, cables, wires, towers, poles, and other equipment 11758
and appliances of any public utility. 11759

~~(H)~~(I) "Financing expenses" means all costs and expenses 11760
relating to the authorization, issuance, sale, delivery, 11761
authentication, deposit, custody, clearing, registration, 11762
transfer, exchange, fractionalization, replacement, payment, and 11763
servicing of bonds including, without limitation, costs and 11764
expenses for or relating to publication and printing, postage, 11765
delivery, preliminary and final official statements, offering 11766
circulars, and informational statements, travel and 11767
transportation, underwriters, placement agents, investment 11768
bankers, paying agents, registrars, authenticating agents, 11769
remarketing agents, custodians, clearing agencies or corporations, 11770

securities depositories, financial advisory services, 11771
certifications, audits, federal or state regulatory agencies, 11772
accounting and computation services, legal services and obtaining 11773
approving legal opinions and other legal opinions, credit ratings, 11774
redemption premiums, and credit enhancement facilities. 11775

~~(I)~~(J) "Bond proceedings" means the resolutions, trust 11776
agreements, certifications, notices, sale proceedings, leases, 11777
lease-purchase agreements, assignments, credit enhancement 11778
facility agreements, and other agreements, instruments, and 11779
documents, as amended and supplemented, or any one or more or any 11780
combination thereof, authorizing, or authorizing or providing for 11781
the terms and conditions applicable to, or providing for the 11782
security or sale or award or liquidity of, bonds, and includes the 11783
provisions set forth or incorporated in those bonds and bond 11784
proceedings. 11785

~~(J)~~(K) "Bond service charges" means principal, including any 11786
mandatory sinking fund or mandatory redemption requirements for 11787
the retirement of bonds, and interest and any redemption premium 11788
payable on bonds, as those payments come due and are payable to 11789
the bondholder or to a person making payment under a credit 11790
enhancement facility of those bond service charges to a 11791
bondholder. 11792

~~(K)~~(L) "Bond service fund" means the applicable fund created 11793
by the bond proceedings for and pledged to the payment of bond 11794
service charges on bonds provided for by those proceedings, 11795
including all moneys and investments, and earnings from 11796
investments, credited and to be credited to that fund as provided 11797
in the bond proceedings. 11798

~~(L)~~(M) "Bonds" means bonds, notes, including notes 11799
anticipating bonds or other notes, commercial paper, certificates 11800
of participation, or other evidences of obligation, including any 11801
interest coupons pertaining thereto, issued by the commission 11802

pursuant to this chapter. 11803

~~(M)~~(N) "Infrastructure fund" means the applicable fund or 11804
funds created by the bond proceedings, which shall be used to pay 11805
or defray the cost of infrastructure projects recommended by the 11806
director of transportation and evaluated and approved by the 11807
commission. 11808

(O) "Net revenues" means revenues lawfully available to pay 11809
both current operating expenses of the commission and bond service 11810
charges in any fiscal year or other specified period, less current 11811
operating expenses of the commission and any amount necessary to 11812
maintain a working capital reserve for that period. 11813

~~(N)~~(P) "Pledged revenues" means net revenues, moneys and 11814
investments, and earnings on those investments, in the applicable 11815
bond service fund and any other special funds, and the proceeds of 11816
any bonds issued for the purpose of refunding prior bonds, all as 11817
lawfully available and by resolution of the commission committed 11818
for application as pledged revenues to the payment of bond service 11819
charges on particular issues of bonds. 11820

~~(O)~~(Q) "Service facilities" means service stations, 11821
restaurants, and other facilities for food service, roadside parks 11822
and rest areas, parking, camping, tenting, rest, and sleeping 11823
facilities, hotels or motels, and all similar and other facilities 11824
providing services to the traveling public in connection with the 11825
use of a turnpike project and owned, leased, licensed, or operated 11826
by the commission. 11827

~~(P)~~(R) "Service revenues" means those revenues of the 11828
commission derived from its ownership, leasing, licensing, or 11829
operation of service facilities. 11830

~~(Q)~~(S) "Special funds" means the applicable bond service fund 11831
and any accounts and subaccounts in that fund, any other funds or 11832
accounts permitted by and established under, and identified as a 11833

"special fund" or "special account" in, the bond proceedings, 11834
including any special fund or account established for purposes of 11835
rebate or other requirements under federal income tax laws. 11836

~~(R)~~(T) "State agencies" means the state, officers of the 11837
state, and boards, departments, branches, divisions, or other 11838
units or agencies of the state. 11839

~~(S)~~(U) "State taxes" means receipts of the commission from 11840
the proceeds of state taxes or excises levied and collected, or 11841
appropriated by the general assembly to the commission, for the 11842
purposes and functions of the commission. State taxes do not 11843
include tolls, or investment earnings on state taxes except on 11844
those state taxes referred to in Section 5a of Article XII, Ohio 11845
Constitution. 11846

~~(T)~~(V) "Tolls" means tolls, special fees or permit fees, or 11847
other charges by the commission to the owners, lessors, lessees, 11848
or operators of motor vehicles for the operation of or the right 11849
to operate those vehicles on a turnpike project. 11850

~~(U)~~(W) "Credit enhancement facilities" means letters of 11851
credit, lines of credit, standby, contingent, or firm securities 11852
purchase agreements, insurance, or surety arrangements, 11853
guarantees, and other arrangements that provide for direct or 11854
contingent payment of bond service charges, for security or 11855
additional security in the event of nonpayment or default in 11856
respect of bonds, or for making payment of bond service charges 11857
and at the option and on demand of bondholders or at the option of 11858
the commission or upon certain conditions occurring under put or 11859
similar arrangements, or for otherwise supporting the credit or 11860
liquidity of the bonds, and includes credit, reimbursement, 11861
marketing, remarketing, indexing, carrying, interest rate hedge, 11862
and subrogation agreements, and other agreements and arrangements 11863
for payment and reimbursement of the person providing the credit 11864
enhancement facility and the security for that payment and 11865

reimbursement. 11866

~~(V)~~(X) "Person" has the same meaning as in section 1.59 of 11867
the Revised Code and, unless the context otherwise provides, also 11868
includes any governmental agency and any combination of those 11869
persons. 11870

~~(W)~~(Y) "Refund" means to fund and retire outstanding bonds, 11871
including advance refunding with or without payment or redemption 11872
prior to stated maturity. 11873

~~(X)~~(Z) "Governmental agency" means any state agency, federal 11874
agency, political subdivision, or other local, interstate, or 11875
regional governmental agency, and any combination of those 11876
agencies. 11877

~~(Y)~~(AA) "Property" has the same meaning as in section 1.59 of 11878
the Revised Code, and includes interests in property. 11879

~~(Z)~~(BB) "Administrative agent," "agent," "commercial paper," 11880
"floating rate interest structure," "indexing agent," "interest 11881
rate hedge," "interest rate period," "put arrangement," and 11882
"remarketing agent" have the same meanings as in section 9.98 of 11883
the Revised Code. 11884

~~(AA)~~(CC) "Outstanding," as applied to bonds, means 11885
outstanding in accordance with the terms of the bonds and the 11886
applicable bond proceedings. 11887

~~(BB)~~(DD) "Ohio turnpike system" or "system" means all 11888
existing and future turnpike projects constructed, operated, and 11889
maintained under the jurisdiction of the commission. 11890

(EE) "Ohio turnpike and infrastructure system" means turnpike 11891
projects and infrastructure projects funded by the commission 11892
existing on and after July 1, 2013, that facilitate access to, use 11893
of, and egress from the Ohio turnpike system, and also facilitate 11894
access to and from areas of population, commerce, and industry 11895

that are connected to the Ohio turnpike system. 11896

Sec. 5537.02. (A) There is hereby created a commission to be 11897
known on and after July 1, 2013, as the "Ohio turnpike and 11898
infrastructure commission." The commission is a body both 11899
corporate and politic, constituting an instrumentality of the 11900
state, and the exercise by it of the powers conferred by this 11901
chapter in the construction, operation, and maintenance of the 11902
Ohio turnpike system, and also in entering into agreements with 11903
the department of transportation to pay the cost or a portion of 11904
the costs of infrastructure projects, are and shall be held to be 11905
essential governmental functions of the state, but the commission 11906
shall not be immune from liability by reason thereof. Chapter 11907
2744. of the Revised Code applies to the commission and the 11908
commission is a political subdivision of the state for purposes of 11909
that chapter. The commission is subject to all provisions of law 11910
generally applicable to state agencies which do not conflict with 11911
this chapter. 11912

(B)(1) The commission shall consist of ~~nine~~ ten members as 11913
follows: 11914

(a) ~~Four~~ Six members appointed by the governor with the 11915
advice and consent of the senate, no more than ~~two~~ three of whom 11916
shall be members of the same political party; 11917

(b) The director of transportation, who shall be a voting 11918
member, and the director of budget and management, ~~and the~~ 11919
~~director of development,~~ each both of whom shall ~~be a member~~ serve 11920
as ex officio members, without compensation; 11921

(c) One member of the senate, appointed by the president of 11922
the senate, who shall represent either a district in which is 11923
located or through which passes a portion of a turnpike project 11924
that is part of the Ohio turnpike system or a district located in 11925
the vicinity of a turnpike project that is part of the Ohio 11926

turnpike system; 11927

(d) One member of the house of representatives, appointed by 11928
the speaker of the house of representatives, who shall represent 11929
either a district in which is located or through which passes a 11930
portion of a turnpike project that is part of the Ohio turnpike 11931
system or a district located in the vicinity of a turnpike project 11932
that is part of the Ohio turnpike system. 11933

(2) The members appointed by the governor shall be residents 11934
of the state, shall have been qualified electors therein for a 11935
period of at least five years next preceding their appointment, 11936
~~and. In making the appointments, the governor may appoint persons~~ 11937
who reside in different geographic areas of the state, taking into 11938
consideration the various turnpike and infrastructure projects in 11939
the state. Members appointed to the commission prior to July 1, 11940
2013, shall serve terms of eight years commencing on the first day 11941
of July and ending on the thirtieth day of June. Thereafter, 11942
members appointed by the governor shall serve terms of five years 11943
commencing on the first day of July and ending on the thirtieth 11944
day of June. Those members appointed by the president of the 11945
senate or the speaker of the house of representatives shall serve 11946
a term of the remainder of the general assembly during which the 11947
senator or representative is appointed. Each appointed member 11948
shall hold office from the date of appointment until the end of 11949
the term for which the member was appointed. If a commission 11950
member dies or resigns, or if a senator or representative who is a 11951
member of the commission ceases to be a senator or representative, 11952
or if an ex officio member ceases to hold the applicable office, 11953
the vacancy shall be filled in the same manner as provided in 11954
division (B)(1) of this section. Any member who fills a vacancy 11955
occurring prior to the end of the term for which the member's 11956
predecessor was appointed shall, if appointed by the governor, 11957
hold office for the remainder of such term or, if appointed by the 11958

president of the senate or the speaker of the house of 11959
representatives, shall hold office for the remainder of the term 11960
or for a shorter period of time as determined by the president or 11961
the speaker. Any member appointed by the governor shall continue 11962
in office subsequent to the expiration date of the member's term 11963
until the member's successor takes office, or until a period of 11964
sixty days has elapsed, whichever occurs first. A member of the 11965
commission is eligible for reappointment. Each member of the 11966
commission appointed by the governor, before entering upon the 11967
member's duties, shall take an oath as provided by Section 7 of 11968
Article XV, Ohio Constitution. The governor, the president of the 11969
senate, or the speaker of the house of representatives, may at any 11970
time remove their respective appointees to the commission for 11971
misfeasance, nonfeasance, or malfeasance in office. 11972

(3)(a) A member of the commission who is appointed by the 11973
president of the senate or the speaker of the house of 11974
representatives shall not participate in any vote of the 11975
commission. Serving as an appointed member of the commission under 11976
divisions (B)(1)(c), (1)(d), or (2) of this section does not 11977
constitute grounds for resignation from the senate or the house of 11978
representatives under section 101.26 of the Revised Code. 11979

(b) The director of budget and management ~~and the director of~~ 11980
~~development~~ shall not participate in any vote of the commission. 11981

(C) The voting members of the commission shall elect one of 11982
the ~~appointed~~ voting members as chairperson and another as 11983
vice-chairperson, and shall appoint a secretary-treasurer who need 11984
not be a member of the commission. ~~Three~~ Four of the voting 11985
members of the commission constitute a quorum, and the affirmative 11986
vote of ~~three~~ four voting members is necessary for any action 11987
taken by the commission. No vacancy in the membership of the 11988
commission impairs the rights of a quorum to exercise all the 11989
rights and perform all the duties of the commission. 11990

(D) Each member of the commission appointed by the governor 11991
shall give a surety bond to the commission in the penal sum of 11992
twenty-five thousand dollars and the secretary-treasurer shall 11993
give such a bond in at least the penal sum of fifty thousand 11994
dollars. The commission may require any of its officers or 11995
employees to file surety bonds including a blanket bond as 11996
provided in section 3.06 of the Revised Code. Each such bond shall 11997
be in favor of the commission and shall be conditioned upon the 11998
faithful performance of the duties of the office, executed by a 11999
surety company authorized to transact business in this state, 12000
approved by the governor, and filed in the office of the secretary 12001
of state. The costs of the surety bonds shall be paid or 12002
reimbursed by the commission from revenues. Each member of the 12003
commission appointed by the governor shall receive an annual 12004
salary of five thousand dollars, payable in monthly installments. 12005
Each member shall be reimbursed for the member's actual expenses 12006
necessarily incurred in the performance of the member's duties. 12007
All costs and expenses incurred by the commission in carrying out 12008
this chapter shall be payable solely from revenues and state 12009
taxes, and no liability or obligation shall be incurred by the 12010
commission beyond the extent to which revenues have been provided 12011
for pursuant to this chapter. 12012

Sec. 5537.03. In order to remove present and anticipated 12013
handicaps and potential hazards on the congested highways in this 12014
state, to facilitate vehicular traffic throughout the state, to 12015
finance infrastructure projects that improve and enhance mobility 12016
in Ohio, and also to promote the agricultural, ~~commercial,~~ 12017
recreational, tourism, and commercial, industrial, and economic 12018
development of the state, and to provide for the general welfare 12019
by the construction, improvement, and maintenance of modern 12020
express highways embodying safety devices, including without 12021
limitation center divisions, ample shoulder widths, long-sight 12022

distances, multiple lanes in each direction, and grade separations 12023
at intersections with other public roads and railroads, the Ohio 12024
turnpike and infrastructure commission, ~~subject~~ may do the 12025
following: 12026

(A) Subject to section 5537.26 of the Revised Code, ~~may~~ 12027
construct, maintain, repair, and operate a system of turnpike 12028
projects at locations that are reviewed by the turnpike 12029
legislative review committee and approved by the governor, and in 12030
accordance with alignment and design standards that are approved 12031
by the director of transportation, and issue revenue bonds of this 12032
state, payable solely from pledged revenues, to pay the cost of 12033
those projects. The turnpikes and turnpike projects authorized by 12034
this chapter are hereby or shall be made part of the Ohio turnpike 12035
system. 12036

(B) Provide the infrastructure funds to pay the cost or a 12037
portion of the cost of infrastructure projects as recommended by 12038
the director of transportation pursuant to a determination made by 12039
the commission based on criteria set forth in rules adopted by the 12040
commission under section 5537.18 of the Revised Code. A 12041
determination by the commission to provide infrastructure funds 12042
for an infrastructure project shall be conclusive and 12043
incontestable. 12044

Sec. 5537.04. (A) The Ohio turnpike and infrastructure 12045
commission may do any of the following: 12046

(1) Adopt bylaws for the regulation of its affairs and the 12047
conduct of its business; 12048

(2) Adopt an official seal, which shall not be the great seal 12049
of the state and which need not be in compliance with section 5.10 12050
of the Revised Code; 12051

(3) Maintain a principal office and suboffices at such places 12052

within the state as it designates; 12053

(4) Sue With respect to the Ohio turnpike system and turnpike projects, sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose if that county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission; 12054
12055
12056
12057
12058
12059
12060
12061
12062
12063

(5) With respect to infrastructure projects only, sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of Franklin county, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission. 12064
12065
12066
12067
12068
12069
12070

(6) Construct, maintain, repair, police, and operate the turnpike system, and establish rules for the use of any turnpike project; 12071
12072
12073

~~(6)~~(7) Issue revenue bonds of the state, payable solely from pledged revenues, as provided in this chapter, for the purpose of paying any part of the cost of constructing any one or more turnpike projects or infrastructure projects; 12074
12075
12076
12077

~~(7)~~(8) Fix, and revise from time to time, and charge and collect tolls by any method approved by the commission, including, but not limited to, manual methods or through electronic technology accepted within the tolling industry; 12078
12079
12080
12081

~~(8)~~(9) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this 12082
12083

chapter; 12084

~~(9)~~(10) Designate the locations and establish, limit, and 12085
control such points of ingress to and egress from each turnpike 12086
project as are necessary or desirable in the judgment of the 12087
commission and of the director of transportation to ensure the 12088
proper operation and maintenance of that turnpike project, and 12089
prohibit entrance to such a turnpike project from any point not so 12090
designated; 12091

~~(10)~~(11) Make and enter into all contracts and agreements 12092
necessary or incidental to the performance of its duties and the 12093
execution of its powers under this chapter, including 12094
participation in a multi-jurisdiction electronic toll collection 12095
agreement and collection or remittance of tolls, fees, or other 12096
charges to or from entities or agencies that participate in such 12097
an agreement; the commission also may enter into agreements with 12098
retail locations, including deputy registrars, to allow the 12099
general public to acquire electronic toll collection devices, 12100
commonly known as transponders, from the retail locations for such 12101
reasonable fees as are established by the commission; 12102

~~(11)~~(12) Employ or retain or contract for the services of 12103
consulting engineers, superintendents, managers, and any other 12104
engineers, construction and accounting experts, financial 12105
advisers, trustees, marketing, remarketing, and administrative 12106
agents, attorneys, and other employees, independent contractors, 12107
or agents that are necessary in its judgment and fix their 12108
compensation, provided all such expenses shall be payable solely 12109
from the proceeds of bonds or from revenues of the Ohio turnpike 12110
system; 12111

~~(12)~~(13) Receive and accept from any federal agency, subject 12112
to the approval of the governor, and from any other governmental 12113
agency grants for or in aid of the construction, reconstruction, 12114
repair, renovation, maintenance, or operation of any turnpike 12115

project, and receive and accept aid or contributions from any 12116
source or person of money, property, labor, or other things of 12117
value, to be held, used, and applied only for the purposes for 12118
which such grants and contributions are made; 12119

~~(13)~~(14) Provide coverage for its employees under Chapters 12120
4123. and 4141. of the Revised Code; 12121

~~(14)~~(15) Fix and revise by rule, from time to time, such 12122
permit fees, processing fees, or administrative charges for the 12123
prepayment, deferred payment, or nonpayment of tolls and use of 12124
electronic tolling equipment or other commission property; 12125

(16) Adopt rules for the issuance of citations either by a 12126
policing authority or through administrative means to individuals 12127
or corporations that evade the payment of tolls established for 12128
the use of any turnpike project; 12129

(17) Approve funding and authorize agreements with the 12130
department of transportation for the funding of infrastructure 12131
projects recommended by the director of transportation pursuant to 12132
the criteria established by rule under section 5537.18 of the 12133
Revised Code. 12134

(B) The commission may do all acts necessary or proper to 12135
carry out the powers expressly granted in this chapter. 12136

Sec. 5537.05. (A) The Ohio turnpike and infrastructure 12137
commission may construct grade separations at intersections of any 12138
turnpike project with public roads and railroads, and change and 12139
adjust the lines and grades of those roads and railroads, and of 12140
public utility facilities, which change and adjustment of lines 12141
and grades of those roads shall be subject to the approval of the 12142
governmental agency having jurisdiction over the road, so as to 12143
accommodate them to the design of the grade separation. The cost 12144
of the grade separation and any damage incurred in changing and 12145

adjusting the lines and grades of roads, railroads, and public utility facilities shall be ascertained and paid by the commission as a part of the cost of the turnpike project or from revenues or state taxes.

(1) If the commission finds it necessary to change the location of any portion of any public road, railroad, or public utility facility, it shall cause the same to be reconstructed at the location the governmental agency having jurisdiction over such road, railroad, or public utility facility considers most favorable. The construction shall be of substantially the same type and in as good condition as the original road, railroad, or public utility facility. The cost of the reconstruction, relocation, or removal and any damage incurred in changing the location shall be ascertained and paid by the commission as a part of the cost of the turnpike project or from revenues or state taxes.

(2) The commission may petition the board of county commissioners of the county in which is situated any public road or part thereof affected by the location therein of any turnpike project, for the vacation or relocation of the road or any part thereof, in the same manner and with the same force and effect as is given to the director of transportation pursuant to sections 5553.04 to 5553.11 of the Revised Code.

(B) The commission and its authorized agents and employees, after proper notice, may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations that are necessary or proper for the purposes of this chapter, and the entry shall not be deemed a trespass, nor shall an entry for those purposes be deemed an entry under any appropriation proceedings which may then be pending, provided that before entering upon the premises of any railroad notice shall be given to the superintendent of the

railroad involved at least five days in advance of entry, and 12178
provided that no survey, sounding, drilling, and examination shall 12179
be made between the rails or so close to a railroad track as would 12180
render the track unusable. The commission shall make reimbursement 12181
for any actual damage resulting to such lands, waters, and 12182
premises and to private property located in, on, along, over, or 12183
under such lands, waters, and premises, as a result of such 12184
activities. The state, subject to the approval of the governor, 12185
hereby consents to the use of all lands owned by it, including 12186
lands lying under water, that are necessary or proper for the 12187
construction, maintenance, or operation of any turnpike project, 12188
provided adequate consideration is provided for the use. 12189

(C) The commission may make reasonable provisions or rules 12190
for the installation, construction, maintenance, repair, renewal, 12191
relocation, and removal of public utility facilities in, on, 12192
along, over, or under any turnpike project. Whenever the 12193
commission determines that it is necessary that any public utility 12194
facilities located in, on, along, over, or under any turnpike 12195
project should be relocated in or removed from the turnpike 12196
project, the public utility owning or operating the facilities 12197
shall relocate or remove them in accordance with the order of the 12198
commission. Except as otherwise provided in any license or other 12199
agreement with the commission, the cost and expenses of such 12200
relocation or removal, including the cost of installing the 12201
facilities in a new location, the cost of any lands, or any rights 12202
or interests in lands, and any other rights, acquired to 12203
accomplish the relocation or removal, shall be ascertained and 12204
paid by the commission as part of the cost of the turnpike project 12205
or from revenues of the Ohio turnpike system. In case of any such 12206
relocation or removal of facilities, the public utility owning or 12207
operating them and its successors or assigns may maintain and 12208
operate the facilities, with the necessary appurtenances, in the 12209
new location, for as long a period, and upon the same terms, as it 12210

had the right to maintain and operate the facilities in their 12211
former location. 12212

(D) The commission is subject to Chapters 1515., 6131., 12213
6133., 6135., and 6137. of the Revised Code and shall pay any 12214
assessments levied under those chapters for an improvement or 12215
maintenance of an improvement on land under the control or 12216
ownership of the commission. 12217

Sec. 5537.051. (A)(1) In any county that as of January 1, 12218
2011, had closed one or more roads as a result of grade separation 12219
failure at intersections of a turnpike project with a county or 12220
township road, the Ohio turnpike and infrastructure commission is 12221
responsible for the major maintenance and repair and replacement 12222
of failed grade separations. The governmental entity with 12223
jurisdiction over the county or township road is responsible for 12224
routine maintenance of such failed grade separations. 12225

(2) This section does not apply to any grade separation at 12226
intersections of a turnpike project with a county or township road 12227
except as described in division (A)(1) of this section. 12228

(3) Major maintenance and repair and replacement of 12229
aforementioned failed grade separations shall commence not later 12230
than July 1, 2011, and be completed before December 31, 2014. 12231

(B) As used in this section: 12232

(1) "Major maintenance and repair and replacement" relates to 12233
all elements constructed as part of or required for a grade 12234
separation, including bridges, pile, foundations, substructures, 12235
abutments, piers, superstructures, approach slabs, slopes, 12236
embankments, fences, and appurtenances. 12237

(2) "Routine maintenance" includes, without limitation, 12238
clearing debris, sweeping, snow and ice removal, wearing surface 12239
improvements, marking for traffic control, box culverts, drainage 12240

facilities including headwalls and underdrains, inlets, catch 12241
basins and grates, guardrails, minor and emergency repairs to 12242
railing and appurtenances, and emergency patching. 12243

Sec. 5537.06. (A) The Ohio turnpike and infrastructure 12244
commission may acquire by purchase, lease, lease-purchase, lease 12245
with option to purchase, appropriation, or otherwise and in such 12246
manner and for such consideration as it considers proper, any 12247
public or private property necessary, convenient, or proper for 12248
the construction, maintenance, or efficient operation of the Ohio 12249
turnpike system. The commission may pledge net revenues, to the 12250
extent permitted by this chapter with respect to bonds, to secure 12251
payments to be made by the commission under any such lease, 12252
lease-purchase agreement, or lease with option to purchase. Title 12253
to personal property, and interests less than a fee in real 12254
property, shall be held in the name of the commission. Title to 12255
real property held in fee shall be held in the name of the state 12256
for the use of the commission. In any proceedings for 12257
appropriation under this section, the procedure to be followed 12258
shall be in accordance with the procedure provided in sections 12259
163.01 to 163.22 of the Revised Code, including division (B) of 12260
section 163.06 of the Revised Code notwithstanding the limitation 12261
in that division of its applicability to roads open to the public 12262
without charge. Except as otherwise agreed upon by the owner, full 12263
compensation shall be paid for public property so taken. 12264

(B) This section does not authorize the commission to take or 12265
disturb property or facilities belonging to any public utility or 12266
to a common carrier engaged in interstate commerce, which property 12267
or facilities are required for the proper and convenient operation 12268
of the public utility or common carrier, unless provision is made 12269
for the restoration, relocation, replication, or duplication of 12270
the property or facilities elsewhere at the sole cost of the 12271
commission. 12272

(C) Disposition of real property shall be by the commission 12273
in the manner and for the consideration it determines if to a 12274
state agency or other governmental agency, and otherwise in the 12275
manner provided in section 5501.45 of the Revised Code for the 12276
disposition of property by the director of transportation. 12277
Disposition of personal property shall be in the manner and for 12278
the consideration the commission determines. 12279

(D) Any instrument by which real property is acquired 12280
pursuant to this section shall identify the agency of the state 12281
that has the use and benefit of the real property as specified in 12282
section 5301.012 of the Revised Code. 12283

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 12284
infrastructure commission under any contract with a person other 12285
than a governmental agency involves an expenditure of more than 12286
fifty thousand dollars, the commission shall make a written 12287
contract with the lowest responsive and responsible bidder in 12288
accordance with section 9.312 of the Revised Code after 12289
advertisement for not less than two consecutive weeks in a 12290
newspaper of general circulation in Franklin county, and in such 12291
other publications as the commission determines, which notice 12292
shall state the general character of the work and the general 12293
character of the materials to be furnished, the place where plans 12294
and specifications therefor may be examined, and the time and 12295
place of receiving bids. The commission may require that the cost 12296
estimate for the construction, demolition, alteration, repair, 12297
improvement, renovation, or reconstruction of roadways and bridges 12298
for which the commission is required to receive bids be kept 12299
confidential and remain confidential until after all bids for the 12300
public improvement have been received or the deadline for 12301
receiving bids has passed. Thereafter, and before opening the bids 12302
submitted for the roadways and bridges, the commission shall make 12303
the cost estimate public knowledge by reading the cost estimate in 12304

a public place. The commission may reject any and all bids. The requirements of this division do not apply to contracts for the acquisition of real property or compensation for professional or other personal services.

(B) Each bid for a contract for construction, demolition, alteration, repair, improvement, renovation, or reconstruction shall contain the full name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(C) Other than for a contract referred to in division (B) of this section, each bid for a contract that involves an expenditure in excess of one hundred fifty thousand dollars or any contract with a service facility operator shall contain the full name of every person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured.

(D) Other than a contract referred to in division (B) of this section, a bond with good and sufficient surety, in a form as prescribed and approved by the commission, shall be required of every contractor awarded a contract that involves an expenditure in excess of one hundred fifty thousand dollars or any contract with a service facility operator. The bond shall be in an amount equal to at least fifty per cent of the contract price and shall be conditioned upon the faithful performance of the contract.

(E) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing

plans, the commission shall award contracts following the 12337
requirements set forth in divisions (A), (B), (C), and (D) of this 12338
section. 12339

Sec. 5537.08. (A) The Ohio turnpike and infrastructure 12340
commission may provide by resolution for the issuance, at one time 12341
or from time to time, of revenue bonds of the state for the 12342
purpose of paying all or any part of the cost of any one or more 12343
turnpike projects or infrastructure projects. The bond service 12344
charges shall be payable solely from pledged revenues pledged for 12345
such payment pursuant to the applicable bond proceedings. The 12346
bonds of each issue shall be dated, shall bear interest at a rate 12347
or rates or at variable rates, and shall mature or be payable at 12348
such time or times, with a final maturity not to exceed forty 12349
years from their date or dates, all as determined by the 12350
commission in the bond proceedings. The commission shall determine 12351
the form of the bonds, including any interest coupons to be 12352
attached thereto, and shall fix the denomination or denominations 12353
of the bonds and the place or places of payment of bond service 12354
charges. 12355

(B) The bonds shall be signed by the chairperson or 12356
vice-chairperson of the commission or by the facsimile signature 12357
of that officer, the official seal of the commission or a 12358
facsimile thereof shall be affixed thereto or printed thereon and 12359
attested by the secretary-treasurer of the commission, which may 12360
be by facsimile signature, and any coupons attached thereto shall 12361
bear the facsimile signature of the chairperson or 12362
vice-chairperson of the commission. In case any officer whose 12363
signature, or a facsimile of whose signature, appears on any bonds 12364
or coupons ceases to be such officer before delivery of bonds, 12365
such signature or facsimile shall nevertheless be valid and 12366
sufficient for all purposes the same as if the officer had 12367
remained in office until such delivery. 12368

(C) Subject to the bond proceedings and provisions for 12369
registration, the bonds shall have all the qualities and incidents 12370
of negotiable instruments under Title XIII of the Revised Code. 12371
The bonds may be issued in such form or forms as the commission 12372
determines, including without limitation coupon, book entry, and 12373
fully registered form, and provision may be made for the 12374
registration of any coupon bonds as to principal alone and also as 12375
to both principal and interest, and for the exchange of bonds 12376
between forms. The commission may sell such bonds by competitive 12377
bid on the best bid after advertisement or request for bids or by 12378
private sale in the manner, and for the price, it determines to be 12379
for the best interest of the state. ~~The determination of the 12380
commission as to the manner of sale, by competitive bid or by 12381
private sale, shall be approved by the controlling board.~~ 12382

(D) The proceeds of the bonds of each issue shall be used 12383
solely for the payment of the costs of the turnpike project or 12384
projects for which such bonds were issued, and or for the payment 12385
of the costs of the infrastructure project or projects as approved 12386
by the commission under section 5537.18 of the Revised Code. The 12387
proceeds shall be disbursed in such manner and under such 12388
restrictions as the commission provides in the applicable bond 12389
proceedings. 12390

(E) Prior to the preparation of definitive bonds, the 12391
commission may, under like restrictions, issue interim receipts or 12392
temporary bonds or bond anticipation notes, with or without 12393
coupons, exchangeable for definitive bonds when such bonds have 12394
been executed and are available for delivery. The commission may 12395
provide for the replacement of any mutilated, stolen, destroyed, 12396
or lost bonds. Bonds may be issued by the commission under this 12397
chapter without obtaining the consent of any state agency, and 12398
without any other proceedings or the happening of any other 12399
conditions or things than those proceedings, conditions, or things 12400

that are specifically required by this chapter or those 12401
proceedings. 12402

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 12403
bonds. 12404

(G) The bond proceedings shall provide, subject to the 12405
provisions of any other applicable bond proceedings, for the 12406
pledge to the payment of bond service charges and of any costs of 12407
or relating to credit enhancement facilities of all, or such part 12408
as the commission may determine, of the pledged revenues and the 12409
applicable special fund or funds, which pledges may be made to 12410
secure the bonds on a parity with bonds theretofore or thereafter 12411
issued if and to the extent provided in the bond proceedings. 12412
Every pledge, and every covenant and agreement with respect 12413
thereto, made in the bond proceedings may in the bond proceedings 12414
be extended to the benefit of the owners and holders of bonds and 12415
to any trustee and any person providing a credit enhancement 12416
facility for those bonds, for the further security for the payment 12417
of the bond service charges and credit enhancement facility costs. 12418

(H) The bond proceedings may contain additional provisions as 12419
to: 12420

(1) The redemption of bonds prior to maturity at the option 12421
of the commission or of the bondholders or upon the occurrence of 12422
certain stated conditions, and at such price or prices and under 12423
such terms and conditions as are provided in the bond proceedings; 12424

(2) Other terms of the bonds; 12425

(3) Limitations on the issuance of additional bonds; 12426

(4) The terms of any trust agreement securing the bonds or 12427
under which the same may be issued; 12428

(5) Any or every provision of the bond proceedings being 12429
binding upon the commission and state agencies, or other person as 12430

may from time to time have the authority under law to take such 12431
actions as may be necessary to perform all or any part of the duty 12432
required by such provision; 12433

(6) Any provision that may be made in a trust agreement; 12434

(7) Any other or additional agreements with the holders of 12435
the bonds, or the trustee therefor, relating to the bonds or the 12436
security for the bonds, including agreements for credit 12437
enhancement facilities. 12438

(I) Any holder of bonds or a trustee under the bond 12439
proceedings, except to the extent that the holder's or trustee's 12440
rights are restricted by the bond proceedings, may by any suitable 12441
form of legal proceedings, protect and enforce any rights under 12442
the laws of this state or granted by the bond proceedings. Those 12443
rights include the right to compel the performance of all duties 12444
of the commission and state agencies required by this chapter or 12445
the bond proceedings; to enjoin unlawful activities; and in the 12446
event of default with respect to the payment of any bond service 12447
charges on any bonds or in the performance of any covenant or 12448
agreement on the part of the commission contained in the bond 12449
proceedings, to apply to a court having jurisdiction of the cause 12450
to appoint a receiver to receive and administer the revenues and 12451
the pledged revenues which are pledged to the payment of the bond 12452
service charges on such bonds or which are the subject of the 12453
covenant or agreement, with full power to pay, and to provide for 12454
payment of, bond service charges on such bonds, and with such 12455
powers, subject to the direction of the court, as are accorded 12456
receivers in general equity cases, excluding any power to pledge 12457
additional revenues or receipts or other income, funds, or moneys 12458
of the commission or state agencies to the payment of such bond 12459
service charges and excluding the power to take possession of, 12460
mortgage, or cause the sale or otherwise dispose of any turnpike 12461
project or other property of the commission. 12462

(J) Each duty of the commission and the commission's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the commission, and of each such officer, member, or employee having authority to perform the duty, specifically enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

(K) The commission's officers or employees are not liable in their personal capacities on any bonds issued by the commission or any agreements of or with the commission relating to those bonds.

(L) The bonds are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other funds of the state or its political subdivisions and taxing districts, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys.

(M) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges pertinent to such accounts and bond service fund, and for other accounts therein within the general purposes of such fund.

(N) The commission may pledge all, or such portion as it determines, of the pledged revenues to the payment of bond service charges, and for the establishment and maintenance of any reserves

and special funds, as provided in the bond proceedings, and make 12495
other provisions therein with respect to pledged revenues, 12496
revenues, and net revenues as authorized by this chapter, which 12497
provisions are controlling notwithstanding any other provisions of 12498
law pertaining thereto. 12499

Sec. 5537.09. The Ohio turnpike and infrastructure commission 12500
may provide by resolution for the issuance of revenue bonds of the 12501
state, payable solely from pledged revenues, for the purpose of 12502
refunding any bonds then outstanding, including the payment of 12503
related financing expenses and, if considered advisable by the 12504
commission, for the additional purpose of paying costs of 12505
improvements, extensions, renovations, or enlargements of any 12506
turnpike project or any infrastructure project. The issuance of 12507
refunding bonds, the maturities and other details thereof, the 12508
rights of the holders thereof, and the rights, duties, and 12509
obligations of the commission in respect to such bonds shall be 12510
governed by the provisions of this chapter insofar as they are 12511
applicable and by the applicable bond proceedings. 12512

Sec. 5537.11. (A) The bonds do not constitute a debt, or a 12513
pledge of the faith and credit, of the state or of any political 12514
subdivision of the state. Bond service charges on outstanding 12515
bonds are payable solely from the pledged revenues pledged for 12516
their payment as authorized by this chapter and as provided in the 12517
bond proceedings. All turnpike and infrastructure revenue bonds 12518
shall contain on their face a statement to that effect. 12519

(B) All expenses incurred in carrying out this chapter shall 12520
be payable solely from revenues provided under this chapter and 12521
from state taxes. This chapter does not authorize the Ohio 12522
turnpike and infrastructure commission to incur indebtedness or 12523
liability on behalf of or payable by the state or any political 12524
subdivision of the state. 12525

Sec. 5537.12. (A) In the discretion of the Ohio turnpike and 12526
infrastructure commission any bonds may be secured by a trust 12527
agreement between the commission and a corporate trustee, which 12528
may be any trust company or bank having the powers of a trust 12529
company within or without the state but authorized to exercise 12530
trust powers within this state. 12531

(B) Any trust agreement may pledge or assign the revenues to 12532
be received, but shall not convey or mortgage any turnpike project 12533
or infrastructure project, any part of a turnpike project or 12534
infrastructure project, or any part of the Ohio turnpike system or 12535
the Ohio turnpike and infrastructure system. Any such trust 12536
agreement or other bond proceedings may contain provisions for 12537
protecting and enforcing the rights and remedies of the 12538
bondholders that are reasonable and proper and not in violation of 12539
law, including covenants setting forth the duties of the 12540
commission in relation to the acquisition of property, and the 12541
construction, maintenance, repair, operation, and insurance of the 12542
turnpike project or projects in connection with which the bonds 12543
are authorized, the rates of toll to be charged, and the custody, 12544
safeguarding, and application of all moneys, and provisions for 12545
the employment or retention of the services of consulting 12546
engineers in connection with the construction, maintenance, or 12547
operation of the turnpike project or projects. Any bank or trust 12548
company incorporated under the laws of this state which may act as 12549
depository of the proceeds of bonds or of revenues may furnish 12550
such indemnifying bonds or may pledge such securities as are 12551
required by the commission. Any such trust agreement may set forth 12552
the rights and remedies of the bondholders and of the trustee, may 12553
restrict the individual right of action by bondholders as is 12554
customary in revenue bond trust agreements of public bodies, and 12555
may contain other provisions that the commission considers 12556
reasonable and proper for the security of the bondholders. All 12557

expenses incurred in entering into or carrying out the provisions 12558
of such a trust agreement may be treated as a part of the cost, or 12559
of the cost of the operation, of the turnpike project or projects. 12560

Sec. 5537.13. (A) Subject to division (C)(1) of this section 12561
and section 5537.26 of the Revised Code, the Ohio turnpike and 12562
infrastructure commission may fix, revise, charge, and collect 12563
tolls for each turnpike project, and contract in the manner 12564
provided by this section with any person desiring the use of any 12565
part thereof, including the right-of-way adjoining the paved 12566
portion, for placing thereon telephone, electric light, or power 12567
lines, service facilities, or for any other purpose, and fix the 12568
terms, conditions, rents, and rates of charge for such use, 12569
provided that no toll, charge, or rental may be made by the 12570
commission for placing in, on, along, over, or under the turnpike 12571
project, equipment or public utility facilities that are necessary 12572
to serve service facilities or to interconnect any public utility 12573
facilities. 12574

(B) Contracts for the operation of service facilities shall 12575
be made in writing. Such contracts, except contracts with state 12576
agencies or other governmental agencies, shall be made with the 12577
bidder whose bid is determined by the commission to be the best 12578
bid received, after advertisement for two consecutive weeks in a 12579
newspaper of general circulation in Franklin county, and in other 12580
publications that the commission determines. The notice shall 12581
state the general character of the service facilities operation 12582
proposed, the place where plans and specifications may be 12583
examined, and the time and place of receiving bids. Bids shall 12584
contain the full name of each person interested in them, and shall 12585
be in such form as the commission requires. The commission may 12586
reject any and all bids. All contracts for service facilities 12587
shall be preserved in the principal office of the commission. 12588

(C) ~~Tolls~~ (1) For calendar years 2013 through 2023, the 12589
commission shall not increase the toll rates for any class of 12590
vehicle as fixed on the effective date of this amendment, when 12591
both of the following apply: 12592

(a) The tolls are collected and remitted in accordance with a 12593
multi-jurisdiction electronic toll collection agreement; and 12594

(b) The distance traveled is thirty miles or less. 12595

(2) Subject to division (C)(1) of this section, tolls shall 12596
be so fixed and adjusted as to provide funds at least sufficient 12597
with other revenues of the Ohio turnpike system, if any, to pay: 12598

~~(1)~~(a) The cost of maintaining, improving, repairing, 12599
constructing, and operating the Ohio turnpike system and its 12600
different parts and sections, and to create and maintain any 12601
reserves for those purposes; 12602

~~(2)~~(b) Any unpaid bond service charges on outstanding bonds 12603
payable from pledged revenues as such charges become due and 12604
payable, and to create and maintain any reserves for that purpose. 12605

(D) Tolls are not subject to supervision, approval, or 12606
regulation by any state agency other than the turnpike and 12607
infrastructure commission. 12608

(E) Revenues derived from each turnpike project ~~in connection~~ 12609
~~with which any bonds are outstanding~~ shall be first applied to pay 12610
the cost of maintenance, improvement, repair, and operation and to 12611
provide any reserves therefor that are provided for in the bond 12612
proceedings authorizing the issuance of those outstanding bonds, 12613
and otherwise as provided by the commission, ~~and the balance. The~~ 12614
bond proceedings also shall provide, subject to the provisions of 12615
any other applicable bond proceedings, for the pledge of all, or 12616
such part as the commission may determine of the pledged revenues 12617
~~shall be set aside, at such regular intervals as are provided in~~ 12618
~~the bond proceedings, in a bond service fund, which is hereby~~ 12619

~~pledged to and charged with and the applicable special fund or~~ 12620
~~funds to the payment of the bond service charges on any such~~ 12621
~~outstanding bonds as provided in the applicable, which pledge may~~ 12622
~~be made to secure the bonds senior or subordinate to or on a~~ 12623
~~parity with bonds theretofore or thereafter issued, if and to the~~ 12624
~~extent provided in the~~ bond proceedings. The pledge shall be valid 12625
and binding from the time the pledge is made; the revenues and the 12626
pledged revenues thereafter received by the commission immediately 12627
shall be subject to the lien of the pledge without any physical 12628
delivery thereof or further act, and the lien of the pledge shall 12629
be valid and binding as against all parties having claims of any 12630
kind in tort, contract, or otherwise against the commission, 12631
whether or not those parties have notice thereof. The bond 12632
proceedings by which a pledge is created need not be filed or 12633
recorded except in the records of the commission. The use and 12634
disposition of moneys to the credit of a bond service fund shall 12635
be subject to the applicable bond proceedings. ~~Except as is~~ 12636
~~otherwise provided in such bond proceedings, such a bond service~~ 12637
~~fund shall be a fund for all such bonds, without distinction or~~ 12638
~~priority of one over another.~~ 12639

(F) The proceeds of bonds issued for the payment of the costs 12640
of infrastructure projects, net of the payment of all financing 12641
expenses and deposits into debt service reserves or other special 12642
funds as may be required in the applicable bond proceedings, shall 12643
be deposited to the infrastructure fund or funds and shall be 12644
exclusively used to pay the cost of infrastructure projects 12645
approved by the commission, except that income earned by the 12646
infrastructure fund may be used by the commission towards the 12647
payment of bond service charges. 12648

Sec. 5537.14. All moneys received by the Ohio turnpike and 12649
infrastructure commission under this chapter, whether as proceeds 12650
from the sale of bonds or as revenues, are to be held and applied 12651

solely as provided in this chapter and in any applicable bond 12652
proceedings. Such moneys shall be kept in depositories as selected 12653
by the commission in the manner provided in sections 135.01 to 12654
135.21 of the Revised Code, insofar as such sections are 12655
applicable, and the deposits shall be secured as provided in 12656
sections 135.01 to 135.21 of the Revised Code. The bond 12657
proceedings shall provide that any officer to whom, or any bank or 12658
trust company to which, revenues or pledged revenues are paid 12659
shall act as trustee of such moneys and hold and apply them for 12660
the purposes thereof, subject to applicable provisions of this 12661
chapter and the bond proceedings. 12662

Sec. 5537.15. Any holder of bonds issued and outstanding 12663
under this chapter, or any of the coupons appertaining thereto, 12664
and the trustee under any trust agreement, except to the extent 12665
the rights given by this chapter may be restricted or modified by 12666
the bond proceedings, may by suit, action, mandamus, or other 12667
proceedings, protect and enforce any rights under the laws of the 12668
state or granted under this chapter or the bond proceedings, and 12669
may enforce and compel the performance of all duties required by 12670
this chapter or the bond proceedings, to be performed by the Ohio 12671
turnpike and infrastructure commission or any officer of the 12672
commission, including the fixing, charging, collecting, and 12673
application of tolls. 12674

Sec. 5537.16. (A) The Ohio turnpike and infrastructure 12675
commission may adopt such bylaws and rules as it considers 12676
advisable for the control and regulation of traffic on any 12677
turnpike project, for the protection and preservation of property 12678
under its jurisdiction and control, for the maintenance and 12679
preservation of good order within the property under its control, 12680
and for the purpose of establishing owner or operator liability 12681
for failure to comply with toll collection rules. The rules of the 12682

commission with respect to the speed, use of special engine 12683
brakes, axle loads, vehicle loads, and vehicle dimensions of 12684
vehicles on turnpike projects, including the issuance of a special 12685
permit by the commission to allow the operation on any turnpike 12686
project of a motor vehicle transporting two or fewer steel coils, 12687
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 12688
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 12689
be published in a newspaper of general circulation in Franklin 12690
county, and in such other manner as the commission prescribes. 12691

(B) Such rules shall provide that public police officers 12692
shall be afforded ready access, while in the performance of their 12693
official duty, to all property under the jurisdiction of the 12694
commission and without the payment of tolls. 12695

(C) No person shall violate any such bylaws or rules of the 12696
commission. 12697

(D)(1) All fines collected for the violation of applicable 12698
laws of the state and the bylaws and rules of the commission or 12699
moneys arising from bonds forfeited for such violation shall be 12700
disposed of in accordance with section 5503.04 of the Revised 12701
Code. 12702

(2) All fees or charges assessed by the commission against an 12703
owner or operator of a vehicle as a civil violation for failure to 12704
comply with toll collection or toll evasion rules shall be 12705
revenues of the commission. 12706

Sec. 5537.17. (A) Each turnpike project open to traffic shall 12707
be maintained and kept in good condition and repair by the Ohio 12708
turnpike and infrastructure commission. The Ohio turnpike system 12709
shall be policed and operated by a force of police, toll 12710
collectors, and other employees and agents that the commission 12711
employs or contracts for. 12712

(B) All public or private property damaged or destroyed in 12713
carrying out the powers granted by this chapter shall be restored 12714
or repaired and placed in its original condition, as nearly as 12715
practicable, or adequate compensation or consideration made 12716
therefor out of moneys provided under this chapter. 12717

(C) All governmental agencies may lease, lend, grant, or 12718
convey to the commission at its request, upon terms that the 12719
proper authorities of the governmental agencies consider 12720
reasonable and fair and without the necessity for an 12721
advertisement, order of court, or other action or formality, other 12722
than the regular and formal action of the authorities concerned, 12723
any property that is necessary or convenient to the effectuation 12724
of the purposes of the commission, including public roads and 12725
other property already devoted to public use. 12726

(D) Each bridge constituting part of a turnpike project shall 12727
be inspected at least once each year by a professional engineer 12728
employed or retained by the commission. 12729

(E) On or before the first day of July in each year, the 12730
commission shall make an annual report of its activities for the 12731
preceding calendar year to the governor and the general assembly. 12732
Each such report shall set forth a complete operating and 12733
financial statement covering the commission's operations and 12734
funding of any turnpike projects and infrastructure projects 12735
during the year. The commission shall cause an audit of its books 12736
and accounts to be made at least once each year by certified 12737
public accountants, and the cost thereof may be treated as a part 12738
of the cost of operations of the commission. The auditor of state, 12739
at least once a year and without previous notice to the 12740
commission, shall audit the accounts and transactions of the 12741
commission. 12742

(F) The commission shall submit a copy of its annual audit by 12743
the auditor of state and its proposed annual budget for each 12744

calendar or fiscal year to the governor, the presiding officers of 12745
each house of the general assembly, the director of budget and 12746
management, and the legislative service commission no later than 12747
the first day of that calendar or fiscal year. 12748

(G) Upon request of the chairperson of the appropriate 12749
standing committee or subcommittee of the senate and house of 12750
representatives that is primarily responsible for considering 12751
transportation budget matters, the commission shall appear at 12752
least one time before each committee or subcommittee during the 12753
period when that committee or subcommittee is considering the 12754
biennial appropriations for the department of transportation and 12755
shall provide testimony outlining its budgetary results for the 12756
last two calendar years, including a comparison of budget and 12757
actual revenue and expenditure amounts. The commission also shall 12758
address its current budget and long-term capital plan. 12759

(H) Not more than sixty nor less than thirty days before 12760
adopting its annual budget, the commission shall submit a copy of 12761
its proposed annual budget to the governor, the presiding officers 12762
of each house of the general assembly, the director of budget and 12763
management, and the legislative service commission. The office of 12764
budget and management shall review the proposed budget and may 12765
provide recommendations to the commission for its consideration. 12766

Sec. 5537.18. (A) The Ohio turnpike and infrastructure 12767
commission shall adopt rules establishing the procedures and 12768
criteria under which the commission may approve an application 12769
received from the director of transportation for infrastructure 12770
project funding under division (B) of this section. The rules 12771
shall require an infrastructure project to have an anticipated 12772
benefit to the system of public highways in the state of Ohio and 12773
transportation-related nexus with and relationship to the Ohio 12774
turnpike system and the Ohio turnpike and infrastructure system. 12775

The criteria included in the rules for determining if an 12776
infrastructure project has the required nexus and relationship to 12777
the Ohio turnpike system and the Ohio turnpike and infrastructure 12778
system and the criteria for approving an application for 12779
infrastructure project funding submitted by the director of 12780
transportation shall include the following: 12781

(1) A physical proximity of the infrastructure project to and 12782
a direct or indirect physical connection between the 12783
infrastructure project and the Ohio turnpike system; 12784

(2) The impact of the infrastructure project on traffic 12785
density, flow through, or capacity on the Ohio turnpike system; 12786

(3) The impact of the infrastructure project on the Ohio 12787
turnpike system toll revenue or other revenues; 12788

(4) The impact of the infrastructure project on the movement 12789
of goods and services on or in the area of the Ohio turnpike 12790
system; and 12791

(5) The enhancement or improvement by and through the 12792
infrastructure project of access to, use of, and egress from the 12793
Ohio turnpike system and access to and from connected areas of 12794
population, commerce, and industry. 12795

(B) The director of transportation may submit an application 12796
to the commission for infrastructure project funding. An 12797
application to the commission for infrastructure project funding, 12798
as submitted by the director, shall include only infrastructure 12799
projects that previously have been reviewed and recommended by the 12800
transportation review advisory council pursuant to the selection 12801
process followed by the council under Chapter 5512. of the Revised 12802
Code. In selecting infrastructure projects for which applications 12803
will be made to the commission for infrastructure project funding, 12804
the director shall consider the physical proximity of the project 12805

to the Ohio turnpike system. Not less than ninety per cent of the 12806
total moneys deposited in the infrastructure fund or funds shall 12807
be expended on infrastructure projects any portion of which are 12808
located within seventy-five miles of the Ohio turnpike system. 12809

By rule, the director may establish guidelines under which an 12810
application may be made for infrastructure project funding that 12811
combines separate projects if the combination of projects is 12812
necessary to satisfy any funding threshold required for approval 12813
by the transportation review advisory council and the individual 12814
projects have a nexus to the Ohio turnpike system and also address 12815
a critical public safety concern or have a significant economic 12816
impact. 12817

(C) The commission shall evaluate each application for 12818
infrastructure project funding submitted under division (B) of 12819
this section in accordance with the procedures and criteria 12820
established in rules adopted under division (A) of this section. A 12821
determination or approval made under this section is conclusive 12822
and incontestable. 12823

(D) Nothing in this section shall interfere with the 12824
authority of the director of transportation under Chapter 5512. of 12825
the Revised Code. 12826

Sec. 5537.19. The Ohio turnpike and infrastructure commission 12827
shall expend such moneys as the commission considers necessary for 12828
studies of any turnpike project or infrastructure project, whether 12829
proposed, under construction, or in operation, and may employ 12830
consulting engineers, traffic engineers, and any other individuals 12831
or firms that the commission considers necessary to properly 12832
implement the studies. The cost of the studies may be paid from 12833
revenues, eligible state and federal grants, state taxes available 12834
to the commission and permitted by law to be spent for such 12835
purposes, or the proceeds of bonds. 12836

Sec. 5537.20. The exercise of the powers granted by this 12837
chapter is in all respects for the benefit of the people of the 12838
state, for the increase of their commerce and prosperity, and for 12839
the improvement of their health and living conditions, and as the 12840
construction, operation, and maintenance of the Ohio turnpike 12841
system by the Ohio turnpike and infrastructure commission 12842
constitute the performance of essential governmental functions, 12843
the commission, except as provided in division (D) of section 12844
5537.05 of the Revised Code, shall not be required to pay any 12845
state or local taxes or assessments upon any turnpike project or 12846
infrastructure project funded by it, or upon revenues or any 12847
property acquired or used by the commission under this chapter, or 12848
upon the income therefrom. The bonds issued under this chapter, 12849
their transfer, and the income therefrom, including any profit 12850
made on the sale thereof, shall at all times be free from taxation 12851
within the state. 12852

Sec. 5537.21. (A) When bond service charges on all 12853
outstanding bonds issued in connection with any turnpike project 12854
have been paid or provision for that payment has been made, as 12855
provided in the applicable bond proceedings, or in the case of a 12856
turnpike project in connection with which no bonds have been 12857
issued, the project shall continue to be or be operated, and 12858
improved and maintained, by the Ohio turnpike and infrastructure 12859
commission as a part of the Ohio turnpike system and as a toll 12860
road, and all revenues received by the commission relating to that 12861
project shall be applied as provided in division (B) of this 12862
section. 12863

(B) Subject to the bond proceedings for bonds relating to any 12864
turnpike project or infrastructure project, tolls relating to a 12865
turnpike project as referred to in division (A) of this section 12866
shall be so fixed and adjusted such that the aggregate of 12867

~~available~~ revenues relating to that turnpike project ~~and available~~ 12868
~~for the purpose~~ are in amounts ~~to provide moneys at least~~ 12869
~~sufficient, and those revenues shall be used,~~ to pay the costs 12870
described in division (C)~~(1)~~(2)(a) of section 5537.13 of the 12871
Revised Code. 12872

Sec. 5537.22. All final actions of the Ohio turnpike and 12873
infrastructure commission shall be journalized and such journal 12874
shall be open to the inspection of the public at all reasonable 12875
times. 12876

Sec. 5537.24. (A) There is hereby created a turnpike 12877
legislative review committee consisting of six members as follows: 12878

(1) Three members of the senate, no more than two of whom 12879
shall be members of the same political party, one of whom shall be 12880
the chairperson of the committee dealing primarily with highway 12881
matters, one of whom shall be appointed by the president of the 12882
senate, and one of whom shall be appointed by the minority leader 12883
of the senate. 12884

Both the senate member who is appointed by the president of 12885
the senate and the senate member appointed by the minority leader 12886
of the senate shall represent either districts in which is located 12887
or through which passes a portion of a turnpike project that is 12888
part of the Ohio turnpike system or districts located in the 12889
vicinity of a turnpike project that is part of the Ohio turnpike 12890
system. 12891

The president of the senate shall make the president of the 12892
senate's appointment to the committee first, followed by the 12893
minority leader of the senate, and they shall make their 12894
appointments in such a manner that their two appointees represent 12895
districts that are located in different areas of the state. If the 12896
chairperson of the senate committee dealing primarily with highway 12897

matters represents a district in which is located or through which 12898
passes a portion of a turnpike project that is part of the Ohio 12899
turnpike system or a district located in the vicinity of a 12900
turnpike project that is part of the Ohio turnpike system, the 12901
president of the senate and the minority leader of the senate 12902
shall make their appointments in such a manner that their two 12903
appointees and the chairperson of the senate committee dealing 12904
primarily with highway matters all represent districts that are 12905
located in different areas of the state. 12906

(2) Three members of the house of representatives, no more 12907
than two of whom shall be members of the same political party, one 12908
of whom shall be the chairperson of the house of representatives 12909
committee dealing primarily with highway matters, one of whom 12910
shall be appointed by the speaker of the house of representatives, 12911
and one of whom shall be appointed by the minority leader of the 12912
house of representatives. 12913

Both the house of representatives member who is appointed by 12914
the speaker of the house of representatives and the house of 12915
representatives member appointed by the minority leader of the 12916
house of representatives shall represent either districts in which 12917
is located or through which passes a portion of a turnpike project 12918
that is part of the Ohio turnpike system or districts located in 12919
the vicinity of a turnpike project that is part of the Ohio 12920
turnpike system. 12921

The speaker of the house of representatives shall make the 12922
speaker of the house of representative's appointment to the 12923
committee first, followed by the minority leader of the house of 12924
representatives, and they shall make their appointments in such a 12925
manner that their two appointees represent districts that are 12926
located in different areas of the state. If the chairperson of the 12927
house of representatives committee dealing primarily with highway 12928
matters represents a district in which is located or through which 12929

passes a portion of a turnpike project that is part of the Ohio 12930
turnpike system or a district located in the vicinity of a 12931
turnpike project that is part of the Ohio turnpike system, the 12932
speaker of the house of representatives and the minority leader of 12933
the house of representatives shall make their appointments in such 12934
a manner that their two appointees and the chairperson of the 12935
house of representatives committee dealing primarily with highway 12936
matters all represent districts that are located in different 12937
areas of the state. 12938

The chairperson of the house of representatives committee 12939
shall serve as the chairperson of the turnpike legislative review 12940
committee for the year 1996. Thereafter, the chair annually shall 12941
alternate between, first, the chairperson of the senate committee 12942
and then the chairperson of the house of representatives 12943
committee. 12944

(B) Each member of the turnpike legislative review committee 12945
who is a member of the general assembly shall serve a term of the 12946
remainder of the general assembly during which the member is 12947
appointed or is serving as chairperson of the specified senate or 12948
house committee. In the event of the death or resignation of a 12949
committee member who is a member of the general assembly, or in 12950
the event that a member ceases to be a senator or representative, 12951
or in the event that the chairperson of the senate committee 12952
dealing primarily with highway matters or the chairperson of the 12953
house of representatives committee dealing primarily with highway 12954
matters ceases to hold that position, the vacancy shall be filled 12955
through an appointment by the president of the senate or the 12956
speaker of the house of representatives or minority leader of the 12957
senate or house of representatives, as applicable. Any member 12958
appointed to fill a vacancy occurring prior to the end of the term 12959
for which the member's predecessor was appointed shall hold office 12960
for the remainder of the term or for a shorter period of time as 12961

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 for resignation from the senate or house of representatives under section 101.26 of the Revised Code.

Sec. 5537.25. (A) Notwithstanding any provision of law to the contrary, the Ohio turnpike and infrastructure commission shall

make no expenditure to engage the services of any person to 12993
influence either of the following: 12994

(1) Administrative actions or decisions of the governor, the 12995
director of any department listed in section 121.02 of the Revised 12996
Code, any member of the staff of any public officer or employee 12997
listed in this section, the president of the United States, or any 12998
federal officer or employee; 12999

(2) Legislation pending in this state or any other state, a 13000
subdivision of this state or any other state, or the federal 13001
government, including the executive approval or veto of any such 13002
pending legislation. 13003

(B) This section shall not be interpreted to prohibit the 13004
commission from designating officers or members of the commission, 13005
or full-time, permanent employees of the commission, to act as 13006
administrative or legislative agents for the commission. 13007

Sec. 5537.26. (A) Except as provided in division (D) of this 13008
section, no increase by the Ohio turnpike and infrastructure 13009
commission in the toll rate structure that is applicable to 13010
vehicles operating on a turnpike project shall become effective 13011
unless the commission complies with the notice and hearing 13012
requirements prescribed in division (B) of this section, and the 13013
commission shall not take any action that expands, has the effect 13014
of expanding, or will to any degree at any time in the future have 13015
the effect of expanding the sphere of responsibility of the 13016
commission beyond the Ohio turnpike, unless the commission 13017
complies with the notice and hearing requirements prescribed in 13018
division (B) of this section. 13019

(B) Not less than ninety days prior to the date on which the 13020
commission votes to increase any part of the toll rate structure 13021
that is applicable to vehicles operating on a turnpike project, 13022
and not less than ninety days prior to the date on which the 13023

commission votes to take an action that expands, has the effect of 13024
expanding, or will to any degree at any time in the future have 13025
the effect of expanding the sphere of responsibility of the 13026
commission beyond the Ohio turnpike, the commission shall do both 13027
of the following: 13028

(1) Send notice to the governor and the presiding officers 13029
and minority leaders of the senate and house of representatives 13030
that details the proposed increase to the toll rate structure or 13031
the expansion of the sphere of responsibility of the commission 13032
beyond the Ohio turnpike, including a description of and a 13033
justification for the increase or expansion; 13034

(2) Commence holding public hearings on the proposed increase 13035
in the toll rate structure or the proposed action. If the 13036
commission is proposing an increase in the toll rate structure 13037
that is applicable to vehicles operating on a turnpike project, it 13038
shall hold not less than three public hearings in three 13039
geographically diverse locations in this state that are in the 13040
immediate vicinity of the affected project. If the commission is 13041
proposing to take an action that expands, has the effect of 13042
expanding, or will to any degree at any time in the future have 13043
the effect of expanding the sphere of responsibility of the 13044
commission beyond the Ohio turnpike, it shall hold not less than 13045
three public hearings in three locations in the immediate vicinity 13046
where the expanded responsibilities would arise. 13047

The commission shall hold the third or, if it holds more than 13048
three hearings, the last hearing of any set of hearings required 13049
to be held under this section not less than thirty days prior to 13050
the date on which it votes to increase part of the toll rate 13051
structure that is applicable to vehicles operating on a turnpike 13052
project or to take an action that expands, has the effect of 13053
expanding, or will to any degree at any time in the future have 13054
the effect of expanding the sphere of responsibility of the 13055

commission beyond the Ohio turnpike. 13056

The commission shall inform the public of all the hearings 13057
required to be held under this section by causing a notice to be 13058
published in a newspaper of general circulation in the county in 13059
which each hearing is to be held, not less than once per week for 13060
two weeks prior to the date of the hearing. 13061

(C) If the commission does not comply with the notice and 13062
hearing requirements contained in division (B) of this section and 13063
votes for an increase in the toll rate structure that is 13064
applicable to vehicles operating on a turnpike project, the 13065
increase in the toll rate structure shall not take effect, any 13066
attempt by the commission to implement the increase in the toll 13067
rate structure is void, and, if necessary, the attorney general 13068
shall file an action in the court of common pleas of the county in 13069
which the principal office of the commission is located to enjoin 13070
the commission from implementing the increase. The commission 13071
shall not implement any increase until it complies with division 13072
(B) of this section. 13073

If the commission does not comply with the notice and hearing 13074
requirements contained in division (B) of this section and votes 13075
to take an action that expands, has the effect of expanding, or 13076
will to any degree at any time in the future have the effect of 13077
expanding the sphere of responsibility of the commission beyond 13078
the Ohio turnpike, the commission shall not take the proposed 13079
action and, if necessary, the attorney general shall file an 13080
action in the court of common pleas of the county in which the 13081
principal office of the commission is located to enjoin the 13082
commission from taking the proposed action. The commission shall 13083
not take the proposed action until it complies with the notice and 13084
hearing requirements prescribed in division (B) of this section. 13085

(D) Divisions (A) to (C) of this section do not apply to any 13086
decrease made to the toll rate structure by the commission. The 13087

commission may implement a temporary decrease in the toll rate 13088
structure only if it does not exceed eighteen months in duration. 13089
Prior to instituting any decrease to the toll rate structure, the 13090
commission shall do both of the following: 13091

(1) Not less than five days prior to any public meeting under 13092
division (D)(2) of this section, send notice to the governor and 13093
the presiding officers and minority leaders of the senate and 13094
house of representatives that details the proposed decrease to the 13095
toll rate structure; 13096

(2) Hold a public meeting to explain to members of the 13097
traveling public the reasons for the upcoming decrease, to inform 13098
them of any benefits and any negative consequences, and to give 13099
them the opportunity to express their opinions as to the relative 13100
merits or drawbacks of each toll decrease. The commission shall 13101
inform the public of the meeting by causing a notice to be 13102
published in newspapers of general circulation in Cuyahoga, Lucas, 13103
Mahoning, Trumbull, Williams, and Summit counties not less than 13104
five days prior to the meeting. The commission shall not be 13105
required to hold any public hearing or meeting upon the expiration 13106
of any temporary decrease in the toll rate structure, so long as 13107
it implements the same toll rate structure that was in effect 13108
immediately prior to the temporary decrease. 13109

(E) As used in this section, "Ohio turnpike" means the toll 13110
freeway that is under the jurisdiction of the commission and runs 13111
in an easterly and westerly direction across the entire northern 13112
portion of this state between its borders with the state of 13113
Pennsylvania in the east and the state of Indiana in the west, and 13114
carries the interstate highway designations of interstate 13115
seventy-six, interstate eighty, and interstate eighty-ninety. 13116

Sec. 5537.27. The Ohio turnpike and infrastructure 13117
commission, the director of transportation or the director's 13118

designee, and another person designated by the governor shall 13119
establish a procedure whereby a political subdivision or other 13120
government agency or agencies may submit a written application to 13121
the commission, requesting the commission to construct and operate 13122
a turnpike project within the boundaries of the subdivision, 13123
agency, or agencies making the request. The procedure shall 13124
include a requirement that the commission send a written reply to 13125
the subdivision, agency, or agencies, explaining the disposition 13126
of the request. The procedure established pursuant to this section 13127
shall not become effective unless it is approved by the commission 13128
and by the director or the director's designee and the designee of 13129
the governor, and shall require submission of the proposed 13130
turnpike project to the turnpike legislative review committee if 13131
the project must be approved by the governor. 13132

Sec. 5537.28. (A) ~~Notwithstanding any other provision of law,~~ 13133
~~on and after the effective date of this section, the Ohio turnpike~~ 13134
~~commission shall not expend any toll revenues that are generated~~ 13135
~~by an existing turnpike project to fund in any manner or to any~~ 13136
~~degree the construction, operation, maintenance, or repair of~~ 13137
~~another turnpike project the location of which must be reviewed by~~ 13138
~~the turnpike legislative review committee and approved by the~~ 13139
~~governor.~~ 13140

In paying the cost of ~~such a~~ any turnpike project, the Ohio 13141
turnpike and infrastructure commission may issue bonds and bond 13142
anticipation notes as permitted by this chapter, and may accept 13143
moneys from any source to pay the cost of any portion of the 13144
turnpike project, including, but not limited to, the federal 13145
government, any department or agency of this state, and any 13146
political subdivision or other government agency. Each such 13147
project shall be constructed, operated, maintained, and repaired 13148
entirely with funds ~~generated by that project or otherwise~~ 13149
specifically acquired for that project or from ~~sources permitted~~ 13150

by this chapter excess funds available from any other turnpike 13151
project. 13152

~~(B) The commission shall not expend any toll revenues 13153
generated by the Ohio turnpike to pay any amount of the principal 13154
amount of, or interest due on, any bonds or bond anticipation 13155
notes issued by the commission to pay any portion of the cost of 13156
another turnpike project the location of which must be reviewed by 13157
the turnpike legislative review committee and approved by the 13158
governor. The commission shall not expend any toll revenues 13159
generated by any turnpike project to pay any amount of the 13160
principal amount of, or interest due on, any bonds or bond 13161
anticipation notes issued by the commission to pay any portion of 13162
the cost of a new turnpike project the location of which must be 13163
reviewed by the turnpike legislative review committee and approved 13164
by the governor or the cost of the operation, repair, improvement, 13165
maintenance, or reconstruction of any turnpike project other than 13166
the project that generated those toll revenues. 13167~~

~~(C) As used in this section:~~ 13168

~~(1) "Ohio turnpike" has the same meaning as in division (E) 13169
of section 5537.26 of the Revised Code; 13170~~

~~(2) "Another any turnpike project" does not include 13171
infrastructure improvements on the Ohio turnpike or on connecting 13172
roadways within one mile of an Ohio turnpike interchange projects. 13173
The costs of infrastructure projects approved under section 13174
5537.18 of the Revised Code shall be funded exclusively out of the 13175
infrastructure fund or funds. 13176~~

Sec. 5537.30. (A) Not later than December 31, 2009, the Ohio 13177
turnpike and infrastructure commission shall establish a program 13178
for the placement of business logos for identification purposes on 13179
directional signs within the turnpike right-of-way. 13180

(B)(1) The commission shall establish, and may revise at any time, a fee for participation in the business logo sign program. All direct and indirect costs of the business logo sign program established pursuant to this section shall be fully paid by the businesses applying for participation in the program. The direct and indirect costs of the program shall include, but not be limited to, the cost of capital, directional signs, blanks, posts, logos, installation, repair, engineering, design, insurance, removal, replacement, and administration.

(2) Money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract ~~under division (C) of this section to operate, maintain, or market the business logo sign program~~ shall be remitted to the commission.

(3) If the commission operates such a program and does not contract with a private person to operate it, all money collected from participating businesses shall be retained by the commission.

~~(C) The commission, in accordance with rules adopted pursuant to section 111.15 of the Revised Code, may contract with any private person to operate, maintain, or market the business logo sign program. The contract may allow for a reasonable profit to be earned by the successful applicant. In awarding the contract, the commission shall consider the skill, expertise, prior experience, and other qualifications of each applicant.~~

~~(D)~~ The program shall permit the business logo signs of a seller of motor vehicle fuel to include on the seller's signs a marking or symbol indicating that the seller sells one or more 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 fee to cover the actual costs the county incurs in 13212
providing published notice and mailed notice as required by 13213
section 5553.05 of the Revised Code. The board may require an 13214
initial deposit to be paid at the time a petition for vacation of 13215
a road is filed under section 5553.04 of the Revised Code or 13216
promptly thereafter. The clerk of the board shall maintain an 13217
accurate and detailed accounting of all funds received under this 13218
section and expended in providing the required published and 13219
mailed notice. 13220

Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 13221
5577.04 of the Revised Code, a vehicle fueled solely by compressed 13222
natural gas may exceed by not more than two thousand pounds the 13223
gross vehicle weight provisions of sections 5577.01 to 5577.09 of 13224
the Revised Code or the axle load limits of those sections. 13225

(B) If a vehicle described in division (A) of this section 13226
exceeds the weight provisions of sections 5577.01 to 5577.09 of 13227
the Revised Code by more than the allowance provided for in 13228
division (A) of this section, both of the following apply: 13229

(1) The applicable penalty prescribed in section 5577.99 of 13230
the Revised Code; 13231

(2) The civil liability imposed by section 5577.12 of the 13232
Revised Code. 13233

(C) Division (A) of this section does not apply to the 13234
operation of a vehicle on either of the following: 13235

(1) A highway that is part of the interstate system; 13236

(2) A highway, road, or bridge that is subject to reduced 13237
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 13238
5577.09, or 5591.42 of the Revised Code. 13239

Sec. 5577.05. (A) No vehicle shall be operated upon the 13240

public highways, streets, bridges, and culverts within the state,	13241
whose dimensions exceed those specified in this section.	13242
(B) No such vehicle shall have a width in excess of:	13243
(1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;	13244 13245
(2) One hundred two inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of twenty-two feet, except those roads or portions of roads over which operation of one hundred two-inch buses is prohibited by order of the director of transportation;	13246 13247 13248 13249 13250 13251
(3) One hundred thirty-two inches for traction engines;	13252
(4) One hundred two inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the director may prohibit the operation of one hundred two inch recreational vehicles on designated state highways or portions of highways;	13253 13254 13255 13256 13257 13258
(5) One hundred two inches, including load, for all other vehicles, except that the director may prohibit the operation of one hundred two-inch vehicles on such state highways or portions of state highways as the director designates.	13259 13260 13261 13262
(C) No such vehicle shall have a length in excess of:	13263
(1) Sixty-six feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to sections 306.30 to 306.54 of the Revised Code;	13264 13265 13266 13267
(2) Forty-five feet for all other passenger bus type vehicles;	13268 13269
(3) Fifty-three feet for any semitrailer when operated in a	13270

commercial tractor-semitrailer combination, with or without load, 13271
except that the director may prohibit the operation of any such 13272
commercial tractor-semitrailer combination on such state highways 13273
or portions of state highways as the director designates. 13274

(4) Twenty-eight and one-half feet for any semitrailer or 13275
trailer when operated in a commercial tractor-semitrailer-trailer 13276
or commercial tractor-semitrailer-semitrailer combination, except 13277
that the director may prohibit the operation of any such 13278
commercial tractor-semitrailer-trailer or commercial 13279
tractor-semitrailer-semitrailer combination on such state highways 13280
or portions of state highways as the director designates; 13281

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 13282
transporter combinations and drive-away saddlemount with fullmount 13283
vehicle transporter combinations when operated on any interstate, 13284
United States route, or state route, including reasonable access 13285
travel on all other roadways for a distance not to exceed one road 13286
mile from any interstate, United States route, or state route, not 13287
to exceed three saddlemounted vehicles, but which may include one 13288
fullmount; 13289

(b) Seventy-five feet for drive-away saddlemount vehicle 13290
transporter combinations and drive-away saddlemount with fullmount 13291
vehicle transporter combinations, when operated on any roadway not 13292
designated as an interstate, United States route, or state route, 13293
not to exceed three saddlemounted vehicles, but which may include 13294
one fullmount; 13295

(6) Sixty-five feet for any other combination of vehicles 13296
coupled together, with or without load, except as provided in 13297
divisions (C)(3) and (4), and in division (E) of this section; 13298

(7) Forty-five feet for recreational vehicles; 13299

(8) ~~Forty~~ Fifty feet for all other vehicles except trailers 13300
and semitrailers, with or without load. 13301

(D) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load. 13302
13303

(E) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion of any state highway that the director designates. 13304
13305
13306
13307
13308
13309
13310
13311
13312
13313
13314

(F) The widths prescribed in division (B) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge. 13315
13316
13317
13318
13319

The width prescribed in division (B)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle. 13320
13321
13322
13323

The lengths prescribed in divisions (C)(2) to (8) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the secretary of the United States department of transportation, or any noncargo-carrying 13324
13325
13326
13327
13328
13329
13330
13331
13332
13333

refrigeration equipment attached to the front of trailers and 13334
semitrailers. In special cases, vehicles whose dimensions exceed 13335
those prescribed by this section may operate in accordance with 13336
rules adopted by the director. 13337

(G) This section does not apply to fire engines, fire trucks, 13338
or other vehicles or apparatus belonging to any municipal 13339
corporation or to the volunteer fire department of any municipal 13340
corporation or used by such department in the discharge of its 13341
functions. This section does not apply to vehicles and pole 13342
trailers used in the transportation of wooden and metal poles, nor 13343
to the transportation of pipes or well-drilling equipment, nor to 13344
farm machinery and equipment. ~~The~~ 13345

The owner or operator of any vehicle, machinery, or equipment 13346
not specifically enumerated in this section but the dimensions of 13347
which exceed the dimensions provided by this section, when 13348
operating the same on the highways and streets of this state, 13349
shall comply with the rules of the director governing such 13350
movement that the director may adopt. Sections 119.01 to 119.13 of 13351
the Revised Code apply to any rules the director adopts under this 13352
section, or the amendment or rescission of the rules, and any 13353
person adversely affected shall have the same right of appeal as 13354
provided in those sections. 13355

This section does not require the state, a municipal 13356
corporation, county, township, or any railroad or other private 13357
corporation to provide sufficient vertical clearance to permit the 13358
operation of such vehicle, or to make any changes in or about 13359
existing structures now crossing streets, roads, and other public 13360
thoroughfares in this state. 13361

(H) As used in this section, "recreational vehicle" has the 13362
same meaning as in section 4501.01 of the Revised Code. 13363

Sec. 5728.01. As used in sections 5728.02 to 5728.14 of the 13364

Revised Code: 13365

(A) "Motor vehicle" means everything on wheels that is 13366
self-propelled, other than by muscular power or power collected 13367
from electric trolley wires and other than vehicles or machinery 13368
not designed for or employed in general highway transportation, 13369
used to transport or propel persons or property over a public 13370
highway. 13371

(B) "Commercial car" means any motor vehicle used for 13372
transporting persons or property, wholly on its own structure on a 13373
public highway. 13374

(C) "Commercial tractor" means any motor vehicle designed and 13375
used to propel or draw a trailer or semi-trailer or both on a 13376
public highway without having any provision for carrying loads 13377
independently of such trailer or semi-trailer. 13378

(D) "Trailer" means everything on wheels that is not 13379
self-propelled, except vehicles or machinery not designed for or 13380
employed in general highway transportation, used for carrying 13381
property wholly on its own structure and for being drawn by a 13382
motor vehicle on a public highway, including any such vehicle when 13383
formed by or operated as a combination of a semi-trailer and a 13384
vehicle of the dolly type such as that commonly known as a trailer 13385
dolly. "Trailer" does not include manufactured homes as defined in 13386
division (C)(4) of section 3781.06 of the Revised Code or mobile 13387
homes as defined in division (O) of section 4501.01 of the Revised 13388
Code. 13389

(E) "Semi-trailer" means everything on wheels that is not 13390
self-propelled, except vehicles or machinery not designed for or 13391
employed in general highway transportation, designed and used for 13392
carrying property on a public highway when being propelled or 13393
drawn by a commercial tractor when part of its own weight or the 13394
weight of its load, or both, rest upon and is carried by a 13395

commercial tractor. 13396

(F) "Commercial tandem" means any commercial car and trailer 13397
or any commercial tractor, semi-trailer, and trailer when fastened 13398
together and used as one unit. 13399

(G) "Commercial tractor combination" means any commercial 13400
tractor and semi-trailer when fastened together and used as one 13401
unit. 13402

(H) "Axle" means two or more load carrying wheels mounted in 13403
a single transverse vertical plane. 13404

(I) "Public highway" means any highway, road, or street 13405
dedicated to public use, including a highway under the control and 13406
jurisdiction of the Ohio turnpike and infrastructure commission 13407
created by the provisions of section 5537.02 of the Revised Code 13408
and land and lots over which the public, either as user or owner, 13409
generally has a right to pass even though such land or lots are 13410
closed temporarily by public authorities for the purpose of 13411
construction, reconstruction, maintenance, or repair. 13412

(J) "Jurisdiction" means a state of the United States, the 13413
District of Columbia, or a province or territory of Canada. 13414

Sec. 5735.05. (A) To provide revenue for maintaining the 13415
state highway system; to widen existing surfaces on such highways; 13416
to resurface such highways; to pay that portion of the 13417
construction cost of a highway project which a county, township, 13418
or municipal corporation normally would be required to pay, but 13419
which the director of transportation, pursuant to division (B) of 13420
section 5531.08 of the Revised Code, determines instead will be 13421
paid from moneys in the highway operating fund; to enable the 13422
counties of the state properly to plan, maintain, and repair their 13423
roads and to pay principal, interest, and charges on bonds and 13424
other obligations issued pursuant to Chapter 133. of the Revised 13425

Code or incurred pursuant to section 5531.09 of the Revised Code 13426
for highway improvements; to enable the municipal corporations to 13427
plan, construct, reconstruct, repave, widen, maintain, repair, 13428
clear, and clean public highways, roads, and streets, and to pay 13429
the principal, interest, and charges on bonds and other 13430
obligations issued pursuant to Chapter 133. of the Revised Code or 13431
incurred pursuant to section 5531.09 of the Revised Code for 13432
highway improvements; to enable the Ohio turnpike and 13433
infrastructure commission to construct, reconstruct, maintain, and 13434
repair turnpike projects; to maintain and repair bridges and 13435
viaducts; to purchase, erect, and maintain street and traffic 13436
signs and markers; to purchase, erect, and maintain traffic lights 13437
and signals; to pay the costs apportioned to the public under 13438
sections 4907.47 and 4907.471 of the Revised Code and to 13439
supplement revenue already available for such purposes; to pay the 13440
costs incurred by the public utilities commission in administering 13441
sections 4907.47 to 4907.476 of the Revised Code; to distribute 13442
equitably among those persons using the privilege of driving motor 13443
vehicles upon such highways and streets the cost of maintaining 13444
and repairing them; to pay the interest, principal, and charges on 13445
highway capital improvements bonds and other obligations issued 13446
pursuant to Section 2m of Article VIII, Ohio Constitution, and 13447
section 151.06 of the Revised Code; to pay the interest, 13448
principal, and charges on highway obligations issued pursuant to 13449
Section 2i of Article VIII, Ohio Constitution, and sections 13450
5528.30 and 5528.31 of the Revised Code; to pay the interest, 13451
principal, and charges on major new state infrastructure bonds and 13452
other obligations of the state issued pursuant to Section 13 of 13453
Article VIII, Ohio Constitution, and section 5531.10 of the 13454
Revised Code; to provide revenue for the purposes of sections 13455
1547.71 to 1547.78 of the Revised Code; and to pay the expenses of 13456
the department of taxation incident to the administration of the 13457
motor fuel laws, a motor fuel excise tax is hereby imposed on all 13458

motor fuel dealers upon receipt of motor fuel within this state at 13459
the rate of two cents plus the cents per gallon rate on each 13460
gallon so received, to be computed in the manner set forth in 13461
section 5735.06 of the Revised Code; provided that no tax is 13462
hereby imposed upon the following transactions: 13463

(1) The sale of dyed diesel fuel by a licensed motor fuel 13464
dealer from a location other than a retail service station 13465
provided the licensed motor fuel dealer places on the face of the 13466
delivery document or invoice, or both if both are used, a 13467
conspicuous notice stating that the fuel is dyed and is not for 13468
taxable use, and that taxable use of that fuel is subject to a 13469
penalty. The tax commissioner, by rule, may provide that any 13470
notice conforming to rules or regulations issued by the United 13471
States department of the treasury or the Internal Revenue Service 13472
is sufficient notice for the purposes of division (A)(1) of this 13473
section. 13474

(2) The sale of K-1 kerosene to a retail service station, 13475
except when placed directly in the fuel supply tank of a motor 13476
vehicle. Such sale shall be rebuttably presumed to not be 13477
distributed or sold for use or used to generate power for the 13478
operation of motor vehicles upon the public highways or upon the 13479
waters within the boundaries of this state. 13480

(3) The sale of motor fuel by a licensed motor fuel dealer to 13481
another licensed motor fuel dealer; 13482

(4) The exportation of motor fuel by a licensed motor fuel 13483
dealer from this state to any other state or foreign country; 13484

(5) The sale of motor fuel to the United States government or 13485
any of its agencies, except such tax as is permitted by it, where 13486
such sale is evidenced by an exemption certificate, in a form 13487
approved by the tax commissioner, executed by the United States 13488
government or an agency thereof certifying that the motor fuel 13489

therein identified has been purchased for the exclusive use of the 13490
United States government or its agency; 13491

(6) The sale of motor fuel that is in the process of 13492
transportation in foreign or interstate commerce, except insofar 13493
as it may be taxable under the Constitution and statutes of the 13494
United States, and except as may be agreed upon in writing by the 13495
dealer and the commissioner; 13496

(7) The sale of motor fuel when sold exclusively for use in 13497
the operation of aircraft, where such sale is evidenced by an 13498
exemption certificate prescribed by the commissioner and executed 13499
by the purchaser certifying that the motor fuel purchased has been 13500
purchased for exclusive use in the operation of aircraft; 13501

(8) The sale for exportation of motor fuel by a licensed 13502
motor fuel dealer to a licensed exporter type A; 13503

(9) The sale for exportation of motor fuel by a licensed 13504
motor fuel dealer to a licensed exporter type B, provided that the 13505
destination state motor fuel tax has been paid or will be accrued 13506
and paid by the licensed motor fuel dealer. 13507

(10) The sale to a consumer of diesel fuel, by a motor fuel 13508
dealer for delivery from a bulk lot vehicle, for consumption in 13509
operating a vessel when the use of such fuel in a vessel would 13510
otherwise qualify for a refund under section 5735.14 of the 13511
Revised Code. 13512

Division (A)(1) of this section does not apply to the sale or 13513
distribution of dyed diesel fuel used to operate a motor vehicle 13514
on the public highways or upon water within the boundaries of this 13515
state by persons permitted under regulations of the United States 13516
department of the treasury or of the Internal Revenue Service to 13517
so use dyed diesel fuel. 13518

(B) The two cent motor fuel tax levied by this section is 13519
also for the purpose of paying the expenses of administering and 13520

enforcing the state law relating to the registration and operation 13521
of motor vehicles. 13522

(C) After the tax provided for by this section on the receipt 13523
of any motor fuel has been paid by the motor fuel dealer, the 13524
motor fuel may thereafter be used, sold, or resold by any person 13525
having lawful title to it, without incurring liability for such 13526
tax. 13527

If a licensed motor fuel dealer sells motor fuel received by 13528
the licensed motor fuel dealer to another licensed motor fuel 13529
dealer, the seller may deduct on the report required by section 13530
5735.06 of the Revised Code the number of gallons so sold for the 13531
month within which the motor fuel was sold or delivered. In this 13532
event the number of gallons is deemed to have been received by the 13533
purchaser, who shall report and pay the tax imposed thereon. 13534

Sec. 5735.23. (A) Out of receipts from the tax levied by 13535
section 5735.05 of the Revised Code, the treasurer of state shall 13536
place to the credit of the tax refund fund established by section 13537
5703.052 of the Revised Code amounts equal to the refunds 13538
certified by the tax commissioner pursuant to sections 5735.13, 13539
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 13540
treasurer of state shall then transfer the amount required by 13541
section 5735.051 of the Revised Code to the waterways safety fund, 13542
the amount required by section 4907.472 of the Revised Code to the 13543
grade crossing protection fund, and the amount required by section 13544
5735.053 of the Revised Code to the motor fuel tax administration 13545
fund. 13546

(B) Except as provided in division (D) of this section, each 13547
month the balance of the receipts from the tax levied by section 13548
5735.05 of the Revised Code shall be credited, after receipt by 13549
the treasurer of state of certification from the commissioners of 13550
the sinking fund, as required by section 5528.35 of the Revised 13551

Code, that there are sufficient moneys to the credit of the 13552
highway obligations bond retirement fund to meet in full all 13553
payments of interest, principal, and charges for the retirement of 13554
highway obligations issued pursuant to Section 2i of Article VIII, 13555
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 13556
Code due and payable during the current calendar year, as follows: 13557

(1) To the state and local government highway distribution 13558
fund, which is hereby created in the state treasury, an amount 13559
that is the same percentage of the balance to be credited as that 13560
portion of the tax per gallon determined under division (B)(2)(a) 13561
of section 5735.06 of the Revised Code is of the total tax per 13562
gallon determined under divisions (B)(2)(a) and (b) of that 13563
section. 13564

(2) After making the distribution to the state and local 13565
government highway distribution fund, the remainder shall be 13566
credited as follows: 13567

(a) Thirty per cent to the gasoline excise tax fund for 13568
distribution pursuant to division (A)(1) of section 5735.27 of the 13569
Revised Code; 13570

(b) Twenty-five per cent to the gasoline excise tax fund for 13571
distribution pursuant to division (A)(3) of section 5735.27 of the 13572
Revised Code; 13573

(c) Except as provided in division (D) of this section, 13574
forty-five per cent to the highway operating fund for distribution 13575
pursuant to division (B)(1) of section 5735.27 of the Revised 13576
Code. 13577

(C) From the balance in the state and local government 13578
highway distribution fund on the last day of each month there 13579
shall be paid the following amounts: 13580

(1) To the local transportation improvement program fund 13581
created by section 164.14 of the Revised Code, an amount equal to 13582

a fraction of the balance in the state and local government 13583
highway distribution fund, the numerator of which fraction is one 13584
and the denominator of which fraction is that portion of the tax 13585
per gallon determined under division (B)(2)(a) of section 5735.06 13586
of the Revised Code; 13587

(2) An amount equal to five cents multiplied by the number of 13588
gallons of motor fuel sold at stations operated by the Ohio 13589
turnpike and infrastructure commission, such gallonage to be 13590
certified by the commission to the treasurer of state not later 13591
than the last day of the month following. The funds paid to the 13592
commission pursuant to this section shall be expended for the 13593
construction, reconstruction, maintenance, and repair of turnpike 13594
projects, except that the funds may not be expended for the 13595
construction of new interchanges. The funds also may be expended 13596
for the construction, reconstruction, maintenance, and repair of 13597
those portions of connecting public roads that serve existing 13598
interchanges and are determined by the commission and the director 13599
of transportation to be necessary for the safe merging of traffic 13600
between the turnpike and those public roads. 13601

The remainder of the balance shall be distributed as follows 13602
on the fifteenth day of the following month: 13603

(a) Ten and seven-tenths per cent shall be paid to municipal 13604
corporations for distribution pursuant to division (A)(1) of 13605
section 5735.27 of the Revised Code and may be used for any 13606
purpose for which payments received under that division may be 13607
used. Through July 15, 2005, the sum of two hundred forty-eight 13608
thousand six hundred twenty-five dollars shall be monthly 13609
subtracted from the amount so computed and credited to the highway 13610
operating fund. Beginning August 15, 2005, the sum of seven 13611
hundred forty-five thousand eight hundred seventy-five dollars 13612
shall be monthly subtracted from the amount so computed and 13613
credited to the highway operating fund. 13614

(b) Five per cent shall be paid to townships for distribution pursuant to division (A)(5) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used. Through July 15, 2005, the sum of eighty-seven thousand seven hundred fifty dollars shall be monthly subtracted from the amount so computed and credited to the highway operating fund. Beginning August 15, 2005, the sum of two hundred sixty-three thousand two hundred fifty dollars shall be monthly subtracted from the amount so computed and credited to the highway operating fund.

(c) Nine and three-tenths per cent shall be paid to counties for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used. Through July 15, 2005, the sum of two hundred forty-eight thousand six hundred twenty-five dollars shall be monthly subtracted from the amount so computed and credited to the highway operating fund. Beginning August 15, 2005, the sum of seven hundred forty-five thousand eight hundred seventy-five dollars shall be monthly subtracted from the amount so computed and credited to the highway operating fund.

(d) Except as provided in division (D) of this section, the balance shall be transferred to the highway operating fund and used for the purposes set forth in division (B)(1) of section 5735.27 of the Revised Code.

(D) Monthly from September to February of each fiscal year, an amount equal to one-sixth of the amount certified in July of that year by the treasurer of state pursuant to division (Q) of section 151.01 of the Revised Code shall, from amounts required to be credited or transferred to the highway operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this section, be credited or transferred to the highway capital improvement bond service fund

created in section 151.06 of the Revised Code. If, in any of those 13647
months, the amount available to be credited or transferred to the 13648
bond service fund is less than one-sixth of the amount so 13649
certified, the shortfall shall be added to the amount due the next 13650
succeeding month. Any amount still due at the end of the six-month 13651
period shall be credited or transferred as the money becomes 13652
available, until such time as the office of budget and management 13653
receives certification from the treasurer of state or the 13654
treasurer of state's designee that sufficient money has been 13655
credited or transferred to the bond service fund to meet in full 13656
all payments of debt service and financing costs due during the 13657
fiscal year from that fund. 13658

Sec. 5739.02. For the purpose of providing revenue with which 13659
to meet the needs of the state, for the use of the general revenue 13660
fund of the state, for the purpose of securing a thorough and 13661
efficient system of common schools throughout the state, for the 13662
purpose of affording revenues, in addition to those from general 13663
property taxes, permitted under constitutional limitations, and 13664
from other sources, for the support of local governmental 13665
functions, and for the purpose of reimbursing the state for the 13666
expense of administering this chapter, an excise tax is hereby 13667
levied on each retail sale made in this state. 13668

(A)(1) The tax shall be collected as provided in section 13669
5739.025 of the Revised Code. The rate of the tax shall be five 13670
and one-half per cent. The tax applies and is collectible when the 13671
sale is made, regardless of the time when the price is paid or 13672
delivered. 13673

(2) In the case of the lease or rental, with a fixed term of 13674
more than thirty days or an indefinite term with a minimum period 13675
of more than thirty days, of any motor vehicles designed by the 13676
manufacturer to carry a load of not more than one ton, watercraft, 13677

outboard motor, or aircraft, or of any tangible personal property, 13678
other than motor vehicles designed by the manufacturer to carry a 13679
load of more than one ton, to be used by the lessee or renter 13680
primarily for business purposes, the tax shall be collected by the 13681
vendor at the time the lease or rental is consummated and shall be 13682
calculated by the vendor on the basis of the total amount to be 13683
paid by the lessee or renter under the lease agreement. If the 13684
total amount of the consideration for the lease or rental includes 13685
amounts that are not calculated at the time the lease or rental is 13686
executed, the tax shall be calculated and collected by the vendor 13687
at the time such amounts are billed to the lessee or renter. In 13688
the case of an open-end lease or rental, the tax shall be 13689
calculated by the vendor on the basis of the total amount to be 13690
paid during the initial fixed term of the lease or rental, and for 13691
each subsequent renewal period as it comes due. As used in this 13692
division, "motor vehicle" has the same meaning as in section 13693
4501.01 of the Revised Code, and "watercraft" includes an outdrive 13694
unit attached to the watercraft. 13695

A lease with a renewal clause and a termination penalty or 13696
similar provision that applies if the renewal clause is not 13697
exercised is presumed to be a sham transaction. In such a case, 13698
the tax shall be calculated and paid on the basis of the entire 13699
length of the lease period, including any renewal periods, until 13700
the termination penalty or similar provision no longer applies. 13701
The taxpayer shall bear the burden, by a preponderance of the 13702
evidence, that the transaction or series of transactions is not a 13703
sham transaction. 13704

(3) Except as provided in division (A)(2) of this section, in 13705
the case of a sale, the price of which consists in whole or in 13706
part of the lease or rental of tangible personal property, the tax 13707
shall be measured by the installments of that lease or rental. 13708

(4) In the case of a sale of a physical fitness facility 13709

service or recreation and sports club service, the price of which 13710
consists in whole or in part of a membership for the receipt of 13711
the benefit of the service, the tax applicable to the sale shall 13712
be measured by the installments thereof. 13713

(B) The tax does not apply to the following: 13714

(1) Sales to the state or any of its political subdivisions, 13715
or to any other state or its political subdivisions if the laws of 13716
that state exempt from taxation sales made to this state and its 13717
political subdivisions; 13718

(2) Sales of food for human consumption off the premises 13719
where sold; 13720

(3) Sales of food sold to students only in a cafeteria, 13721
dormitory, fraternity, or sorority maintained in a private, 13722
public, or parochial school, college, or university; 13723

(4) Sales of newspapers and of magazine subscriptions and 13724
sales or transfers of magazines distributed as controlled 13725
circulation publications; 13726

(5) The furnishing, preparing, or serving of meals without 13727
charge by an employer to an employee provided the employer records 13728
the meals as part compensation for services performed or work 13729
done; 13730

(6) Sales of motor fuel upon receipt, use, distribution, or 13731
sale of which in this state a tax is imposed by the law of this 13732
state, but this exemption shall not apply to the sale of motor 13733
fuel on which a refund of the tax is allowable under division (A) 13734
of section 5735.14 of the Revised Code; and the tax commissioner 13735
may deduct the amount of tax levied by this section applicable to 13736
the price of motor fuel when granting a refund of motor fuel tax 13737
pursuant to division (A) of section 5735.14 of the Revised Code 13738
and shall cause the amount deducted to be paid into the general 13739
revenue fund of this state; 13740

(7) Sales of natural gas by a natural gas company, of water 13741
by a water-works company, or of steam by a heating company, if in 13742
each case the thing sold is delivered to consumers through pipes 13743
or conduits, and all sales of communications services by a 13744
telegraph company, all terms as defined in section 5727.01 of the 13745
Revised Code, and sales of electricity delivered through wires; 13746

(8) Casual sales by a person, or auctioneer employed directly 13747
by the person to conduct such sales, except as to such sales of 13748
motor vehicles, watercraft or outboard motors required to be 13749
titled under section 1548.06 of the Revised Code, watercraft 13750
documented with the United States coast guard, snowmobiles, and 13751
all-purpose vehicles as defined in section 4519.01 of the Revised 13752
Code; 13753

(9)(a) Sales of services or tangible personal property, other 13754
than motor vehicles, mobile homes, and manufactured homes, by 13755
churches, organizations exempt from taxation under section 13756
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 13757
organizations operated exclusively for charitable purposes as 13758
defined in division (B)(12) of this section, provided that the 13759
number of days on which such tangible personal property or 13760
services, other than items never subject to the tax, are sold does 13761
not exceed six in any calendar year, except as otherwise provided 13762
in division (B)(9)(b) of this section. If the number of days on 13763
which such sales are made exceeds six in any calendar year, the 13764
church or organization shall be considered to be engaged in 13765
business and all subsequent sales by it shall be subject to the 13766
tax. In counting the number of days, all sales by groups within a 13767
church or within an organization shall be considered to be sales 13768
of that church or organization. 13769

(b) The limitation on the number of days on which tax-exempt 13770
sales may be made by a church or organization under division 13771
(B)(9)(a) of this section does not apply to sales made by student 13772

clubs and other groups of students of a primary or secondary 13773
school, or a parent-teacher association, booster group, or similar 13774
organization that raises money to support or fund curricular or 13775
extracurricular activities of a primary or secondary school. 13776

(c) Divisions (B)(9)(a) and (b) of this section do not apply 13777
to sales by a noncommercial educational radio or television 13778
broadcasting station. 13779

(10) Sales not within the taxing power of this state under 13780
the Constitution of the United States; 13781

(11) Except for transactions that are sales under division 13782
(B)(3)(r) of section 5739.01 of the Revised Code, the 13783
transportation of persons or property, unless the transportation 13784
is by a private investigation and security service; 13785

(12) Sales of tangible personal property or services to 13786
churches, to organizations exempt from taxation under section 13787
501(c)(3) of the Internal Revenue Code of 1986, and to any other 13788
nonprofit organizations operated exclusively for charitable 13789
purposes in this state, no part of the net income of which inures 13790
to the benefit of any private shareholder or individual, and no 13791
substantial part of the activities of which consists of carrying 13792
on propaganda or otherwise attempting to influence legislation; 13793
sales to offices administering one or more homes for the aged or 13794
one or more hospital facilities exempt under section 140.08 of the 13795
Revised Code; and sales to organizations described in division (D) 13796
of section 5709.12 of the Revised Code. 13797

"Charitable purposes" means the relief of poverty; the 13798
improvement of health through the alleviation of illness, disease, 13799
or injury; the operation of an organization exclusively for the 13800
provision of professional, laundry, printing, and purchasing 13801
services to hospitals or charitable institutions; the operation of 13802
a home for the aged, as defined in section 5701.13 of the Revised 13803

Code; the operation of a radio or television broadcasting station 13804
that is licensed by the federal communications commission as a 13805
noncommercial educational radio or television station; the 13806
operation of a nonprofit animal adoption service or a county 13807
humane society; the promotion of education by an institution of 13808
learning that maintains a faculty of qualified instructors, 13809
teaches regular continuous courses of study, and confers a 13810
recognized diploma upon completion of a specific curriculum; the 13811
operation of a parent-teacher association, booster group, or 13812
similar organization primarily engaged in the promotion and 13813
support of the curricular or extracurricular activities of a 13814
primary or secondary school; the operation of a community or area 13815
center in which presentations in music, dramatics, the arts, and 13816
related fields are made in order to foster public interest and 13817
education therein; the production of performances in music, 13818
dramatics, and the arts; or the promotion of education by an 13819
organization engaged in carrying on research in, or the 13820
dissemination of, scientific and technological knowledge and 13821
information primarily for the public. 13822

Nothing in this division shall be deemed to exempt sales to 13823
any organization for use in the operation or carrying on of a 13824
trade or business, or sales to a home for the aged for use in the 13825
operation of independent living facilities as defined in division 13826
(A) of section 5709.12 of the Revised Code. 13827

(13) Building and construction materials and services sold to 13828
construction contractors for incorporation into a structure or 13829
improvement to real property under a construction contract with 13830
this state or a political subdivision of this state, or with the 13831
United States government or any of its agencies; building and 13832
construction materials and services sold to construction 13833
contractors for incorporation into a structure or improvement to 13834
real property that are accepted for ownership by this state or any 13835

of its political subdivisions, or by the United States government 13836
or any of its agencies at the time of completion of the structures 13837
or improvements; building and construction materials sold to 13838
construction contractors for incorporation into a horticulture 13839
structure or livestock structure for a person engaged in the 13840
business of horticulture or producing livestock; building 13841
materials and services sold to a construction contractor for 13842
incorporation into a house of public worship or religious 13843
education, or a building used exclusively for charitable purposes 13844
under a construction contract with an organization whose purpose 13845
is as described in division (B)(12) of this section; building 13846
materials and services sold to a construction contractor for 13847
incorporation into a building under a construction contract with 13848
an organization exempt from taxation under section 501(c)(3) of 13849
the Internal Revenue Code of 1986 when the building is to be used 13850
exclusively for the organization's exempt purposes; building and 13851
construction materials sold for incorporation into the original 13852
construction of a sports facility under section 307.696 of the 13853
Revised Code; building and construction materials and services 13854
sold to a construction contractor for incorporation into real 13855
property outside this state if such materials and services, when 13856
sold to a construction contractor in the state in which the real 13857
property is located for incorporation into real property in that 13858
state, would be exempt from a tax on sales levied by that state; 13859
and, until one calendar year after the construction of a 13860
convention center that qualifies for property tax exemption under 13861
section 5709.084 of the Revised Code is completed, building and 13862
construction materials and services sold to a construction 13863
contractor for incorporation into the real property comprising 13864
that convention center; 13865

(14) Sales of ships or vessels or rail rolling stock used or 13866
to be used principally in interstate or foreign commerce, and 13867
repairs, alterations, fuel, and lubricants for such ships or 13868

vessels or rail rolling stock; 13869

(15) Sales to persons primarily engaged in any of the 13870
activities mentioned in division (B)(42)(a), (g), or (h) of this 13871
section, to persons engaged in making retail sales, or to persons 13872
who purchase for sale from a manufacturer tangible personal 13873
property that was produced by the manufacturer in accordance with 13874
specific designs provided by the purchaser, of packages, including 13875
material, labels, and parts for packages, and of machinery, 13876
equipment, and material for use primarily in packaging tangible 13877
personal property produced for sale, including any machinery, 13878
equipment, and supplies used to make labels or packages, to 13879
prepare packages or products for labeling, or to label packages or 13880
products, by or on the order of the person doing the packaging, or 13881
sold at retail. "Packages" includes bags, baskets, cartons, 13882
crates, boxes, cans, bottles, bindings, wrappings, and other 13883
similar devices and containers, but does not include motor 13884
vehicles or bulk tanks, trailers, or similar devices attached to 13885
motor vehicles. "Packaging" means placing in a package. Division 13886
(B)(15) of this section does not apply to persons engaged in 13887
highway transportation for hire. 13888

(16) Sales of food to persons using supplemental nutrition 13889
assistance program benefits to purchase the food. As used in this 13890
division, "food" has the same meaning as in 7 U.S.C. 2012 and 13891
federal regulations adopted pursuant to the Food and Nutrition Act 13892
of 2008. 13893

(17) Sales to persons engaged in farming, agriculture, 13894
horticulture, or floriculture, of tangible personal property for 13895
use or consumption primarily in the production by farming, 13896
agriculture, horticulture, or floriculture of other tangible 13897
personal property for use or consumption primarily in the 13898
production of tangible personal property for sale by farming, 13899
agriculture, horticulture, or floriculture; or material and parts 13900

for incorporation into any such tangible personal property for use 13901
or consumption in production; and of tangible personal property 13902
for such use or consumption in the conditioning or holding of 13903
products produced by and for such use, consumption, or sale by 13904
persons engaged in farming, agriculture, horticulture, or 13905
floriculture, except where such property is incorporated into real 13906
property; 13907

(18) Sales of drugs for a human being that may be dispensed 13908
only pursuant to a prescription; insulin as recognized in the 13909
official United States pharmacopoeia; urine and blood testing 13910
materials when used by diabetics or persons with hypoglycemia to 13911
test for glucose or acetone; hypodermic syringes and needles when 13912
used by diabetics for insulin injections; epoetin alfa when 13913
purchased for use in the treatment of persons with medical 13914
disease; hospital beds when purchased by hospitals, nursing homes, 13915
or other medical facilities; and medical oxygen and medical 13916
oxygen-dispensing equipment when purchased by hospitals, nursing 13917
homes, or other medical facilities; 13918

(19) Sales of prosthetic devices, durable medical equipment 13919
for home use, or mobility enhancing equipment, when made pursuant 13920
to a prescription and when such devices or equipment are for use 13921
by a human being. 13922

(20) Sales of emergency and fire protection vehicles and 13923
equipment to nonprofit organizations for use solely in providing 13924
fire protection and emergency services, including trauma care and 13925
emergency medical services, for political subdivisions of the 13926
state; 13927

(21) Sales of tangible personal property manufactured in this 13928
state, if sold by the manufacturer in this state to a retailer for 13929
use in the retail business of the retailer outside of this state 13930
and if possession is taken from the manufacturer by the purchaser 13931
within this state for the sole purpose of immediately removing the 13932

same from this state in a vehicle owned by the purchaser;	13933
(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;	13934 13935 13936 13937 13938
(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;	13939 13940 13941
(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.	13942 13943 13944 13945 13946 13947 13948 13949 13950 13951 13952 13953 13954 13955 13956
(25)(a) Sales of water to a consumer for residential use;	13957
(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.	13958 13959 13960 13961
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	13962 13963

(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:	13964 13965 13966 13967
(a) To prepare food for human consumption for sale;	13968
(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;	13969 13970 13971 13972
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	13973 13974
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	13975 13976
(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;	13977 13978 13979 13980
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	13981 13982 13983
(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;	13984 13985 13986
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	13987 13988 13989 13990 13991 13992
(33) Sales to the state headquarters of any veterans'	13993

organization in this state that is either incorporated and issued 13994
a charter by the congress of the United States or is recognized by 13995
the United States veterans administration, for use by the 13996
headquarters; 13997

(34) Sales to a telecommunications service vendor, mobile 13998
telecommunications service vendor, or satellite broadcasting 13999
service vendor of tangible personal property and services used 14000
directly and primarily in transmitting, receiving, switching, or 14001
recording any interactive, one- or two-way electromagnetic 14002
communications, including voice, image, data, and information, 14003
through the use of any medium, including, but not limited to, 14004
poles, wires, cables, switching equipment, computers, and record 14005
storage devices and media, and component parts for the tangible 14006
personal property. The exemption provided in this division shall 14007
be in lieu of all other exemptions under division (B)(42)(a) or 14008
(n) of this section to which the vendor may otherwise be entitled, 14009
based upon the use of the thing purchased in providing the 14010
telecommunications, mobile telecommunications, or satellite 14011
broadcasting service. 14012

(35)(a) Sales where the purpose of the consumer is to use or 14013
consume the things transferred in making retail sales and 14014
consisting of newspaper inserts, catalogues, coupons, flyers, gift 14015
certificates, or other advertising material that prices and 14016
describes tangible personal property offered for retail sale. 14017

(b) Sales to direct marketing vendors of preliminary 14018
materials such as photographs, artwork, and typesetting that will 14019
be used in printing advertising material; and of printed matter 14020
that offers free merchandise or chances to win sweepstake prizes 14021
and that is mailed to potential customers with advertising 14022
material described in division (B)(35)(a) of this section; 14023

(c) Sales of equipment such as telephones, computers, 14024
facsimile machines, and similar tangible personal property 14025

primarily used to accept orders for direct marketing retail sales.	14026
(d) Sales of automatic food vending machines that preserve	14027
food with a shelf life of forty-five days or less by refrigeration	14028
and dispense it to the consumer.	14029
For purposes of division (B)(35) of this section, "direct	14030
marketing" means the method of selling where consumers order	14031
tangible personal property by United States mail, delivery	14032
service, or telecommunication and the vendor delivers or ships the	14033
tangible personal property sold to the consumer from a warehouse,	14034
catalogue distribution center, or similar fulfillment facility by	14035
means of the United States mail, delivery service, or common	14036
carrier.	14037
(36) Sales to a person engaged in the business of	14038
horticulture or producing livestock of materials to be	14039
incorporated into a horticulture structure or livestock structure;	14040
(37) Sales of personal computers, computer monitors, computer	14041
keyboards, modems, and other peripheral computer equipment to an	14042
individual who is licensed or certified to teach in an elementary	14043
or a secondary school in this state for use by that individual in	14044
preparation for teaching elementary or secondary school students;	14045
(38) Sales to a professional racing team of any of the	14046
following:	14047
(a) Motor racing vehicles;	14048
(b) Repair services for motor racing vehicles;	14049
(c) Items of property that are attached to or incorporated in	14050
motor racing vehicles, including engines, chassis, and all other	14051
components of the vehicles, and all spare, replacement, and	14052
rebuilt parts or components of the vehicles; except not including	14053
tires, consumable fluids, paint, and accessories consisting of	14054
instrumentation sensors and related items added to the vehicle to	14055

collect and transmit data by means of telemetry and other forms of communication. 14056
14057

(39) Sales of used manufactured homes and used mobile homes, 14058
as defined in section 5739.0210 of the Revised Code, made on or 14059
after January 1, 2000; 14060

(40) Sales of tangible personal property and services to a 14061
provider of electricity used or consumed directly and primarily in 14062
generating, transmitting, or distributing electricity for use by 14063
others, including property that is or is to be incorporated into 14064
and will become a part of the consumer's production, transmission, 14065
or distribution system and that retains its classification as 14066
tangible personal property after incorporation; fuel or power used 14067
in the production, transmission, or distribution of electricity; 14068
energy conversion equipment as defined in section 5727.01 of the 14069
Revised Code; and tangible personal property and services used in 14070
the repair and maintenance of the production, transmission, or 14071
distribution system, including only those motor vehicles as are 14072
specially designed and equipped for such use. The exemption 14073
provided in this division shall be in lieu of all other exemptions 14074
in division (B)(42)(a) or (n) of this section to which a provider 14075
of electricity may otherwise be entitled based on the use of the 14076
tangible personal property or service purchased in generating, 14077
transmitting, or distributing electricity. 14078

(41) Sales to a person providing services under division 14079
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 14080
personal property and services used directly and primarily in 14081
providing taxable services under that section. 14082

(42) Sales where the purpose of the purchaser is to do any of 14083
the following: 14084

(a) To incorporate the thing transferred as a material or a 14085
part into tangible personal property to be produced for sale by 14086

manufacturing, assembling, processing, or refining; or to use or 14087
consume the thing transferred directly in producing tangible 14088
personal property for sale by mining, including, without 14089
limitation, the extraction from the earth of all substances that 14090
are classed geologically as minerals, production of crude oil and 14091
natural gas, or directly in the rendition of a public utility 14092
service, except that the sales tax levied by this section shall be 14093
collected upon all meals, drinks, and food for human consumption 14094
sold when transporting persons. Persons engaged in rendering 14095
services in the exploration for, and production of, crude oil and 14096
natural gas for others are deemed engaged directly in the 14097
exploration for, and production of, crude oil and natural gas. 14098
This paragraph does not exempt from "retail sale" or "sales at 14099
retail" the sale of tangible personal property that is to be 14100
incorporated into a structure or improvement to real property. 14101

(b) To hold the thing transferred as security for the 14102
performance of an obligation of the vendor; 14103

(c) To resell, hold, use, or consume the thing transferred as 14104
evidence of a contract of insurance; 14105

(d) To use or consume the thing directly in commercial 14106
fishing; 14107

(e) To incorporate the thing transferred as a material or a 14108
part into, or to use or consume the thing transferred directly in 14109
the production of, magazines distributed as controlled circulation 14110
publications; 14111

(f) To use or consume the thing transferred in the production 14112
and preparation in suitable condition for market and sale of 14113
printed, imprinted, overprinted, lithographic, multilithic, 14114
blueprinted, photostatic, or other productions or reproductions of 14115
written or graphic matter; 14116

(g) To use the thing transferred, as described in section 14117

5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	14118 14119
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	14120 14121 14122 14123 14124 14125
(i) To use the thing transferred as qualified research and development equipment;	14126 14127
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	14128 14129 14130 14131 14132 14133 14134 14135 14136 14137 14138 14139 14140
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;	14141 14142 14143 14144 14145 14146 14147
(l) To use or consume the thing transferred in the production	14148

of a newspaper for distribution to the public; 14149

(m) To use tangible personal property to perform a service 14150
listed in division (B)(3) of section 5739.01 of the Revised Code, 14151
if the property is or is to be permanently transferred to the 14152
consumer of the service as an integral part of the performance of 14153
the service; 14154

(n) To use or consume the thing transferred primarily in 14155
producing tangible personal property for sale by farming, 14156
agriculture, horticulture, or floriculture. Persons engaged in 14157
rendering farming, agriculture, horticulture, or floriculture 14158
services for others are deemed engaged primarily in farming, 14159
agriculture, horticulture, or floriculture. This paragraph does 14160
not exempt from "retail sale" or "sales at retail" the sale of 14161
tangible personal property that is to be incorporated into a 14162
structure or improvement to real property. 14163

(o) To use or consume the thing transferred in acquiring, 14164
formatting, editing, storing, and disseminating data or 14165
information by electronic publishing. 14166

As used in division (B)(42) of this section, "thing" includes 14167
all transactions included in divisions (B)(3)(a), (b), and (e) of 14168
section 5739.01 of the Revised Code. 14169

(43) Sales conducted through a coin operated device that 14170
activates vacuum equipment or equipment that dispenses water, 14171
whether or not in combination with soap or other cleaning agents 14172
or wax, to the consumer for the consumer's use on the premises in 14173
washing, cleaning, or waxing a motor vehicle, provided no other 14174
personal property or personal service is provided as part of the 14175
transaction. 14176

(44) Sales of replacement and modification parts for engines, 14177
airframes, instruments, and interiors in, and paint for, aircraft 14178
used primarily in a fractional aircraft ownership program, and 14179

sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48)(a) Sales of machinery, equipment, and software to a qualified direct selling entity for use in a warehouse or distribution center primarily for storing, transporting, or otherwise handling inventory that is held for sale to independent salespersons who operate as direct sellers and that is held primarily for distribution outside this state;

(b) As used in division (B)(48)(a) of this section:

(i) "Direct seller" means a person selling consumer products to individuals for personal or household use and not from a fixed retail location, including selling such product at in-home product demonstrations, parties, and other one-on-one selling.

(ii) "Qualified direct selling entity" means an entity

selling to direct sellers at the time the entity enters into a tax 14211
credit agreement with the tax credit authority pursuant to section 14212
122.17 of the Revised Code, provided that the agreement was 14213
entered into on or after January 1, 2007. Neither contingencies 14214
relevant to the granting of, nor later developments with respect 14215
to, the tax credit shall impair the status of the qualified direct 14216
selling entity under division (B)(48) of this section after 14217
execution of the tax credit agreement by the tax credit authority. 14218

(c) Division (B)(48) of this section is limited to machinery, 14219
equipment, and software first stored, used, or consumed in this 14220
state within the period commencing June 24, 2008, and ending on 14221
the date that is five years after that date. 14222

(49) Sales of materials, parts, equipment, or engines used in 14223
the repair or maintenance of aircraft or avionics systems of such 14224
aircraft, and sales of repair, remodeling, replacement, or 14225
maintenance services in this state performed on aircraft or on an 14226
aircraft's avionics, engine, or component materials or parts. As 14227
used in division (B)(49) of this section, "aircraft" means 14228
aircraft of more than six thousand pounds maximum certified 14229
takeoff weight or used exclusively in general aviation. 14230

(50) Sales of full flight simulators that are used for pilot 14231
or flight-crew training, sales of repair or replacement parts or 14232
components, and sales of repair or maintenance services for such 14233
full flight simulators. "Full flight simulator" means a replica of 14234
a specific type, or make, model, and series of aircraft cockpit. 14235
It includes the assemblage of equipment and computer programs 14236
necessary to represent aircraft operations in ground and flight 14237
conditions, a visual system providing an out-of-the-cockpit view, 14238
and a system that provides cues at least equivalent to those of a 14239
three-degree-of-freedom motion system, and has the full range of 14240
capabilities of the systems installed in the device as described 14241
in appendices A and B of part 60 of chapter 1 of title 14 of the 14242

Code of Federal Regulations. 14243

(51) Any transfer or lease of tangible personal property 14244
~~between the state and a successful proposer in accordance with~~ 14245
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 14246
~~property is part of a project as defined in section 126.60 of the~~ 14247
~~Revised Code and the state retains ownership of the project or~~ 14248
~~part thereof that is being transferred or leased,~~ between the 14249
state and JobsOhio in accordance with section 4313.02 of the 14250
Revised Code. 14251

(C) For the purpose of the proper administration of this 14252
chapter, and to prevent the evasion of the tax, it is presumed 14253
that all sales made in this state are subject to the tax until the 14254
contrary is established. 14255

(D) The levy of this tax on retail sales of recreation and 14256
sports club service shall not prevent a municipal corporation from 14257
levying any tax on recreation and sports club dues or on any 14258
income generated by recreation and sports club dues. 14259

(E) The tax collected by the vendor from the consumer under 14260
this chapter is not part of the price, but is a tax collection for 14261
the benefit of the state, and of counties levying an additional 14262
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 14263
Code and of transit authorities levying an additional sales tax 14264
pursuant to section 5739.023 of the Revised Code. Except for the 14265
discount authorized under section 5739.12 of the Revised Code and 14266
the effects of any rounding pursuant to section 5703.055 of the 14267
Revised Code, no person other than the state or such a county or 14268
transit authority shall derive any benefit from the collection or 14269
payment of the tax levied by this section or section 5739.021, 14270
5739.023, or 5739.026 of the Revised Code. 14271

Sec. 5747.01. Except as otherwise expressly provided or 14272
clearly appearing from the context, any term used in this chapter 14273

that is not otherwise defined in this section has the same meaning 14274
as when used in a comparable context in the laws of the United 14275
States relating to federal income taxes or if not used in a 14276
comparable context in those laws, has the same meaning as in 14277
section 5733.40 of the Revised Code. Any reference in this chapter 14278
to the Internal Revenue Code includes other laws of the United 14279
States relating to federal income taxes. 14280

As used in this chapter: 14281

(A) "Adjusted gross income" or "Ohio adjusted gross income" 14282
means federal adjusted gross income, as defined and used in the 14283
Internal Revenue Code, adjusted as provided in this section: 14284

(1) Add interest or dividends on obligations or securities of 14285
any state or of any political subdivision or authority of any 14286
state, other than this state and its subdivisions and authorities. 14287

(2) Add interest or dividends on obligations of any 14288
authority, commission, instrumentality, territory, or possession 14289
of the United States to the extent that the interest or dividends 14290
are exempt from federal income taxes but not from state income 14291
taxes. 14292

(3) Deduct interest or dividends on obligations of the United 14293
States and its territories and possessions or of any authority, 14294
commission, or instrumentality of the United States to the extent 14295
that the interest or dividends are included in federal adjusted 14296
gross income but exempt from state income taxes under the laws of 14297
the United States. 14298

(4) Deduct disability and survivor's benefits to the extent 14299
included in federal adjusted gross income. 14300

(5) Deduct benefits under Title II of the Social Security Act 14301
and tier 1 railroad retirement benefits to the extent included in 14302
federal adjusted gross income under section 86 of the Internal 14303
Revenue Code. 14304

(6) In the case of a taxpayer who is a beneficiary of a trust 14305
that makes an accumulation distribution as defined in section 665 14306
of the Internal Revenue Code, add, for the beneficiary's taxable 14307
years beginning before 2002, the portion, if any, of such 14308
distribution that does not exceed the undistributed net income of 14309
the trust for the three taxable years preceding the taxable year 14310
in which the distribution is made to the extent that the portion 14311
was not included in the trust's taxable income for any of the 14312
trust's taxable years beginning in 2002 or thereafter. 14313
"Undistributed net income of a trust" means the taxable income of 14314
the trust increased by (a)(i) the additions to adjusted gross 14315
income required under division (A) of this section and (ii) the 14316
personal exemptions allowed to the trust pursuant to section 14317
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 14318
deductions to adjusted gross income required under division (A) of 14319
this section, (ii) the amount of federal income taxes attributable 14320
to such income, and (iii) the amount of taxable income that has 14321
been included in the adjusted gross income of a beneficiary by 14322
reason of a prior accumulation distribution. Any undistributed net 14323
income included in the adjusted gross income of a beneficiary 14324
shall reduce the undistributed net income of the trust commencing 14325
with the earliest years of the accumulation period. 14326

(7) Deduct the amount of wages and salaries, if any, not 14327
otherwise allowable as a deduction but that would have been 14328
allowable as a deduction in computing federal adjusted gross 14329
income for the taxable year, had the targeted jobs credit allowed 14330
and determined under sections 38, 51, and 52 of the Internal 14331
Revenue Code not been in effect. 14332

(8) Deduct any interest or interest equivalent on public 14333
obligations and purchase obligations to the extent that the 14334
interest or interest equivalent is included in federal adjusted 14335
gross income. 14336

(9) Add any loss or deduct any gain resulting from the sale, 14337
exchange, or other disposition of public obligations to the extent 14338
that the loss has been deducted or the gain has been included in 14339
computing federal adjusted gross income. 14340

(10) Deduct or add amounts, as provided under section 5747.70 14341
of the Revised Code, related to contributions to variable college 14342
savings program accounts made or tuition units purchased pursuant 14343
to Chapter 3334. of the Revised Code. 14344

(11)(a) Deduct, to the extent not otherwise allowable as a 14345
deduction or exclusion in computing federal or Ohio adjusted gross 14346
income for the taxable year, the amount the taxpayer paid during 14347
the taxable year for medical care insurance and qualified 14348
long-term care insurance for the taxpayer, the taxpayer's spouse, 14349
and dependents. No deduction for medical care insurance under 14350
division (A)(11) of this section shall be allowed either to any 14351
taxpayer who is eligible to participate in any subsidized health 14352
plan maintained by any employer of the taxpayer or of the 14353
taxpayer's spouse, or to any taxpayer who is entitled to, or on 14354
application would be entitled to, benefits under part A of Title 14355
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 14356
301, as amended. For the purposes of division (A)(11)(a) of this 14357
section, "subsidized health plan" means a health plan for which 14358
the employer pays any portion of the plan's cost. The deduction 14359
allowed under division (A)(11)(a) of this section shall be the net 14360
of any related premium refunds, related premium reimbursements, or 14361
related insurance premium dividends received during the taxable 14362
year. 14363

(b) Deduct, to the extent not otherwise deducted or excluded 14364
in computing federal or Ohio adjusted gross income during the 14365
taxable year, the amount the taxpayer paid during the taxable 14366
year, not compensated for by any insurance or otherwise, for 14367
medical care of the taxpayer, the taxpayer's spouse, and 14368

dependents, to the extent the expenses exceed seven and one-half 14369
per cent of the taxpayer's federal adjusted gross income. 14370

(c) Deduct, to the extent not otherwise deducted or excluded 14371
in computing federal or Ohio adjusted gross income, any amount 14372
included in federal adjusted gross income under section 105 or not 14373
excluded under section 106 of the Internal Revenue Code solely 14374
because it relates to an accident and health plan for a person who 14375
otherwise would be a "qualifying relative" and thus a "dependent" 14376
under section 152 of the Internal Revenue Code but for the fact 14377
that the person fails to meet the income and support limitations 14378
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 14379

(d) For purposes of division (A)(11) of this section, 14380
"medical care" has the meaning given in section 213 of the 14381
Internal Revenue Code, subject to the special rules, limitations, 14382
and exclusions set forth therein, and "qualified long-term care" 14383
has the same meaning given in section 7702B(c) of the Internal 14384
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 14385
of this section, "dependent" includes a person who otherwise would 14386
be a "qualifying relative" and thus a "dependent" under section 14387
152 of the Internal Revenue Code but for the fact that the person 14388
fails to meet the income and support limitations under section 14389
152(d)(1)(B) and (C) of the Internal Revenue Code. 14390

(12)(a) Deduct any amount included in federal adjusted gross 14391
income solely because the amount represents a reimbursement or 14392
refund of expenses that in any year the taxpayer had deducted as 14393
an itemized deduction pursuant to section 63 of the Internal 14394
Revenue Code and applicable United States department of the 14395
treasury regulations. The deduction otherwise allowed under 14396
division (A)(12)(a) of this section shall be reduced to the extent 14397
the reimbursement is attributable to an amount the taxpayer 14398
deducted under this section in any taxable year. 14399

(b) Add any amount not otherwise included in Ohio adjusted 14400

gross income for any taxable year to the extent that the amount is 14401
attributable to the recovery during the taxable year of any amount 14402
deducted or excluded in computing federal or Ohio adjusted gross 14403
income in any taxable year. 14404

(13) Deduct any portion of the deduction described in section 14405
1341(a)(2) of the Internal Revenue Code, for repaying previously 14406
reported income received under a claim of right, that meets both 14407
of the following requirements: 14408

(a) It is allowable for repayment of an item that was 14409
included in the taxpayer's adjusted gross income for a prior 14410
taxable year and did not qualify for a credit under division (A) 14411
or (B) of section 5747.05 of the Revised Code for that year; 14412

(b) It does not otherwise reduce the taxpayer's adjusted 14413
gross income for the current or any other taxable year. 14414

(14) Deduct an amount equal to the deposits made to, and net 14415
investment earnings of, a medical savings account during the 14416
taxable year, in accordance with section 3924.66 of the Revised 14417
Code. The deduction allowed by division (A)(14) of this section 14418
does not apply to medical savings account deposits and earnings 14419
otherwise deducted or excluded for the current or any other 14420
taxable year from the taxpayer's federal adjusted gross income. 14421

(15)(a) Add an amount equal to the funds withdrawn from a 14422
medical savings account during the taxable year, and the net 14423
investment earnings on those funds, when the funds withdrawn were 14424
used for any purpose other than to reimburse an account holder 14425
for, or to pay, eligible medical expenses, in accordance with 14426
section 3924.66 of the Revised Code; 14427

(b) Add the amounts distributed from a medical savings 14428
account under division (A)(2) of section 3924.68 of the Revised 14429
Code during the taxable year. 14430

(16) Add any amount claimed as a credit under section 14431

5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following:

(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;

(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.

(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.

(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 this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may

not be claimed for educational expenses for which the taxpayer 14464
claims a credit under section 5747.27 of the Revised Code. 14465

(19) Add any reimbursement received during the taxable year 14466
of any amount the taxpayer deducted under division (A)(18) of this 14467
section in any previous taxable year to the extent the amount is 14468
not otherwise included in Ohio adjusted gross income. 14469

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 14470
(v) of this section, add five-sixths of the amount of depreciation 14471
expense allowed by subsection (k) of section 168 of the Internal 14472
Revenue Code, including the taxpayer's proportionate or 14473
distributive share of the amount of depreciation expense allowed 14474
by that subsection to a pass-through entity in which the taxpayer 14475
has a direct or indirect ownership interest. 14476

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 14477
this section, add five-sixths of the amount of qualifying section 14478
179 depreciation expense, including the taxpayer's proportionate 14479
or distributive share of the amount of qualifying section 179 14480
depreciation expense allowed to any pass-through entity in which 14481
the taxpayer has a direct or indirect ownership interest. 14482

(iii) Subject to division (A)(20)(a)(v) of this section, for 14483
taxable years beginning in 2012 or thereafter, if the increase in 14484
income taxes withheld by the taxpayer is equal to or greater than 14485
ten per cent of income taxes withheld by the taxpayer during the 14486
taxpayer's immediately preceding taxable year, "two-thirds" shall 14487
be substituted for "five-sixths" for the purpose of divisions 14488
(A)(20)(a)(i) and (ii) of this section. 14489

(iv) Subject to division (A)(20)(a)(v) of this section, for 14490
taxable years beginning in 2012 or thereafter, a taxpayer is not 14491
required to add an amount under division (A)(20) of this section 14492
if the increase in income taxes withheld by the taxpayer and by 14493
any pass-through entity in which the taxpayer has a direct or 14494

indirect ownership interest is equal to or greater than the sum of 14495
(I) the amount of qualifying section 179 depreciation expense and 14496
(II) the amount of depreciation expense allowed to the taxpayer by 14497
subsection (k) of section 168 of the Internal Revenue Code, and 14498
including the taxpayer's proportionate or distributive shares of 14499
such amounts allowed to any such pass-through entities. 14500

(v) If a taxpayer directly or indirectly incurs a net 14501
operating loss for the taxable year for federal income tax 14502
purposes, to the extent such loss resulted from depreciation 14503
expense allowed by subsection (k) of section 168 of the Internal 14504
Revenue Code and by qualifying section 179 depreciation expense, 14505
"the entire" shall be substituted for "five-sixths of the" for the 14506
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 14507

The tax commissioner, under procedures established by the 14508
commissioner, may waive the add-backs related to a pass-through 14509
entity if the taxpayer owns, directly or indirectly, less than 14510
five per cent of the pass-through entity. 14511

(b) Nothing in division (A)(20) of this section shall be 14512
construed to adjust or modify the adjusted basis of any asset. 14513

(c) To the extent the add-back required under division 14514
(A)(20)(a) of this section is attributable to property generating 14515
nonbusiness income or loss allocated under section 5747.20 of the 14516
Revised Code, the add-back shall be situated to the same location 14517
as the nonbusiness income or loss generated by the property for 14518
the purpose of determining the credit under division (A) of 14519
section 5747.05 of the Revised Code. Otherwise, the add-back shall 14520
be apportioned, subject to one or more of the four alternative 14521
methods of apportionment enumerated in section 5747.21 of the 14522
Revised Code. 14523

(d) For the purposes of division (A)(20)(a)(v) of this 14524
section, net operating loss carryback and carryforward shall not 14525

include the allowance of any net operating loss deduction 14526
carryback or carryforward to the taxable year to the extent such 14527
loss resulted from depreciation allowed by section 168(k) of the 14528
Internal Revenue Code and by the qualifying section 179 14529
depreciation expense amount. 14530

(e) For the purposes of divisions (A)(20) and (21) of this 14531
section: 14532

(i) "Income taxes withheld" means the total amount withheld 14533
and remitted under sections 5747.06 and 5747.07 of the Revised 14534
Code by an employer during the employer's taxable year. 14535

(ii) "Increase in income taxes withheld" means the amount by 14536
which the amount of income taxes withheld by an employer during 14537
the employer's current taxable year exceeds the amount of income 14538
taxes withheld by that employer during the employer's immediately 14539
preceding taxable year. 14540

(iii) "Qualifying section 179 depreciation expense" means the 14541
difference between (I) the amount of depreciation expense directly 14542
or indirectly allowed to a taxpayer under section 179 of the 14543
Internal Revised Code, and (II) the amount of depreciation expense 14544
directly or indirectly allowed to the taxpayer under section 179 14545
of the Internal Revenue Code as that section existed on December 14546
31, 2002. 14547

(21)(a) If the taxpayer was required to add an amount under 14548
division (A)(20)(a) of this section for a taxable year, deduct one 14549
of the following: 14550

(i) One-fifth of the amount so added for each of the five 14551
succeeding taxable years if the amount so added was five-sixths of 14552
qualifying section 179 depreciation expense or depreciation 14553
expense allowed by subsection (k) of section 168 of the Internal 14554
Revenue Code; 14555

(ii) One-half of the amount so added for each of the two 14556

succeeding taxable years if the amount so added was two-thirds of 14557
such depreciation expense; 14558

(iii) One-sixth of the amount so added for each of the six 14559
succeeding taxable years if the entire amount of such depreciation 14560
expense was so added. 14561

(b) If the amount deducted under division (A)(21)(a) of this 14562
section is attributable to an add-back allocated under division 14563
(A)(20)(c) of this section, the amount deducted shall be sitused 14564
to the same location. Otherwise, the add-back shall be apportioned 14565
using the apportionment factors for the taxable year in which the 14566
deduction is taken, subject to one or more of the four alternative 14567
methods of apportionment enumerated in section 5747.21 of the 14568
Revised Code. 14569

(c) No deduction is available under division (A)(21)(a) of 14570
this section with regard to any depreciation allowed by section 14571
168(k) of the Internal Revenue Code and by the qualifying section 14572
179 depreciation expense amount to the extent that such 14573
depreciation results in or increases a federal net operating loss 14574
carryback or carryforward. If no such deduction is available for a 14575
taxable year, the taxpayer may carry forward the amount not 14576
deducted in such taxable year to the next taxable year and add 14577
that amount to any deduction otherwise available under division 14578
(A)(21)(a) of this section for that next taxable year. The 14579
carryforward of amounts not so deducted shall continue until the 14580
entire addition required by division (A)(20)(a) of this section 14581
has been deducted. 14582

(d) No refund shall be allowed as a result of adjustments 14583
made by division (A)(21) of this section. 14584

(22) Deduct, to the extent not otherwise deducted or excluded 14585
in computing federal or Ohio adjusted gross income for the taxable 14586
year, the amount the taxpayer received during the taxable year as 14587

reimbursement for life insurance premiums under section 5919.31 of 14588
the Revised Code. 14589

(23) Deduct, to the extent not otherwise deducted or excluded 14590
in computing federal or Ohio adjusted gross income for the taxable 14591
year, the amount the taxpayer received during the taxable year as 14592
a death benefit paid by the adjutant general under section 5919.33 14593
of the Revised Code. 14594

(24) Deduct, to the extent included in federal adjusted gross 14595
income and not otherwise allowable as a deduction or exclusion in 14596
computing federal or Ohio adjusted gross income for the taxable 14597
year, military pay and allowances received by the taxpayer during 14598
the taxable year for active duty service in the United States 14599
army, air force, navy, marine corps, or coast guard or reserve 14600
components thereof or the national guard. The deduction may not be 14601
claimed for military pay and allowances received by the taxpayer 14602
while the taxpayer is stationed in this state. 14603

(25) Deduct, to the extent not otherwise allowable as a 14604
deduction or exclusion in computing federal or Ohio adjusted gross 14605
income for the taxable year and not otherwise compensated for by 14606
any other source, the amount of qualified organ donation expenses 14607
incurred by the taxpayer during the taxable year, not to exceed 14608
ten thousand dollars. A taxpayer may deduct qualified organ 14609
donation expenses only once for all taxable years beginning with 14610
taxable years beginning in 2007. 14611

For the purposes of division (A)(25) of this section: 14612

(a) "Human organ" means all or any portion of a human liver, 14613
pancreas, kidney, intestine, or lung, and any portion of human 14614
bone marrow. 14615

(b) "Qualified organ donation expenses" means travel 14616
expenses, lodging expenses, and wages and salary forgone by a 14617
taxpayer in connection with the taxpayer's donation, while living, 14618

of one or more of the taxpayer's human organs to another human 14619
being. 14620

(26) Deduct, to the extent not otherwise deducted or excluded 14621
in computing federal or Ohio adjusted gross income for the taxable 14622
year, amounts received by the taxpayer as retired military 14623
personnel pay for service in the United States army, navy, air 14624
force, coast guard, or marine corps or reserve components thereof, 14625
or the national guard, or received by the surviving spouse or 14626
former spouse of such a taxpayer under the survivor benefit plan 14627
on account of such a taxpayer's death. If the taxpayer receives 14628
income on account of retirement paid under the federal civil 14629
service retirement system or federal employees retirement system, 14630
or under any successor retirement program enacted by the congress 14631
of the United States that is established and maintained for 14632
retired employees of the United States government, and such 14633
retirement income is based, in whole or in part, on credit for the 14634
taxpayer's military service, the deduction allowed under this 14635
division shall include only that portion of such retirement income 14636
that is attributable to the taxpayer's military service, to the 14637
extent that portion of such retirement income is otherwise 14638
included in federal adjusted gross income and is not otherwise 14639
deducted under this section. Any amount deducted under division 14640
(A)(26) of this section is not included in a taxpayer's adjusted 14641
gross income for the purposes of section 5747.055 of the Revised 14642
Code. No amount may be deducted under division (A)(26) of this 14643
section on the basis of which a credit was claimed under section 14644
5747.055 of the Revised Code. 14645

(27) Deduct, to the extent not otherwise deducted or excluded 14646
in computing federal or Ohio adjusted gross income for the taxable 14647
year, the amount the taxpayer received during the taxable year 14648
from the military injury relief fund created in section 5101.98 of 14649
the Revised Code. 14650

(28) Deduct, to the extent not otherwise deducted or excluded 14651
in computing federal or Ohio adjusted gross income for the taxable 14652
year, the amount the taxpayer received as a veterans bonus during 14653
the taxable year from the Ohio department of veterans services as 14654
authorized by Section 2r of Article VIII, Ohio Constitution. 14655

(29) Deduct, to the extent not otherwise deducted or excluded 14656
in computing federal or Ohio adjusted gross income for the taxable 14657
year, any loss from wagering transactions that is allowed as an 14658
itemized deduction under section 165 of the Internal Revenue Code 14659
and that the taxpayer deducted in computing federal taxable 14660
income. 14661

(30) Deduct, to the extent not otherwise deducted or excluded 14662
in computing federal or Ohio adjusted gross income for the taxable 14663
year, any income ~~derived from providing public services under a~~ 14664
~~contract through a project owned by the state, as described in~~ 14665
~~section 126.604 of the Revised Code or~~ derived from a transfer 14666
agreement or from the enterprise transferred under that agreement 14667
under section 4313.02 of the Revised Code. 14668

(31) Deduct, to the extent not otherwise deducted or excluded 14669
in computing federal or Ohio adjusted gross income for the taxable 14670
year, Ohio college opportunity or federal Pell grant amounts 14671
received by the taxpayer or the taxpayer's spouse or dependent 14672
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 14673
1070a, et seq., and used to pay room or board furnished by the 14674
educational institution for which the grant was awarded at the 14675
institution's facilities, including meal plans administered by the 14676
institution. For the purposes of this division, receipt of a grant 14677
includes the distribution of a grant directly to an educational 14678
institution and the crediting of the grant to the enrollee's 14679
account with the institution. 14680

(B) "Business income" means income, including gain or loss, 14681
arising from transactions, activities, and sources in the regular 14682

course of a trade or business and includes income, gain, or loss 14683
from real property, tangible property, and intangible property if 14684
the acquisition, rental, management, and disposition of the 14685
property constitute integral parts of the regular course of a 14686
trade or business operation. "Business income" includes income, 14687
including gain or loss, from a partial or complete liquidation of 14688
a business, including, but not limited to, gain or loss from the 14689
sale or other disposition of goodwill. 14690

(C) "Nonbusiness income" means all income other than business 14691
income and may include, but is not limited to, compensation, rents 14692
and royalties from real or tangible personal property, capital 14693
gains, interest, dividends and distributions, patent or copyright 14694
royalties, or lottery winnings, prizes, and awards. 14695

(D) "Compensation" means any form of remuneration paid to an 14696
employee for personal services. 14697

(E) "Fiduciary" means a guardian, trustee, executor, 14698
administrator, receiver, conservator, or any other person acting 14699
in any fiduciary capacity for any individual, trust, or estate. 14700

(F) "Fiscal year" means an accounting period of twelve months 14701
ending on the last day of any month other than December. 14702

(G) "Individual" means any natural person. 14703

(H) "Internal Revenue Code" means the "Internal Revenue Code 14704
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 14705

(I) "Resident" means any of the following, provided that 14706
division (I)(3) of this section applies only to taxable years of a 14707
trust beginning in 2002 or thereafter: 14708

(1) An individual who is domiciled in this state, subject to 14709
section 5747.24 of the Revised Code; 14710

(2) The estate of a decedent who at the time of death was 14711
domiciled in this state. The domicile tests of section 5747.24 of 14712

the Revised Code are not controlling for purposes of division 14713
(I)(2) of this section. 14714

(3) A trust that, in whole or part, resides in this state. If 14715
only part of a trust resides in this state, the trust is a 14716
resident only with respect to that part. 14717

For the purposes of division (I)(3) of this section: 14718

(a) A trust resides in this state for the trust's current 14719
taxable year to the extent, as described in division (I)(3)(d) of 14720
this section, that the trust consists directly or indirectly, in 14721
whole or in part, of assets, net of any related liabilities, that 14722
were transferred, or caused to be transferred, directly or 14723
indirectly, to the trust by any of the following: 14724

(i) A person, a court, or a governmental entity or 14725
instrumentality on account of the death of a decedent, but only if 14726
the trust is described in division (I)(3)(e)(i) or (ii) of this 14727
section; 14728

(ii) A person who was domiciled in this state for the 14729
purposes of this chapter when the person directly or indirectly 14730
transferred assets to an irrevocable trust, but only if at least 14731
one of the trust's qualifying beneficiaries is domiciled in this 14732
state for the purposes of this chapter during all or some portion 14733
of the trust's current taxable year; 14734

(iii) A person who was domiciled in this state for the 14735
purposes of this chapter when the trust document or instrument or 14736
part of the trust document or instrument became irrevocable, but 14737
only if at least one of the trust's qualifying beneficiaries is a 14738
resident domiciled in this state for the purposes of this chapter 14739
during all or some portion of the trust's current taxable year. If 14740
a trust document or instrument became irrevocable upon the death 14741
of a person who at the time of death was domiciled in this state 14742
for purposes of this chapter, that person is a person described in 14743

division (I)(3)(a)(iii) of this section. 14744

(b) A trust is irrevocable to the extent that the transferor 14745
is not considered to be the owner of the net assets of the trust 14746
under sections 671 to 678 of the Internal Revenue Code. 14747

(c) With respect to a trust other than a charitable lead 14748
trust, "qualifying beneficiary" has the same meaning as "potential 14749
current beneficiary" as defined in section 1361(e)(2) of the 14750
Internal Revenue Code, and with respect to a charitable lead trust 14751
"qualifying beneficiary" is any current, future, or contingent 14752
beneficiary, but with respect to any trust "qualifying 14753
beneficiary" excludes a person or a governmental entity or 14754
instrumentality to any of which a contribution would qualify for 14755
the charitable deduction under section 170 of the Internal Revenue 14756
Code. 14757

(d) For the purposes of division (I)(3)(a) of this section, 14758
the extent to which a trust consists directly or indirectly, in 14759
whole or in part, of assets, net of any related liabilities, that 14760
were transferred directly or indirectly, in whole or part, to the 14761
trust by any of the sources enumerated in that division shall be 14762
ascertained by multiplying the fair market value of the trust's 14763
assets, net of related liabilities, by the qualifying ratio, which 14764
shall be computed as follows: 14765

(i) The first time the trust receives assets, the numerator 14766
of the qualifying ratio is the fair market value of those assets 14767
at that time, net of any related liabilities, from sources 14768
enumerated in division (I)(3)(a) of this section. The denominator 14769
of the qualifying ratio is the fair market value of all the 14770
trust's assets at that time, net of any related liabilities. 14771

(ii) Each subsequent time the trust receives assets, a 14772
revised qualifying ratio shall be computed. The numerator of the 14773
revised qualifying ratio is the sum of (1) the fair market value 14774

of the trust's assets immediately prior to the subsequent 14775
transfer, net of any related liabilities, multiplied by the 14776
qualifying ratio last computed without regard to the subsequent 14777
transfer, and (2) the fair market value of the subsequently 14778
transferred assets at the time transferred, net of any related 14779
liabilities, from sources enumerated in division (I)(3)(a) of this 14780
section. The denominator of the revised qualifying ratio is the 14781
fair market value of all the trust's assets immediately after the 14782
subsequent transfer, net of any related liabilities. 14783

(iii) Whether a transfer to the trust is by or from any of 14784
the sources enumerated in division (I)(3)(a) of this section shall 14785
be ascertained without regard to the domicile of the trust's 14786
beneficiaries. 14787

(e) For the purposes of division (I)(3)(a)(i) of this 14788
section: 14789

(i) A trust is described in division (I)(3)(e)(i) of this 14790
section if the trust is a testamentary trust and the testator of 14791
that testamentary trust was domiciled in this state at the time of 14792
the testator's death for purposes of the taxes levied under 14793
Chapter 5731. of the Revised Code. 14794

(ii) A trust is described in division (I)(3)(e)(ii) of this 14795
section if the transfer is a qualifying transfer described in any 14796
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 14797
irrevocable inter vivos trust, and at least one of the trust's 14798
qualifying beneficiaries is domiciled in this state for purposes 14799
of this chapter during all or some portion of the trust's current 14800
taxable year. 14801

(f) For the purposes of division (I)(3)(e)(ii) of this 14802
section, a "qualifying transfer" is a transfer of assets, net of 14803
any related liabilities, directly or indirectly to a trust, if the 14804
transfer is described in any of the following: 14805

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who 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.

(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 14837
individual who, for purposes of the taxes levied under Chapter 14838
5731. of the Revised Code, was domiciled in this state at the time 14839
of the individual's death. 14840

(g) The tax commissioner may adopt rules to ascertain the 14841
part of a trust residing in this state. 14842

(J) "Nonresident" means an individual or estate that is not a 14843
resident. An individual who is a resident for only part of a 14844
taxable year is a nonresident for the remainder of that taxable 14845
year. 14846

(K) "Pass-through entity" has the same meaning as in section 14847
5733.04 of the Revised Code. 14848

(L) "Return" means the notifications and reports required to 14849
be filed pursuant to this chapter for the purpose of reporting the 14850
tax due and includes declarations of estimated tax when so 14851
required. 14852

(M) "Taxable year" means the calendar year or the taxpayer's 14853
fiscal year ending during the calendar year, or fractional part 14854
thereof, upon which the adjusted gross income is calculated 14855
pursuant to this chapter. 14856

(N) "Taxpayer" means any person subject to the tax imposed by 14857
section 5747.02 of the Revised Code or any pass-through entity 14858
that makes the election under division (D) of section 5747.08 of 14859
the Revised Code. 14860

(O) "Dependents" means dependents as defined in the Internal 14861
Revenue Code and as claimed in the taxpayer's federal income tax 14862
return for the taxable year or which the taxpayer would have been 14863
permitted to claim had the taxpayer filed a federal income tax 14864
return. 14865

(P) "Principal county of employment" means, in the case of a 14866

nonresident, the county within the state in which a taxpayer 14867
performs services for an employer or, if those services are 14868
performed in more than one county, the county in which the major 14869
portion of the services are performed. 14870

(Q) As used in sections 5747.50 to 5747.55 of the Revised 14871
Code: 14872

(1) "Subdivision" means any county, municipal corporation, 14873
park district, or township. 14874

(2) "Essential local government purposes" includes all 14875
functions that any subdivision is required by general law to 14876
exercise, including like functions that are exercised under a 14877
charter adopted pursuant to the Ohio Constitution. 14878

(R) "Overpayment" means any amount already paid that exceeds 14879
the figure determined to be the correct amount of the tax. 14880

(S) "Taxable income" or "Ohio taxable income" applies only to 14881
estates and trusts, and means federal taxable income, as defined 14882
and used in the Internal Revenue Code, adjusted as follows: 14883

(1) Add interest or dividends, net of ordinary, necessary, 14884
and reasonable expenses not deducted in computing federal taxable 14885
income, on obligations or securities of any state or of any 14886
political subdivision or authority of any state, other than this 14887
state and its subdivisions and authorities, but only to the extent 14888
that such net amount is not otherwise includible in Ohio taxable 14889
income and is described in either division (S)(1)(a) or (b) of 14890
this section: 14891

(a) The net amount is not attributable to the S portion of an 14892
electing small business trust and has not been distributed to 14893
beneficiaries for the taxable year; 14894

(b) The net amount is attributable to the S portion of an 14895
electing small business trust for the taxable year. 14896

(2) Add interest or dividends, net of ordinary, necessary,	14897
and reasonable expenses not deducted in computing federal taxable	14898
income, on obligations of any authority, commission,	14899
instrumentality, territory, or possession of the United States to	14900
the extent that the interest or dividends are exempt from federal	14901
income taxes but not from state income taxes, but only to the	14902
extent that such net amount is not otherwise includible in Ohio	14903
taxable income and is described in either division (S)(1)(a) or	14904
(b) of this section;	14905
(3) Add the amount of personal exemption allowed to the	14906
estate pursuant to section 642(b) of the Internal Revenue Code;	14907
(4) Deduct interest or dividends, net of related expenses	14908
deducted in computing federal taxable income, on obligations of	14909
the United States and its territories and possessions or of any	14910
authority, commission, or instrumentality of the United States to	14911
the extent that the interest or dividends are exempt from state	14912
taxes under the laws of the United States, but only to the extent	14913
that such amount is included in federal taxable income and is	14914
described in either division (S)(1)(a) or (b) of this section;	14915
(5) Deduct the amount of wages and salaries, if any, not	14916
otherwise allowable as a deduction but that would have been	14917
allowable as a deduction in computing federal taxable income for	14918
the taxable year, had the targeted jobs credit allowed under	14919
sections 38, 51, and 52 of the Internal Revenue Code not been in	14920
effect, but only to the extent such amount relates either to	14921
income included in federal taxable income for the taxable year or	14922
to income of the S portion of an electing small business trust for	14923
the taxable year;	14924
(6) Deduct any interest or interest equivalent, net of	14925
related expenses deducted in computing federal taxable income, on	14926
public obligations and purchase obligations, but only to the	14927
extent that such net amount relates either to income included in	14928

federal taxable income for the taxable year or to income of the S 14929
portion of an electing small business trust for the taxable year; 14930

(7) Add any loss or deduct any gain resulting from sale, 14931
exchange, or other disposition of public obligations to the extent 14932
that such loss has been deducted or such gain has been included in 14933
computing either federal taxable income or income of the S portion 14934
of an electing small business trust for the taxable year; 14935

(8) Except in the case of the final return of an estate, add 14936
any amount deducted by the taxpayer on both its Ohio estate tax 14937
return pursuant to section 5731.14 of the Revised Code, and on its 14938
federal income tax return in determining federal taxable income; 14939

(9)(a) Deduct any amount included in federal taxable income 14940
solely because the amount represents a reimbursement or refund of 14941
expenses that in a previous year the decedent had deducted as an 14942
itemized deduction pursuant to section 63 of the Internal Revenue 14943
Code and applicable treasury regulations. The deduction otherwise 14944
allowed under division (S)(9)(a) of this section shall be reduced 14945
to the extent the reimbursement is attributable to an amount the 14946
taxpayer or decedent deducted under this section in any taxable 14947
year. 14948

(b) Add any amount not otherwise included in Ohio taxable 14949
income for any taxable year to the extent that the amount is 14950
attributable to the recovery during the taxable year of any amount 14951
deducted or excluded in computing federal or Ohio taxable income 14952
in any taxable year, but only to the extent such amount has not 14953
been distributed to beneficiaries for the taxable year. 14954

(10) Deduct any portion of the deduction described in section 14955
1341(a)(2) of the Internal Revenue Code, for repaying previously 14956
reported income received under a claim of right, that meets both 14957
of the following requirements: 14958

(a) It is allowable for repayment of an item that was 14959

included in the taxpayer's taxable income or the decedent's 14960
adjusted gross income for a prior taxable year and did not qualify 14961
for a credit under division (A) or (B) of section 5747.05 of the 14962
Revised Code for that year. 14963

(b) It does not otherwise reduce the taxpayer's taxable 14964
income or the decedent's adjusted gross income for the current or 14965
any other taxable year. 14966

(11) Add any amount claimed as a credit under section 14967
5747.059 or 5747.65 of the Revised Code to the extent that the 14968
amount satisfies either of the following: 14969

(a) The amount was deducted or excluded from the computation 14970
of the taxpayer's federal taxable income as required to be 14971
reported for the taxpayer's taxable year under the Internal 14972
Revenue Code; 14973

(b) The amount resulted in a reduction in the taxpayer's 14974
federal taxable income as required to be reported for any of the 14975
taxpayer's taxable years under the Internal Revenue Code. 14976

(12) Deduct any amount, net of related expenses deducted in 14977
computing federal taxable income, that a trust is required to 14978
report as farm income on its federal income tax return, but only 14979
if the assets of the trust include at least ten acres of land 14980
satisfying the definition of "land devoted exclusively to 14981
agricultural use" under section 5713.30 of the Revised Code, 14982
regardless of whether the land is valued for tax purposes as such 14983
land under sections 5713.30 to 5713.38 of the Revised Code. If the 14984
trust is a pass-through entity investor, section 5747.231 of the 14985
Revised Code applies in ascertaining if the trust is eligible to 14986
claim the deduction provided by division (S)(12) of this section 14987
in connection with the pass-through entity's farm income. 14988

Except for farm income attributable to the S portion of an 14989
electing small business trust, the deduction provided by division 14990

(S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income 15052
included in a trust's Ohio taxable income after such taxable 15053
income is first reduced by the qualifying trust amount, if any. 15054

(2) "Qualifying trust amount" of a trust means capital gains 15055
and losses from the sale, exchange, or other disposition of equity 15056
or ownership interests in, or debt obligations of, a qualifying 15057
investee to the extent included in the trust's Ohio taxable 15058
income, but only if the following requirements are satisfied: 15059

(a) The book value of the qualifying investee's physical 15060
assets in this state and everywhere, as of the last day of the 15061
qualifying investee's fiscal or calendar year ending immediately 15062
prior to the date on which the trust recognizes the gain or loss, 15063
is available to the trust. 15064

(b) The requirements of section 5747.011 of the Revised Code 15065
are satisfied for the trust's taxable year in which the trust 15066
recognizes the gain or loss. 15067

Any gain or loss that is not a qualifying trust amount is 15068
modified business income, qualifying investment income, or 15069
modified nonbusiness income, as the case may be. 15070

(3) "Modified nonbusiness income" means a trust's Ohio 15071
taxable income other than modified business income, other than the 15072
qualifying trust amount, and other than qualifying investment 15073
income, as defined in section 5747.012 of the Revised Code, to the 15074
extent such qualifying investment income is not otherwise part of 15075
modified business income. 15076

(4) "Modified Ohio taxable income" applies only to trusts, 15077
and means the sum of the amounts described in divisions (BB)(4)(a) 15078
to (c) of this section: 15079

(a) The fraction, calculated under section 5747.013, and 15080
applying section 5747.231 of the Revised Code, multiplied by the 15081
sum of the following amounts: 15082

(i) The trust's modified business income; 15083

(ii) The trust's qualifying investment income, as defined in 15084
section 5747.012 of the Revised Code, but only to the extent the 15085
qualifying investment income does not otherwise constitute 15086
modified business income and does not otherwise constitute a 15087
qualifying trust amount. 15088

(b) The qualifying trust amount multiplied by a fraction, the 15089
numerator of which is the sum of the book value of the qualifying 15090
investee's physical assets in this state on the last day of the 15091
qualifying investee's fiscal or calendar year ending immediately 15092
prior to the day on which the trust recognizes the qualifying 15093
trust amount, and the denominator of which is the sum of the book 15094
value of the qualifying investee's total physical assets 15095
everywhere on the last day of the qualifying investee's fiscal or 15096
calendar year ending immediately prior to the day on which the 15097
trust recognizes the qualifying trust amount. If, for a taxable 15098
year, the trust recognizes a qualifying trust amount with respect 15099
to more than one qualifying investee, the amount described in 15100
division (BB)(4)(b) of this section shall equal the sum of the 15101
products so computed for each such qualifying investee. 15102

(c)(i) With respect to a trust or portion of a trust that is 15103
a resident as ascertained in accordance with division (I)(3)(d) of 15104
this section, its modified nonbusiness income. 15105

(ii) With respect to a trust or portion of a trust that is 15106
not a resident as ascertained in accordance with division 15107
(I)(3)(d) of this section, the amount of its modified nonbusiness 15108
income satisfying the descriptions in divisions (B)(2) to (5) of 15109
section 5747.20 of the Revised Code, except as otherwise provided 15110
in division (BB)(4)(c)(ii) of this section. With respect to a 15111
trust or portion of a trust that is not a resident as ascertained 15112
in accordance with division (I)(3)(d) of this section, the trust's 15113
portion of modified nonbusiness income recognized from the sale, 15114

exchange, or other disposition of a debt interest in or equity 15115
interest in a section 5747.212 entity, as defined in section 15116
5747.212 of the Revised Code, without regard to division (A) of 15117
that section, shall not be allocated to this state in accordance 15118
with section 5747.20 of the Revised Code but shall be apportioned 15119
to this state in accordance with division (B) of section 5747.212 15120
of the Revised Code without regard to division (A) of that 15121
section. 15122

If the allocation and apportionment of a trust's income under 15123
divisions (BB)(4)(a) and (c) of this section do not fairly 15124
represent the modified Ohio taxable income of the trust in this 15125
state, the alternative methods described in division (C) of 15126
section 5747.21 of the Revised Code may be applied in the manner 15127
and to the same extent provided in that section. 15128

(5)(a) Except as set forth in division (BB)(5)(b) of this 15129
section, "qualifying investee" means a person in which a trust has 15130
an equity or ownership interest, or a person or unit of government 15131
the debt obligations of either of which are owned by a trust. For 15132
the purposes of division (BB)(2)(a) of this section and for the 15133
purpose of computing the fraction described in division (BB)(4)(b) 15134
of this section, all of the following apply: 15135

(i) If the qualifying investee is a member of a qualifying 15136
controlled group on the last day of the qualifying investee's 15137
fiscal or calendar year ending immediately prior to the date on 15138
which the trust recognizes the gain or loss, then "qualifying 15139
investee" includes all persons in the qualifying controlled group 15140
on such last day. 15141

(ii) If the qualifying investee, or if the qualifying 15142
investee and any members of the qualifying controlled group of 15143
which the qualifying investee is a member on the last day of the 15144
qualifying investee's fiscal or calendar year ending immediately 15145
prior to the date on which the trust recognizes the gain or loss, 15146

separately or cumulatively own, directly or indirectly, on the 15147
last day of the qualifying investee's fiscal or calendar year 15148
ending immediately prior to the date on which the trust recognizes 15149
the qualifying trust amount, more than fifty per cent of the 15150
equity of a pass-through entity, then the qualifying investee and 15151
the other members are deemed to own the proportionate share of the 15152
pass-through entity's physical assets which the pass-through 15153
entity directly or indirectly owns on the last day of the 15154
pass-through entity's calendar or fiscal year ending within or 15155
with the last day of the qualifying investee's fiscal or calendar 15156
year ending immediately prior to the date on which the trust 15157
recognizes the qualifying trust amount. 15158

(iii) For the purposes of division (BB)(5)(a)(iii) of this 15159
section, "upper level pass-through entity" means a pass-through 15160
entity directly or indirectly owning any equity of another 15161
pass-through entity, and "lower level pass-through entity" means 15162
that other pass-through entity. 15163

An upper level pass-through entity, whether or not it is also 15164
a qualifying investee, is deemed to own, on the last day of the 15165
upper level pass-through entity's calendar or fiscal year, the 15166
proportionate share of the lower level pass-through entity's 15167
physical assets that the lower level pass-through entity directly 15168
or indirectly owns on the last day of the lower level pass-through 15169
entity's calendar or fiscal year ending within or with the last 15170
day of the upper level pass-through entity's fiscal or calendar 15171
year. If the upper level pass-through entity directly and 15172
indirectly owns less than fifty per cent of the equity of the 15173
lower level pass-through entity on each day of the upper level 15174
pass-through entity's calendar or fiscal year in which or with 15175
which ends the calendar or fiscal year of the lower level 15176
pass-through entity and if, based upon clear and convincing 15177
evidence, complete information about the location and cost of the 15178

physical assets of the lower pass-through entity is not available 15179
to the upper level pass-through entity, then solely for purposes 15180
of ascertaining if a gain or loss constitutes a qualifying trust 15181
amount, the upper level pass-through entity shall be deemed as 15182
owning no equity of the lower level pass-through entity for each 15183
day during the upper level pass-through entity's calendar or 15184
fiscal year in which or with which ends the lower level 15185
pass-through entity's calendar or fiscal year. Nothing in division 15186
(BB)(5)(a)(iii) of this section shall be construed to provide for 15187
any deduction or exclusion in computing any trust's Ohio taxable 15188
income. 15189

(b) With respect to a trust that is not a resident for the 15190
taxable year and with respect to a part of a trust that is not a 15191
resident for the taxable year, "qualifying investee" for that 15192
taxable year does not include a C corporation if both of the 15193
following apply: 15194

(i) During the taxable year the trust or part of the trust 15195
recognizes a gain or loss from the sale, exchange, or other 15196
disposition of equity or ownership interests in, or debt 15197
obligations of, the C corporation. 15198

(ii) Such gain or loss constitutes nonbusiness income. 15199

(6) "Available" means information is such that a person is 15200
able to learn of the information by the due date plus extensions, 15201
if any, for filing the return for the taxable year in which the 15202
trust recognizes the gain or loss. 15203

(CC) "Qualifying controlled group" has the same meaning as in 15204
section 5733.04 of the Revised Code. 15205

(DD) "Related member" has the same meaning as in section 15206
5733.042 of the Revised Code. 15207

(EE)(1) For the purposes of division (EE) of this section: 15208

(a) "Qualifying person" means any person other than a qualifying corporation.	15209 15210
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	15211 15212 15213
(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;	15214 15215 15216 15217
(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.	15218 15219 15220 15221
(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.	15222 15223 15224
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	15225 15226
(1) "Trust" does not include a qualified pre-income tax trust.	15227 15228
(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.	15229 15230 15231
(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, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the	15232 15233 15234 15235 15236 15237 15238

election on or before April 15, 2006. The election, if timely 15239
made, shall be effective on and after January 1, 2006, and shall 15240
apply for all tax periods and tax years until revoked by the 15241
trustee of the trust. 15242

(4) A "pre-income tax trust" is a trust that satisfies all of 15243
the following requirements: 15244

(a) The document or instrument creating the trust was 15245
executed by the grantor before January 1, 1972; 15246

(b) The trust became irrevocable upon the creation of the 15247
trust; and 15248

(c) The grantor was domiciled in this state at the time the 15249
trust was created. 15250

Sec. 5747.053. (A) As used in this section: 15251

(1) "Baseline qualifying toll rate" means the rate remitted 15252
by an individual taxpayer to access a turnpike project in 15253
accordance with a multi-jurisdictional electronic toll collection 15254
agreement as fixed on the day H.B. 51 of the 130th General 15255
Assembly becomes law. 15256

(2) "Qualifying toll" means a toll remitted in accordance 15257
with a multi-jurisdictional electronic toll collection agreement 15258
to access a turnpike project after the day H.B. 51 of the 130th 15259
General Assembly becomes law but before July 1, 2022. 15260

(3) "Threshold toll rate" means the baseline qualifying toll 15261
rate multiplied by the sum of one plus the percentage increase of 15262
the increased consumer price index, if any. 15263

(4) "Increased consumer price index" means the percentage 15264
increase of the consumer price index from the month in which H.B. 15265
51 of the 130th general assembly becomes law through September of 15266
the taxable year for which the credit is computed under this 15267
section. 15268

(5) "Consumer price index" means the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics. 15269
15270
15271
15272

(6) "Turnpike project" has the same meaning as in section 5537.01 of the Revised Code. 15273
15274

(B) There is hereby allowed a nonrefundable credit against the tax imposed under section 5747.02 of the Revised Code equal to the excess of (1) the amount of qualifying tolls an individual taxpayer remits to access a turnpike project during the taxable year over (2) the amount of qualifying tolls the taxpayer would have remitted for the same access if the threshold toll rate had been in effect for the entirety of the taxable year. The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. 15275
15276
15277
15278
15279
15280
15281
15282
15283

(C) A taxpayer may not claim a credit authorized by this section for a taxable year beginning on or after July 1, 2022. 15284
15285

(D) The tax commissioner may require a taxpayer claiming the credit authorized under this section to provide documents verifying the amount of qualifying tolls the taxpayer remitted for the taxable year. 15286
15287
15288
15289

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised 15290
15291
15292
15293
15294
15295
15296
15297
15298
15299

Code.	15300
(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.	15301 15302 15303 15304
(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.	15305 15306 15307 15308 15309 15310
(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.	15311 15312
(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return	15313 15314 15315 15316 15317 15318 15319 15320 15321 15322 15323 15324 15325 15326 15327 15328 15329 15330 15331

in full payment of the tax due, as shown on the single return, for 15332
such investors, other than investors who are persons subject to 15333
the tax imposed under section 5733.06 of the Revised Code. 15334

(b)(i) A pass-through entity shall not include in such a 15335
single return any investor that is a trust to the extent that any 15336
direct or indirect current, future, or contingent beneficiary of 15337
the trust is a person subject to the tax imposed under section 15338
5733.06 of the Revised Code. 15339

(ii) A pass-through entity shall not include in such a single 15340
return any investor that is itself a pass-through entity to the 15341
extent that any direct or indirect investor in the second 15342
pass-through entity is a person subject to the tax imposed under 15343
section 5733.06 of the Revised Code. 15344

(c) Nothing in division (D) of this section precludes the tax 15345
commissioner from requiring such investors to file the return and 15346
make the payment of taxes and related interest, penalty, and 15347
interest penalty required by this section or section 5747.02, 15348
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 15349
of this section shall be construed to provide to such an investor 15350
or pass-through entity any additional deduction or credit, other 15351
than the credit provided by division (J) of this section, solely 15352
on account of the entity's filing a return in accordance with this 15353
section. Such a pass-through entity also shall make the filing and 15354
payment of estimated taxes on behalf of the pass-through entity 15355
investors other than an investor that is a person subject to the 15356
tax imposed under section 5733.06 of the Revised Code. 15357

(2) For the purposes of this section, "business credits" 15358
means the credits listed in section 5747.98 of the Revised Code 15359
excluding the following credits: 15360

(a) The retirement credit under division (B) of section 15361
5747.055 of the Revised Code; 15362

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	15363 15364
(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	15365 15366
(d) The dependent care credit under section 5747.054 of the Revised Code;	15367 15368
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	15369 15370
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	15371 15372
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	15373 15374
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	15375 15376
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	15377 15378
(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	15379 15380
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	15381 15382
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	15383 15384
(m) The low-income credit under section 5747.056 of the Revised Code;	15385 15386
<u>(n) The credit for turnpike toll increases under section 5747.053 of the Revised Code.</u>	15387 15388
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	15389 15390 15391

provides otherwise, this election, once made, is binding and 15392
irrevocable for the taxable year for which the election is made. 15393
Nothing in this division shall be construed to provide for any 15394
deduction or credit that would not be allowable if a nonresident 15395
pass-through entity investor were to file an annual return. 15396

(4) If a pass-through entity makes the election provided for 15397
under division (D) of this section, the pass-through entity shall 15398
be liable for any additional taxes, interest, interest penalty, or 15399
penalties imposed by this chapter if the tax commissioner finds 15400
that the single return does not reflect the correct tax due by the 15401
pass-through entity investors covered by that return. Nothing in 15402
this division shall be construed to limit or alter the liability, 15403
if any, imposed on pass-through entity investors for unpaid or 15404
underpaid taxes, interest, interest penalty, or penalties as a 15405
result of the pass-through entity's making the election provided 15406
for under division (D) of this section. For the purposes of 15407
division (D) of this section, "correct tax due" means the tax that 15408
would have been paid by the pass-through entity had the single 15409
return been filed in a manner reflecting the commissioner's 15410
findings. Nothing in division (D) of this section shall be 15411
construed to make or hold a pass-through entity liable for tax 15412
attributable to a pass-through entity investor's income from a 15413
source other than the pass-through entity electing to file the 15414
single return. 15415

(E) If a husband and wife file a joint federal income tax 15416
return for a taxable year, they shall file a joint return under 15417
this section for that taxable year, and their liabilities are 15418
joint and several, but, if the federal income tax liability of 15419
either spouse is determined on a separate federal income tax 15420
return, they shall file separate returns under this section. 15421

If either spouse is not required to file a federal income tax 15422
return and either or both are required to file a return pursuant 15423

to this chapter, they may elect to file separate or joint returns, 15424
and, pursuant to that election, their liabilities are separate or 15425
joint and several. If a husband and wife file separate returns 15426
pursuant to this chapter, each must claim the taxpayer's own 15427
exemption, but not both, as authorized under section 5747.02 of 15428
the Revised Code on the taxpayer's own return. 15429

(F) Each return or notice required to be filed under this 15430
section shall contain the signature of the taxpayer or the 15431
taxpayer's duly authorized agent and of the person who prepared 15432
the return for the taxpayer, and shall include the taxpayer's 15433
social security number. Each return shall be verified by a 15434
declaration under the penalties of perjury. The tax commissioner 15435
shall prescribe the form that the signature and declaration shall 15436
take. 15437

(G) Each return or notice required to be filed under this 15438
section shall be made and filed as required by section 5747.04 of 15439
the Revised Code, on or before the fifteenth day of April of each 15440
year, on forms that the tax commissioner shall prescribe, together 15441
with remittance made payable to the treasurer of state in the 15442
combined amount of the state and all school district income taxes 15443
shown to be due on the form, unless the combined amount shown to 15444
be due is one dollar or less, in which case that amount need not 15445
be remitted. 15446

Upon good cause shown, the commissioner may extend the period 15447
for filing any notice or return required to be filed under this 15448
section and may adopt rules relating to extensions. If the 15449
extension results in an extension of time for the payment of any 15450
state or school district income tax liability with respect to 15451
which the return is filed, the taxpayer shall pay at the time the 15452
tax liability is paid an amount of interest computed at the rate 15453
per annum prescribed by section 5703.47 of the Revised Code on 15454
that liability from the time that payment is due without extension 15455

to the time of actual payment. Except as provided in section 15456
5747.132 of the Revised Code, in addition to all other interest 15457
charges and penalties, all taxes imposed under this chapter or 15458
Chapter 5748. of the Revised Code and remaining unpaid after they 15459
become due, except combined amounts due of one dollar or less, 15460
bear interest at the rate per annum prescribed by section 5703.47 15461
of the Revised Code until paid or until the day an assessment is 15462
issued under section 5747.13 of the Revised Code, whichever occurs 15463
first. 15464

If the commissioner considers it necessary in order to ensure 15465
the payment of the tax imposed by section 5747.02 of the Revised 15466
Code or any tax imposed under Chapter 5748. of the Revised Code, 15467
the commissioner may require returns and payments to be made 15468
otherwise than as provided in this section. 15469

To the extent that any provision in this division conflicts 15470
with any provision in section 5747.026 of the Revised Code, the 15471
provision in that section prevails. 15472

(H) If any report, claim, statement, or other document 15473
required to be filed, or any payment required to be made, within a 15474
prescribed period or on or before a prescribed date under this 15475
chapter is delivered after that period or that date by United 15476
States mail to the agency, officer, or office with which the 15477
report, claim, statement, or other document is required to be 15478
filed, or to which the payment is required to be made, the date of 15479
the postmark stamped on the cover in which the report, claim, 15480
statement, or other document, or payment is mailed shall be deemed 15481
to be the date of delivery or the date of payment. 15482

If a payment is required to be made by electronic funds 15483
transfer pursuant to section 5747.072 of the Revised Code, the 15484
payment is considered to be made when the payment is received by 15485
the treasurer of state or credited to an account designated by the 15486
treasurer of state for the receipt of tax payments. 15487

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) If, in accordance with division (D) of this section, a pass-through entity elects to file a single return and if any investor is required to file the return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purposes of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(K) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions

accompanying the return shall indicate that by checking the box 15520
the taxpayer authorizes the department of taxation to contact the 15521
preparer concerning questions that arise during the processing of 15522
the return and authorizes the preparer only to provide the 15523
department with information that is missing from the return, to 15524
contact the department for information about the processing of the 15525
return or the status of the taxpayer's refund or payments, and to 15526
respond to notices about mathematical errors, offsets, or return 15527
preparation that the taxpayer has received from the department and 15528
has shown to the preparer. 15529

(L) The tax commissioner shall permit individual taxpayers to 15530
instruct the department of taxation to cause any refund of 15531
overpaid taxes to be deposited directly into a checking account, 15532
savings account, or an individual retirement account or individual 15533
retirement annuity, or preexisting college savings plan or program 15534
account offered by the Ohio tuition trust authority under Chapter 15535
3334. of the Revised Code, as designated by the taxpayer, when the 15536
taxpayer files the annual return required by this section 15537
electronically. 15538

(M) The tax commissioner may adopt rules to administer this 15539
section. 15540

Sec. 5747.98. (A) To provide a uniform procedure for 15541
calculating the amount of tax due under section 5747.02 of the 15542
Revised Code, a taxpayer shall claim any credits to which the 15543
taxpayer is entitled in the following order: 15544

(1) The retirement income credit under division (B) of 15545
section 5747.055 of the Revised Code; 15546

(2) The senior citizen credit under division (C) of section 15547
5747.05 of the Revised Code; 15548

(3) The lump sum distribution credit under division (D) of 15549

section 5747.05 of the Revised Code;	15550
(4) The dependent care credit under section 5747.054 of the Revised Code;	15551 15552
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	15553 15554
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	15555 15556
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	15557 15558
(8) The low-income credit under section 5747.056 of the Revised Code;	15559 15560
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	15561 15562
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	15563 15564
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	15565 15566
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	15567 15568
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	15569 15570
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	15571 15572
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	15573 15574
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	15575 15576
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	15577 15578

(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	15579 15580
(19) <u>The nonrefundable credit for turnpike toll increases under section 5747.053 of the Revised Code.</u>	15581 15582
(20) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	15583 15584
(20) (21) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	15585 15586
(21) (22) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	15587 15588 15589
(22) (23) The job training credit under section 5747.39 of the Revised Code;	15590 15591
(23) (24) The enterprise zone credit under section 5709.66 of the Revised Code;	15592 15593
(24) (25) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	15594 15595
(25) (26) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	15596 15597
(26) (27) The ethanol plant investment credit under section 5747.75 of the Revised Code;	15598 15599
(27) (28) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	15600 15601
(28) (29) The small business investment credit under section 5747.81 of the Revised Code;	15602 15603
(29) (30) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	15604 15605 15606
(30) (31) The enterprise zone credits under section 5709.65 of	15607

the Revised Code;	15608
(31) <u>(32)</u> The research and development credit under section 5747.331 of the Revised Code;	15609 15610
(32) <u>(33)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	15611 15612
(33) <u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	15613 15614
(34) <u>(35)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	15615 15616
(35) <u>(36)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	15617 15618
(36) <u>(37)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	15619 15620 15621
(37) <u>(38)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	15622 15623 15624
(38) <u>(39)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code.	15625 15626
(39) <u>(40)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	15627 15628 15629
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	15630 15631 15632 15633 15634 15635 15636
Nothing in this chapter shall be construed to allow a taxpayer to	15637

claim, directly or indirectly, a credit more than once for a 15638
taxable year. 15639

Sec. 5751.01. As used in this chapter: 15640

(A) "Person" means, but is not limited to, individuals, 15641
combinations of individuals of any form, receivers, assignees, 15642
trustees in bankruptcy, firms, companies, joint-stock companies, 15643
business trusts, estates, partnerships, limited liability 15644
partnerships, limited liability companies, associations, joint 15645
ventures, clubs, societies, for-profit corporations, S 15646
corporations, qualified subchapter S subsidiaries, qualified 15647
subchapter S trusts, trusts, entities that are disregarded for 15648
federal income tax purposes, and any other entities. 15649

(B) "Consolidated elected taxpayer" means a group of two or 15650
more persons treated as a single taxpayer for purposes of this 15651
chapter as the result of an election made under section 5751.011 15652
of the Revised Code. 15653

(C) "Combined taxpayer" means a group of two or more persons 15654
treated as a single taxpayer for purposes of this chapter under 15655
section 5751.012 of the Revised Code. 15656

(D) "Taxpayer" means any person, or any group of persons in 15657
the case of a consolidated elected taxpayer or combined taxpayer 15658
treated as one taxpayer, required to register or pay tax under 15659
this chapter. "Taxpayer" does not include excluded persons. 15660

(E) "Excluded person" means any of the following: 15661

(1) Any person with not more than one hundred fifty thousand 15662
dollars of taxable gross receipts during the calendar year. 15663
Division (E)(1) of this section does not apply to a person that is 15664
a member of a consolidated elected taxpayer; 15665

(2) A public utility that paid the excise tax imposed by 15666
section 5727.24 or 5727.30 of the Revised Code based on one or 15667

more measurement periods that include the entire tax period under 15668
this chapter, except that a public utility that is a combined 15669
company is a taxpayer with regard to the following gross receipts: 15670

(a) Taxable gross receipts directly attributed to a public 15671
utility activity, but not directly attributed to an activity that 15672
is subject to the excise tax imposed by section 5727.24 or 5727.30 15673
of the Revised Code; 15674

(b) Taxable gross receipts that cannot be directly attributed 15675
to any activity, multiplied by a fraction whose numerator is the 15676
taxable gross receipts described in division (E)(2)(a) of this 15677
section and whose denominator is the total taxable gross receipts 15678
that can be directly attributed to any activity; 15679

(c) Except for any differences resulting from the use of an 15680
accrual basis method of accounting for purposes of determining 15681
gross receipts under this chapter and the use of the cash basis 15682
method of accounting for purposes of determining gross receipts 15683
under section 5727.24 of the Revised Code, the gross receipts 15684
directly attributed to the activity of a natural gas company shall 15685
be determined in a manner consistent with division (D) of section 15686
5727.03 of the Revised Code. 15687

As used in division (E)(2) of this section, "combined 15688
company" and "public utility" have the same meanings as in section 15689
5727.01 of the Revised Code. 15690

(3) A financial institution, as defined in section 5726.01 of 15691
the Revised Code, that paid the tax imposed by section 5726.02 of 15692
the Revised Code based on one or more taxable years that include 15693
the entire tax period under this chapter; 15694

(4) A person directly or indirectly owned by one or more 15695
financial institutions, as defined in section 5726.01 of the 15696
Revised Code, that paid the tax imposed by section 5726.02 of the 15697
Revised Code based on one or more taxable years that include the 15698

entire tax period under this chapter. 15699

For the purposes of division (E)(4) of this section, a person 15700
owns another person under the following circumstances: 15701

(a) In the case of corporations issuing capital stock, one 15702
corporation owns another corporation if it owns fifty per cent or 15703
more of the other corporation's capital stock with current voting 15704
rights; 15705

(b) In the case of a limited liability company, one person 15706
owns the company if that person's membership interest, as defined 15707
in section 1705.01 of the Revised Code, is fifty per cent or more 15708
of the combined membership interests of all persons owning such 15709
interests in the company; 15710

(c) In the case of a partnership, trust, or other 15711
unincorporated business organization other than a limited 15712
liability company, one person owns the organization if, under the 15713
articles of organization or other instrument governing the affairs 15714
of the organization, that person has a beneficial interest in the 15715
organization's profits, surpluses, losses, or distributions of 15716
fifty per cent or more of the combined beneficial interests of all 15717
persons having such an interest in the organization. 15718

(5) A domestic insurance company or foreign insurance 15719
company, as defined in section 5725.01 of the Revised Code, that 15720
paid the insurance company premiums tax imposed by section 5725.18 15721
or Chapter 5729. of the Revised Code, or an unauthorized insurance 15722
company whose gross premiums are subject to tax under section 15723
3905.36 of the Revised Code based on one or more measurement 15724
periods that include the entire tax period under this chapter; 15725

(6) A person that solely facilitates or services one or more 15726
securitizations of phase-in-recovery property pursuant to a final 15727
financing order as those terms are defined in section 4928.23 of 15728
the Revised Code. For purposes of this division, "securitization" 15729

means transferring one or more assets to one or more persons and 15730
then issuing securities backed by the right to receive payment 15731
from the asset or assets so transferred. 15732

(7) Except as otherwise provided in this division, a 15733
pre-income tax trust as defined in division (FF)(4) of section 15734
5747.01 of the Revised Code and any pass-through entity of which 15735
such pre-income tax trust owns or controls, directly, indirectly, 15736
or constructively through related interests, more than five per 15737
cent of the ownership or equity interests. If the pre-income tax 15738
trust has made a qualifying pre-income tax trust election under 15739
division (FF)(3) of section 5747.01 of the Revised Code, then the 15740
trust and the pass-through entities of which it owns or controls, 15741
directly, indirectly, or constructively through related interests, 15742
more than five per cent of the ownership or equity interests, 15743
shall not be excluded persons for purposes of the tax imposed 15744
under section 5751.02 of the Revised Code. 15745

(8) Nonprofit organizations or the state and its agencies, 15746
instrumentalities, or political subdivisions. 15747

(F) Except as otherwise provided in divisions (F)(2), (3), 15748
and (4) of this section, "gross receipts" means the total amount 15749
realized by a person, without deduction for the cost of goods sold 15750
or other expenses incurred, that contributes to the production of 15751
gross income of the person, including the fair market value of any 15752
property and any services received, and any debt transferred or 15753
forgiven as consideration. 15754

(1) The following are examples of gross receipts: 15755

(a) Amounts realized from the sale, exchange, or other 15756
disposition of the taxpayer's property to or with another; 15757

(b) Amounts realized from the taxpayer's performance of 15758
services for another; 15759

(c) Amounts realized from another's use or possession of the 15760

taxpayer's property or capital;	15761
(d) Any combination of the foregoing amounts.	15762
(2) "Gross receipts" excludes the following amounts:	15763
(a) Interest income except interest on credit sales;	15764
(b) Dividends and distributions from corporations, and	15765
distributive or proportionate shares of receipts and income from a	15766
pass-through entity as defined under section 5733.04 of the	15767
Revised Code;	15768
(c) Receipts from the sale, exchange, or other disposition of	15769
an asset described in section 1221 or 1231 of the Internal Revenue	15770
Code, without regard to the length of time the person held the	15771
asset. Notwithstanding section 1221 of the Internal Revenue Code,	15772
receipts from hedging transactions also are excluded to the extent	15773
the transactions are entered into primarily to protect a financial	15774
position, such as managing the risk of exposure to (i) foreign	15775
currency fluctuations that affect assets, liabilities, profits,	15776
losses, equity, or investments in foreign operations; (ii)	15777
interest rate fluctuations; or (iii) commodity price fluctuations.	15778
As used in division (F)(2)(c) of this section, "hedging	15779
transaction" has the same meaning as used in section 1221 of the	15780
Internal Revenue Code and also includes transactions accorded	15781
hedge accounting treatment under statement of financial accounting	15782
standards number 133 of the financial accounting standards board.	15783
For the purposes of division (F)(2)(c) of this section, the actual	15784
transfer of title of real or tangible personal property to another	15785
entity is not a hedging transaction.	15786
(d) Proceeds received attributable to the repayment,	15787
maturity, or redemption of the principal of a loan, bond, mutual	15788
fund, certificate of deposit, or marketable instrument;	15789
(e) The principal amount received under a repurchase	15790
agreement or on account of any transaction properly characterized	15791

as a loan to the person;	15792
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	15793 15794 15795 15796
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	15797 15798 15799 15800 15801 15802 15803 15804 15805
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	15806 15807 15808
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	15809 15810 15811
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	15812 15813 15814 15815 15816 15817 15818
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	15819 15820 15821
(l) Property, money, and other amounts received or acquired	15822

by an agent on behalf of another in excess of the agent's	15823
commission, fee, or other remuneration;	15824
(m) Tax refunds, other tax benefit recoveries, and	15825
reimbursements for the tax imposed under this chapter made by	15826
entities that are part of the same combined taxpayer or	15827
consolidated elected taxpayer group, and reimbursements made by	15828
entities that are not members of a combined taxpayer or	15829
consolidated elected taxpayer group that are required to be made	15830
for economic parity among multiple owners of an entity whose tax	15831
obligation under this chapter is required to be reported and paid	15832
entirely by one owner, pursuant to the requirements of sections	15833
5751.011 and 5751.012 of the Revised Code;	15834
(n) Pension reversions;	15835
(o) Contributions to capital;	15836
(p) Sales or use taxes collected as a vendor or an	15837
out-of-state seller on behalf of the taxing jurisdiction from a	15838
consumer or other taxes the taxpayer is required by law to collect	15839
directly from a purchaser and remit to a local, state, or federal	15840
tax authority;	15841
(q) In the case of receipts from the sale of cigarettes or	15842
tobacco products by a wholesale dealer, retail dealer,	15843
distributor, manufacturer, or seller, all as defined in section	15844
5743.01 of the Revised Code, an amount equal to the federal and	15845
state excise taxes paid by any person on or for such cigarettes or	15846
tobacco products under subtitle E of the Internal Revenue Code or	15847
Chapter 5743. of the Revised Code;	15848
(r) In the case of receipts from the sale of motor fuel by a	15849
licensed motor fuel dealer, licensed retail dealer, or licensed	15850
permissive motor fuel dealer, all as defined in section 5735.01 of	15851
the Revised Code, an amount equal to federal and state excise	15852
taxes paid by any person on such motor fuel under section 4081 of	15853

the Internal Revenue Code or Chapter 5735. of the Revised Code; 15854

(s) In the case of receipts from the sale of beer or 15855
intoxicating liquor, as defined in section 4301.01 of the Revised 15856
Code, by a person holding a permit issued under Chapter 4301. or 15857
4303. of the Revised Code, an amount equal to federal and state 15858
excise taxes paid by any person on or for such beer or 15859
intoxicating liquor under subtitle E of the Internal Revenue Code 15860
or Chapter 4301. or 4305. of the Revised Code; 15861

(t) Receipts realized by a new motor vehicle dealer or used 15862
motor vehicle dealer, as defined in section 4517.01 of the Revised 15863
Code, from the sale or other transfer of a motor vehicle, as 15864
defined in that section, to another motor vehicle dealer for the 15865
purpose of resale by the transferee motor vehicle dealer, but only 15866
if the sale or other transfer was based upon the transferee's need 15867
to meet a specific customer's preference for a motor vehicle; 15868

(u) Receipts from a financial institution described in 15869
division (E)(3) of this section for services provided to the 15870
financial institution in connection with the issuance, processing, 15871
servicing, and management of loans or credit accounts, if such 15872
financial institution and the recipient of such receipts have at 15873
least fifty per cent of their ownership interests owned or 15874
controlled, directly or constructively through related interests, 15875
by common owners; 15876

(v) Receipts realized from administering anti-neoplastic 15877
drugs and other cancer chemotherapy, biologicals, therapeutic 15878
agents, and supportive drugs in a physician's office to patients 15879
with cancer; 15880

(w) Funds received or used by a mortgage broker that is not a 15881
dealer in intangibles, other than fees or other consideration, 15882
pursuant to a table-funding mortgage loan or warehouse-lending 15883
mortgage loan. Terms used in division (F)(2)(w) of this section 15884

have the same meanings as in section 1322.01 of the Revised Code, 15885
except "mortgage broker" means a person assisting a buyer in 15886
obtaining a mortgage loan for a fee or other consideration paid by 15887
the buyer or a lender, or a person engaged in table-funding or 15888
warehouse-lending mortgage loans that are first lien mortgage 15889
loans. 15890

(x) Property, money, and other amounts received by a 15891
professional employer organization, as defined in section 4125.01 15892
of the Revised Code, from a client employer, as defined in that 15893
section, in excess of the administrative fee charged by the 15894
professional employer organization to the client employer; 15895

(y) In the case of amounts retained as commissions by a 15896
permit holder under Chapter 3769. of the Revised Code, an amount 15897
equal to the amounts specified under that chapter that must be 15898
paid to or collected by the tax commissioner as a tax and the 15899
amounts specified under that chapter to be used as purse money; 15900

(z) Qualifying distribution center receipts. 15901

(i) For purposes of division (F)(2)(z) of this section: 15902

(I) "Qualifying distribution center receipts" means receipts 15903
of a supplier from qualified property that is delivered to a 15904
qualified distribution center, multiplied by a quantity that 15905
equals one minus the Ohio delivery percentage. If the qualified 15906
distribution center is a refining facility, "supplier" includes 15907
all dealers, brokers, processors, sellers, vendors, cosigners, and 15908
distributors of qualified property. 15909

(II) "Qualified property" means tangible personal property 15910
delivered to a qualified distribution center that is shipped to 15911
that qualified distribution center solely for further shipping by 15912
the qualified distribution center to another location in this 15913
state or elsewhere or, in the case of gold, silver, platinum, or 15914
palladium delivered to a refining facility solely for refining to 15915

a grade and fineness acceptable for delivery to a registered 15916
commodities exchange. "Further shipping" includes storing and 15917
repackaging property into smaller or larger bundles, so long as 15918
the property is not subject to further manufacturing or 15919
processing. "Refining" is limited to extracting impurities from 15920
gold, silver, platinum, or palladium through smelting or some 15921
other process at a refining facility. 15922

(III) "Qualified distribution center" means a warehouse, a 15923
facility similar to a warehouse, or a refining facility in this 15924
state that, for the qualifying year, is operated by a person that 15925
is not part of a combined taxpayer group and that has a qualifying 15926
certificate. All warehouses or facilities similar to warehouses 15927
that are operated by persons in the same taxpayer group and that 15928
are located within one mile of each other shall be treated as one 15929
qualified distribution center. All refining facilities that are 15930
operated by persons in the same taxpayer group and that are 15931
located in the same or adjacent counties may be treated as one 15932
qualified distribution center. 15933

(IV) "Qualifying year" means the calendar year to which the 15934
qualifying certificate applies. 15935

(V) "Qualifying period" means the period of the first day of 15936
July of the second year preceding the qualifying year through the 15937
thirtieth day of June of the year preceding the qualifying year. 15938

(VI) "Qualifying certificate" means the certificate issued by 15939
the tax commissioner after the operator of a distribution center 15940
files an annual application with the commissioner. The application 15941
and annual fee shall be filed and paid for each qualified 15942
distribution center on or before the first day of September before 15943
the qualifying year or within forty-five days after the 15944
distribution center opens, whichever is later. 15945

The applicant must substantiate to the commissioner's 15946

satisfaction that, for the qualifying period, all persons 15947
operating the distribution center have more than fifty per cent of 15948
the cost of the qualified property shipped to a location such that 15949
it would be situated outside this state under the provisions of 15950
division (E) of section 5751.033 of the Revised Code. The 15951
applicant must also substantiate that the distribution center 15952
cumulatively had costs from its suppliers equal to or exceeding 15953
five hundred million dollars during the qualifying period. (For 15954
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 15955
excludes any person that is part of the consolidated elected 15956
taxpayer group, if applicable, of the operator of the qualified 15957
distribution center.) The commissioner may require the applicant 15958
to have an independent certified public accountant certify that 15959
the calculation of the minimum thresholds required for a qualified 15960
distribution center by the operator of a distribution center has 15961
been made in accordance with generally accepted accounting 15962
principles. The commissioner shall issue or deny the issuance of a 15963
certificate within sixty days after the receipt of the 15964
application. A denial is subject to appeal under section 5717.02 15965
of the Revised Code. If the operator files a timely appeal under 15966
section 5717.02 of the Revised Code, the operator shall be granted 15967
a qualifying certificate, provided that the operator is liable for 15968
any tax, interest, or penalty upon amounts claimed as qualifying 15969
distribution center receipts, other than those receipts exempt 15970
under division (C)(1) of section 5751.011 of the Revised Code, 15971
that would have otherwise not been owed by its suppliers if the 15972
qualifying certificate was valid. 15973

(VII) "Ohio delivery percentage" means the proportion of the 15974
total property delivered to a destination inside Ohio from the 15975
qualified distribution center during the qualifying period 15976
compared with total deliveries from such distribution center 15977
everywhere during the qualifying period. 15978

(VIII) "Refining facility" means one or more buildings 15979
located in a county in the Appalachian region of this state as 15980
defined by section 107.21 of the Revised Code and utilized for 15981
refining or smelting gold, silver, platinum, or palladium to a 15982
grade and fineness acceptable for delivery to a registered 15983
commodities exchange. 15984

(IX) "Registered commodities exchange" means a board of 15985
trade, such as New York mercantile exchange, inc. or commodity 15986
exchange, inc., designated as a contract market by the commodity 15987
futures trading commission under the "Commodity Exchange Act," 7 15988
U.S.C. 1 et seq., as amended. 15989

(ii) If the distribution center is new and was not open for 15990
the entire qualifying period, the operator of the distribution 15991
center may request that the commissioner grant a qualifying 15992
certificate. If the certificate is granted and it is later 15993
determined that more than fifty per cent of the qualified property 15994
during that year was not shipped to a location such that it would 15995
be situated outside of this state under the provisions of division 15996
(E) of section 5751.033 of the Revised Code or if it is later 15997
determined that the person that operates the distribution center 15998
had average monthly costs from its suppliers of less than forty 15999
million dollars during that year, then the operator of the 16000
distribution center shall be liable for any tax, interest, or 16001
penalty upon amounts claimed as qualifying distribution center 16002
receipts, other than those receipts exempt under division (C)(1) 16003
of section 5751.011 of the Revised Code, that would have not 16004
otherwise been owed by its suppliers during the qualifying year if 16005
the qualifying certificate was valid. (For purposes of division 16006
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 16007
is part of the consolidated elected taxpayer group, if applicable, 16008
of the operator of the qualified distribution center.) 16009

(iii) When filing an application for a qualifying certificate 16010

under division (F)(2)(z)(i)(VI) of this section, the operator of a 16011
qualified distribution center also shall provide documentation, as 16012
the commissioner requires, for the commissioner to ascertain the 16013
Ohio delivery percentage. The commissioner, upon issuing the 16014
qualifying certificate, also shall certify the Ohio delivery 16015
percentage. The operator of the qualified distribution center may 16016
appeal the commissioner's certification of the Ohio delivery 16017
percentage in the same manner as an appeal is taken from the 16018
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 16019
of this section. 16020

Within thirty days after all appeals have been exhausted, the 16021
operator of the qualified distribution center shall notify the 16022
affected suppliers of qualified property that such suppliers are 16023
required to file, within sixty days after receiving notice from 16024
the operator of the qualified distribution center, amended reports 16025
for the impacted calendar quarter or quarters or calendar year, 16026
whichever the case may be. Any additional tax liability or tax 16027
overpayment shall be subject to interest but shall not be subject 16028
to the imposition of any penalty so long as the amended returns 16029
are timely filed. The supplier of tangible personal property 16030
delivered to the qualified distribution center shall include in 16031
its report of taxable gross receipts the receipts from the total 16032
sales of property delivered to the qualified distribution center 16033
for the calendar quarter or calendar year, whichever the case may 16034
be, multiplied by the Ohio delivery percentage for the qualifying 16035
year. Nothing in division (F)(2)(z)(iii) of this section shall be 16036
construed as imposing liability on the operator of a qualified 16037
distribution center for the tax imposed by this chapter arising 16038
from any change to the Ohio delivery percentage. 16039

(iv) In the case where the distribution center is new and not 16040
open for the entire qualifying period, the operator shall make a 16041
good faith estimate of an Ohio delivery percentage for use by 16042

suppliers in their reports of taxable gross receipts for the 16043
remainder of the qualifying period. The operator of the facility 16044
shall disclose to the suppliers that such Ohio delivery percentage 16045
is an estimate and is subject to recalculation. By the due date of 16046
the next application for a qualifying certificate, the operator 16047
shall determine the actual Ohio delivery percentage for the 16048
estimated qualifying period and proceed as provided in division 16049
(F)(2)(z)(iii) of this section with respect to the calculation and 16050
recalculation of the Ohio delivery percentage. The supplier is 16051
required to file, within sixty days after receiving notice from 16052
the operator of the qualified distribution center, amended reports 16053
for the impacted calendar quarter or quarters or calendar year, 16054
whichever the case may be. Any additional tax liability or tax 16055
overpayment shall be subject to interest but shall not be subject 16056
to the imposition of any penalty so long as the amended returns 16057
are timely filed. 16058

(v) Qualifying certificates and Ohio delivery percentages 16059
issued by the commissioner shall be open to public inspection and 16060
shall be timely published by the commissioner. A supplier relying 16061
in good faith on a certificate issued under this division shall 16062
not be subject to tax on the qualifying distribution center 16063
receipts under division (F)(2)(z) of this section. A person 16064
receiving a qualifying certificate is responsible for paying the 16065
tax, interest, and penalty upon amounts claimed as qualifying 16066
distribution center receipts that would not otherwise have been 16067
owed by the supplier if the qualifying certificate were available 16068
when it is later determined that the qualifying certificate should 16069
not have been issued because the statutory requirements were in 16070
fact not met. 16071

(vi) The annual fee for a qualifying certificate shall be one 16072
hundred thousand dollars for each qualified distribution center. 16073
If a qualifying certificate is not issued, the annual fee is 16074

subject to refund after the exhaustion of all appeals provided for 16075
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 16076
under this division may be assessed in the same manner as the tax 16077
imposed under this chapter. The first one hundred thousand dollars 16078
of the annual application fees collected each calendar year shall 16079
be credited to the revenue enhancement fund. The remainder of the 16080
annual application fees collected shall be distributed in the same 16081
manner required under section 5751.20 of the Revised Code. 16082

(vii) The tax commissioner may require that adequate security 16083
be posted by the operator of the distribution center on appeal 16084
when the commissioner disagrees that the applicant has met the 16085
minimum thresholds for a qualified distribution center as set 16086
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 16087
section. 16088

(aa) Receipts of an employer from payroll deductions relating 16089
to the reimbursement of the employer for advancing moneys to an 16090
unrelated third party on an employee's behalf; 16091

(bb) Cash discounts allowed and taken; 16092

(cc) Returns and allowances; 16093

(dd) Bad debts from receipts on the basis of which the tax 16094
imposed by this chapter was paid in a prior quarterly tax payment 16095
period. For the purpose of this division, "bad debts" means any 16096
debts that have become worthless or uncollectible between the 16097
preceding and current quarterly tax payment periods, have been 16098
uncollected for at least six months, and that may be claimed as a 16099
deduction under section 166 of the Internal Revenue Code and the 16100
regulations adopted under that section, or that could be claimed 16101
as such if the taxpayer kept its accounts on the accrual basis. 16102
"Bad debts" does not include repossessed property, uncollectible 16103
amounts on property that remains in the possession of the taxpayer 16104
until the full purchase price is paid, or expenses in attempting 16105

to collect any account receivable or for any portion of the debt 16106
recovered; 16107

(ee) Any amount realized from the sale of an account 16108
receivable to the extent the receipts from the underlying 16109
transaction giving rise to the account receivable were included in 16110
the gross receipts of the taxpayer; 16111

(ff) Any receipts directly attributed ~~to providing public~~ 16112
~~services pursuant to sections 126.60 to 126.605 of the Revised~~ 16113
~~Code, or any receipts directly attributed~~ to a transfer agreement 16114
or to the enterprise transferred under that agreement under 16115
section 4313.02 of the Revised Code. 16116

(gg)(i) As used in this division: 16117

(I) "Qualified uranium receipts" means receipts from the 16118
sale, exchange, lease, loan, production, processing, or other 16119
disposition of uranium within a uranium enrichment zone certified 16120
by the tax commissioner under division (F)(2)(gg)(ii) of this 16121
section. "Qualified uranium receipts" does not include any 16122
receipts with a situs in this state outside a uranium enrichment 16123
zone certified by the tax commissioner under division 16124
(F)(2)(gg)(ii) of this section. 16125

(II) "Uranium enrichment zone" means all real property that 16126
is part of a uranium enrichment facility licensed by the United 16127
States nuclear regulatory commission and that was or is owned or 16128
controlled by the United States department of energy or its 16129
successor. 16130

(ii) Any person that owns, leases, or operates real or 16131
tangible personal property constituting or located within a 16132
uranium enrichment zone may apply to the tax commissioner to have 16133
the uranium enrichment zone certified for the purpose of excluding 16134
qualified uranium receipts under division (F)(2)(gg) of this 16135
section. The application shall include such information that the 16136

tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) Amounts realized by licensed motor fuel dealers or licensed permissive motor fuel dealers from the exchange of petroleum products, including motor fuel, between such dealers, provided that delivery of the petroleum products occurs at a refinery, terminal, pipeline, or marine vessel and that the exchanging dealers agree neither dealer shall require monetary compensation from the other for the value of the exchanged petroleum products other than such compensation for differences in product location or grade. Division (F)(2)(hh) of this section does not apply to amounts realized as a result of differences in location or grade of exchanged petroleum products or from handling, lubricity, dye, or other additive injections fees, pipeline security fees, or similar fees. As used in this division, "motor fuel," "licensed motor fuel dealer," "licensed permissive motor fuel dealer," and "terminal" have the same meanings as in

section 5735.01 of the Revised Code. 16170

(ii) In the case of amounts collected by a licensed casino 16171
operator from casino gaming, amounts in excess of the casino 16172
operator's gross casino revenue. In this division, "casino 16173
operator" and "casino gaming" have the meanings defined in section 16174
3772.01 of the Revised Code, and "gross casino revenue" has the 16175
meaning defined in section 5753.01 of the Revised Code. 16176

(jj) Any receipts for which the tax imposed by this chapter 16177
is prohibited by the constitution or laws of the United States or 16178
the constitution of this state. 16179

(3) In the case of a taxpayer when acting as a real estate 16180
broker, "gross receipts" includes only the portion of any fee for 16181
the service of a real estate broker, or service of a real estate 16182
salesperson associated with that broker, that is retained by the 16183
broker and not paid to an associated real estate salesperson or 16184
another real estate broker. For the purposes of this division, 16185
"real estate broker" and "real estate salesperson" have the same 16186
meanings as in section 4735.01 of the Revised Code. 16187

(4) A taxpayer's method of accounting for gross receipts for 16188
a tax period shall be the same as the taxpayer's method of 16189
accounting for federal income tax purposes for the taxpayer's 16190
federal taxable year that includes the tax period. If a taxpayer's 16191
method of accounting for federal income tax purposes changes, its 16192
method of accounting for gross receipts under this chapter shall 16193
be changed accordingly. 16194

(G) "Taxable gross receipts" means gross receipts situated to 16195
this state under section 5751.033 of the Revised Code. 16196

(H) A person has "substantial nexus with this state" if any 16197
of the following applies. The person: 16198

(1) Owns or uses a part or all of its capital in this state; 16199

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	16200 16201
(3) Has bright-line presence in this state;	16202
(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.	16203 16204 16205
(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:	16206 16207 16208
(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.	16209 16210 16211 16212 16213
(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:	16214 16215 16216
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	16217 16218
(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	16219 16220 16221
(c) Any amount the person pays for services performed in this state on its behalf by another.	16222 16223
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	16224 16225
(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.	16226 16227 16228
(5) Is domiciled in this state as an individual or for	16229

corporate, commercial, or other business purposes. 16230

(J) "Tangible personal property" has the same meaning as in 16231
section 5739.01 of the Revised Code. 16232

(K) "Internal Revenue Code" means the Internal Revenue Code 16233
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 16234
this chapter that is not otherwise defined has the same meaning as 16235
when used in a comparable context in the laws of the United States 16236
relating to federal income taxes unless a different meaning is 16237
clearly required. Any reference in this chapter to the Internal 16238
Revenue Code includes other laws of the United States relating to 16239
federal income taxes. 16240

(L) "Calendar quarter" means a three-month period ending on 16241
the thirty-first day of March, the thirtieth day of June, the 16242
thirtieth day of September, or the thirty-first day of December. 16243

(M) "Tax period" means the calendar quarter or calendar year 16244
on the basis of which a taxpayer is required to pay the tax 16245
imposed under this chapter. 16246

(N) "Calendar year taxpayer" means a taxpayer for which the 16247
tax period is a calendar year. 16248

(O) "Calendar quarter taxpayer" means a taxpayer for which 16249
the tax period is a calendar quarter. 16250

(P) "Agent" means a person authorized by another person to 16251
act on its behalf to undertake a transaction for the other, 16252
including any of the following: 16253

(1) A person receiving a fee to sell financial instruments; 16254

(2) A person retaining only a commission from a transaction 16255
with the other proceeds from the transaction being remitted to 16256
another person; 16257

(3) A person issuing licenses and permits under section 16258
1533.13 of the Revised Code; 16259

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	16260 16261
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	16262 16263
(Q) "Received" includes amounts accrued under the accrual method of accounting.	16264 16265
(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.	16266 16267 16268 16269 16270 16271 16272
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 motor fuel receipts fund</u> , there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during the <u>a</u> calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by	16273 16274 16275 16276 16277 16278 16279 16280 16281 16282 16283 16284 16285 16286 16287 16288 16289 16290

this section is an annual privilege tax for the calendar year 16291
that, in the case of calendar year taxpayers, is the annual tax 16292
period and, in the case of calendar quarter taxpayers, contains 16293
all quarterly tax periods in the calendar year. A taxpayer is 16294
subject to the annual privilege tax for doing business during any 16295
portion of such calendar year. 16296

(B) The tax imposed by this section is a tax on the taxpayer 16297
and shall not be billed or invoiced to another person. Even if the 16298
tax or any portion thereof is billed or invoiced and separately 16299
stated, such amounts remain part of the price for purposes of the 16300
sales and use taxes levied under Chapters 5739. and 5741. of the 16301
Revised Code. Nothing in division (B) of this section prohibits: 16302

(1) A person from including in the price charged for a good 16303
or service an amount sufficient to recover the tax imposed by this 16304
section; or 16305

(2) A lessor from including an amount sufficient to recover 16306
the tax imposed by this section in a lease payment charged, or 16307
from including such an amount on a billing or invoice pursuant to 16308
the terms of a written lease agreement providing for the recovery 16309
of the lessor's tax costs. The recovery of such costs shall be 16310
based on an estimate of the total tax cost of the lessor during 16311
the tax period, as the tax liability of the lessor cannot be 16312
calculated until the end of that period. 16313

Sec. 5751.051. (A)(1) Not later than the tenth day of the 16314
second month after the end of each calendar quarter, every 16315
taxpayer other than a calendar year taxpayer shall file with the 16316
tax commissioner a tax return in such form as the commissioner 16317
prescribes. The return shall include, but is not limited to, the 16318
amount of the taxpayer's taxable gross receipts for the calendar 16319
quarter and shall indicate the amount of tax due under section 16320

5751.03 of the Revised Code for the calendar quarter. 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.

(2)(a) Subject to division (C) of section 5751.05 of the Revised Code, a calendar quarter taxpayer shall report the taxable gross receipts for that calendar quarter.

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) 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 16352
over-reported taxable gross receipts in the calendar year. 16353

Taxpayers reporting taxable gross receipts attributable to motor 16354
fuel used for propelling vehicles on public highways may not 16355
utilize the statutory estimation procedure provided in divisions 16356
(A)(2) and (3) of this section. 16357

(4) Because the tax imposed by this chapter is a privilege 16358
tax, the tax rate with respect to taxable gross receipts for a 16359
calendar quarter is not fixed until the end of the measurement 16360
period for each calendar quarter. Subject to division (A)(2)(b) of 16361
this section, the total amount of taxable gross receipts reported 16362
for a given calendar quarter shall be subject to the tax rate in 16363
effect in that quarter. 16364

(5) Not later than the tenth day of May following the end of 16365
each calendar year, every calendar year taxpayer shall file with 16366
the tax commissioner a tax return in such form as the commissioner 16367
prescribes. The return shall include, but is not limited to, the 16368
amount of the taxpayer's taxable gross receipts for the calendar 16369
year and shall indicate the amount of tax due under section 16370
5751.03 of the Revised Code for the calendar year. The taxpayer 16371
shall indicate on the return the portion of the taxpayer's 16372
receipts attributable to motor fuel used for propelling vehicles 16373
on public highways. 16374

(B)(1) A person that first becomes subject to the tax imposed 16375
under this chapter shall pay the minimum tax imposed under 16376
division (B) of section 5751.03 of the Revised Code on or before 16377
the day the return is required to be filed for that quarter under 16378
division (A)(1) of this section, regardless of whether the person 16379
registers as a calendar year taxpayer under section 5751.05 of the 16380
Revised Code. 16381

(2) The amount of the minimum tax for a person subject to 16382
division (B)(1) of this section shall be reduced to seventy-five 16383

dollars if the registration is timely filed after the first day of 16384
May and before the first day of January of the following calendar 16385
year. 16386

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 16387
the Revised Code: 16388

(1) "School district," "joint vocational school district," 16389
"local taxing unit," "recognized valuation," "fixed-rate levy," 16390
and "fixed-sum levy" have the same meanings as used in section 16391
5727.84 of the Revised Code. 16392

(2) "State education aid" for a school district means the 16393
following: 16394

(a) For fiscal years prior to fiscal year 2010, the sum of 16395
state aid amounts computed for the district under the following 16396
provisions, as they existed for the applicable fiscal year: 16397
division (A) of section 3317.022 of the Revised Code, including 16398
the amounts calculated under sections 3317.029 and 3317.0217 of 16399
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 16400
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 16401
divisions (L) and (N) of section 3317.024; section 3317.0216; and 16402
any unit payments for gifted student services paid under sections 16403
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 16404
for fiscal years 2008 and 2009, the amount computed for the 16405
district under Section 269.20.80 of H.B. 119 of the 127th general 16406
assembly and as that section subsequently may be amended shall be 16407
substituted for the amount computed under division (D) of section 16408
3317.022 of the Revised Code, and the amount computed under 16409
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 16410
that section subsequently may be amended shall be included. 16411

(b) For fiscal years 2010 and 2011, the sum of the amounts 16412
computed under former sections 3306.052, 3306.12, 3306.13, 16413
3306.19, 3306.191, and 3306.192 of the Revised Code; 16414

(c) For fiscal years 2012 and 2013, the sum of the amounts paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th general assembly.	16415 16416 16417
(3) "State education aid" for a joint vocational school district means the following:	16418 16419
(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.	16420 16421 16422 16423 16424 16425
(b) For fiscal years 2010 and 2011, the amount paid in accordance with Section 265.30.50 of H.B. 1 of the 128th general assembly.	16426 16427 16428
(c) For fiscal years 2012 and 2013, the amount paid in accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly.	16429 16430 16431
(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.	16432 16433 16434
(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.	16435 16436
(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.	16437 16438
(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.	16439 16440
(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.	16441 16442
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	16443 16444

- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 16445
16446
- (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. 16447
16448
16449
16450
- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 16451
16452
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 16453
16454
16455
- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 16456
16457
16458
- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 16459
16460
16461
- (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 16462
16463
16464
16465
16466
16467
- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 16468
16469
16470
16471
- (18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 16472
16473
- (19) "Telephone property fixed-rate levy loss" means the 16474

amount determined under division (D)(4) of this section. 16475

(20) "Taxes charged and payable" means taxes charged and 16476
payable after the reduction required by section 319.301 of the 16477
Revised Code but before the reductions required by sections 16478
319.302 and 323.152 of the Revised Code. 16479

(21) "Median estate tax collections" means, in the case of a 16480
municipal corporation to which revenue from the taxes levied in 16481
Chapter 5731. of the Revised Code was distributed in each of 16482
calendar years 2006, 2007, 2008, and 2009, the median of those 16483
distributions. In the case of a municipal corporation to which no 16484
distributions were made in one or more of those years, "median 16485
estate tax collections" means zero. 16486

(22) "Total resources," in the case of a school district, 16487
means the sum of the amounts in divisions (A)(22)(a) to (h) of 16488
this section less any reduction required under division (A)(32) or 16489
(33) of this section. 16490

(a) The state education aid for fiscal year 2010; 16491

(b) The sum of the payments received by the school district 16492
in fiscal year 2010 for current expense levy losses pursuant to 16493
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 16494
section 5751.21 of the Revised Code, excluding the portion of such 16495
payments attributable to levies for joint vocational school 16496
district purposes; 16497

(c) The sum of fixed-sum levy loss payments received by the 16498
school district in fiscal year 2010 pursuant to division (E)(1) of 16499
section 5727.85 and division (E)(1) of section 5751.21 of the 16500
Revised Code for fixed-sum levies charged and payable for a 16501
purpose other than paying debt charges; 16502

(d) Fifty per cent of the school district's taxes charged and 16503
payable against all property on the tax list of real and public 16504
utility property for current expense purposes for tax year 2008, 16505

including taxes charged and payable from emergency levies charged 16506
and payable under section 5709.194 of the Revised Code and 16507
excluding taxes levied for joint vocational school district 16508
purposes; 16509

(e) Fifty per cent of the school district's taxes charged and 16510
payable against all property on the tax list of real and public 16511
utility property for current expenses for tax year 2009, including 16512
taxes charged and payable from emergency levies and excluding 16513
taxes levied for joint vocational school district purposes; 16514

(f) The school district's taxes charged and payable against 16515
all property on the general tax list of personal property for 16516
current expenses for tax year 2009, including taxes charged and 16517
payable from emergency levies; 16518

(g) The amount certified for fiscal year 2010 under division 16519
(A)(2) of section 3317.08 of the Revised Code; 16520

(h) Distributions received during calendar year 2009 from 16521
taxes levied under section 718.09 of the Revised Code. 16522

(23) "Total resources," in the case of a joint vocational 16523
school district, means the sum of amounts in divisions (A)(23)(a) 16524
to (g) of this section less any reduction required under division 16525
(A)(32) of this section. 16526

(a) The state education aid for fiscal year 2010; 16527

(b) The sum of the payments received by the joint vocational 16528
school district in fiscal year 2010 for current expense levy 16529
losses pursuant to division (C)(2) of section 5727.85 and 16530
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 16531

(c) Fifty per cent of the joint vocational school district's 16532
taxes charged and payable against all property on the tax list of 16533
real and public utility property for current expense purposes for 16534
tax year 2008; 16535

(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;	16536 16537 16538 16539
(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;	16540 16541 16542 16543 16544
(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;	16545 16546 16547 16548 16549
(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.	16550 16551 16552
(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.	16553 16554 16555 16556
(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;	16557 16558 16559 16560 16561
(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.	16562 16563 16564 16565
(25) "Total resources," in the case of county senior services	16566

related functions, means the sum of the amounts in divisions 16567
(A)(25)(a) and (b) of this section less any reduction required 16568
under division (A)(32) of this section. 16569

(a) The sum of the payments received by the county for senior 16570
services related functions in calendar year 2010 under division 16571
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 16572
5751.22 of the Revised Code as they existed at that time; 16573

(b) With respect to taxes levied by the county for senior 16574
services related purposes, the taxes charged and payable for such 16575
purposes against all property on the tax list of real and public 16576
utility property for tax year 2009. 16577

(26) "Total resources," in the case of county children's 16578
services related functions, means the sum of the amounts in 16579
divisions (A)(26)(a) and (b) of this section less any reduction 16580
required under division (A)(32) of this section. 16581

(a) The sum of the payments received by the county for 16582
children's services related functions in calendar year 2010 under 16583
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 16584
section 5751.22 of the Revised Code as they existed at that time; 16585

(b) With respect to taxes levied by the county for children's 16586
services related purposes, the taxes charged and payable for such 16587
purposes against all property on the tax list of real and public 16588
utility property for tax year 2009. 16589

(27) "Total resources," in the case of county public health 16590
related functions, means the sum of the amounts in divisions 16591
(A)(27)(a) and (b) of this section less any reduction required 16592
under division (A)(32) of this section. 16593

(a) The sum of the payments received by the county for public 16594
health related functions in calendar year 2010 under division 16595
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 16596
5751.22 of the Revised Code as they existed at that time; 16597

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county'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 taxes levied by the county for all other 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, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division

(A)(32) or (33) of this section. 16629

(a) The sum of the payments received by the municipal 16630
corporation in calendar year 2010 for current expense levy losses 16631
under division (A)(1) of section 5727.86 and divisions (A)(1) and 16632
(2) of section 5751.22 of the Revised Code as they existed at that 16633
time; 16634

(b) The municipal corporation's percentage share of county 16635
undivided local government fund allocations as certified to the 16636
tax commissioner for calendar year 2010 by the county auditor 16637
under division (J) of section 5747.51 of the Revised Code or 16638
division (F) of section 5747.53 of the Revised Code multiplied by 16639
the total amount actually distributed in calendar year 2010 from 16640
the county undivided local government fund; 16641

(c) The sum of the amounts distributed to the municipal 16642
corporation in calendar year 2010 pursuant to section 5747.50 of 16643
the Revised Code; 16644

(d) With respect to taxes levied by the municipal 16645
corporation, the taxes charged and payable against all property on 16646
the tax list of real and public utility property for current 16647
expenses, defined in division (A)(35) of this section, for tax 16648
year 2009; 16649

(e) The amount of admissions tax collected by the municipal 16650
corporation in calendar year 2008, or if such information has not 16651
yet been reported to the tax commissioner, in the most recent year 16652
before 2008 for which the municipal corporation has reported data 16653
to the commissioner; 16654

(f) The amount of income taxes collected by the municipal 16655
corporation in calendar year 2008, or if such information has not 16656
yet been reported to the tax commissioner, in the most recent year 16657
before 2008 for which the municipal corporation has reported data 16658
to the commissioner; 16659

(g) The municipal corporation's median estate tax collections.	16660 16661
(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) or (33) of this section.	16662 16663 16664 16665
(a) The sum of the payments received by the township in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;	16666 16667 16668 16669 16670
(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;	16671 16672 16673 16674 16675 16676 16677
(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.	16678 16679 16680 16681
(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.	16682 16683 16684 16685 16686
(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;	16687 16688 16689 16690

(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;

(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;

(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;

(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 fiscal year 2010 as calculated by the board of regents and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total resources" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) In the case of a county, municipal corporation, school

district, or township with fixed-rate levy losses attributable to 16722
a tax levied under section 5705.23 of the Revised Code, "total 16723
resources" used to compute payments to be made under division 16724
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 16725
division (C)(12) of section 5751.21, or division (A)(1)(c) of 16726
section 5751.22 of the Revised Code shall be reduced by the 16727
amounts described in divisions (A)(34)(a) to (c) of this section 16728
to the extent that those amounts were included in calculating the 16729
"total resources" of the school district or local taxing unit 16730
under division (A)(22), (28), (29), or (30) of this section. 16731

(34) "Total library resources," in the case of a county, 16732
municipal corporation, school district, or township public library 16733
that receives the proceeds of a tax levied under section 5705.23 16734
of the Revised Code, means the sum of the amounts in divisions 16735
(A)(34)(a) to (c) of this section less any reduction required 16736
under division (A)(32) of this section. 16737

(a) The sum of the payments received by the county, municipal 16738
corporation, school district, or township public library in 16739
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 16740
Revised Code, as they existed at that time, for fixed-rate levy 16741
losses attributable to a tax levied under section 5705.23 of the 16742
Revised Code for the benefit of the public library; 16743

(b) The public library's percentage share of county undivided 16744
local government fund allocations as certified to the tax 16745
commissioner for calendar year 2010 by the county auditor under 16746
division (J) of section 5747.51 of the Revised Code or division 16747
(F) of section 5747.53 of the Revised Code multiplied by the total 16748
amount actually distributed in calendar year 2010 from the county 16749
undivided local government fund; 16750

(c) With respect to a tax levied pursuant to section 5705.23 16751
of the Revised Code for the benefit of the public library, the 16752
amount of such tax that is charged and payable against all 16753

property on the tax list of real and public utility property for 16754
tax year 2009 excluding any tax that is charged and payable for 16755
the purpose of paying debt charges. 16756

(35) "Municipal current expense property tax levies" means 16757
all property tax levies of a municipality, except those with the 16758
following levy names: airport resurfacing; bond or any levy name 16759
including the word "bond"; capital improvement or any levy name 16760
including the word "capital"; debt or any levy name including the 16761
word "debt"; equipment or any levy name including the word 16762
"equipment," unless the levy is for combined operating and 16763
equipment; employee termination fund; fire pension or any levy 16764
containing the word "pension," including police pensions; 16765
fireman's fund or any practically similar name; sinking fund; road 16766
improvements or any levy containing the word "road"; fire truck or 16767
apparatus; flood or any levy containing the word "flood"; 16768
conservancy district; county health; note retirement; sewage, or 16769
any levy containing the words "sewage" or "sewer"; park 16770
improvement; parkland acquisition; storm drain; street or any levy 16771
name containing the word "street"; lighting, or any levy name 16772
containing the word "lighting"; and water. 16773

(36) "Current expense TPP allocation" means, in the case of a 16774
school district or joint vocational school district, the sum of 16775
the payments received by the school district in fiscal year 2011 16776
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 16777
Revised Code to the extent paid for current expense levies. In the 16778
case of a municipal corporation, "current expense TPP allocation" 16779
means the sum of the payments received by the municipal 16780
corporation in calendar year 2010 pursuant to divisions (A)(1) and 16781
(2) of section 5751.22 of the Revised Code to the extent paid for 16782
municipal current expense property tax levies as defined in 16783
division (A)(35) of this section, excluding any such payments 16784
received for current expense levy losses attributable to a tax 16785

levied under section 5705.23 of the Revised Code. If a fixed-rate 16786
levy that is a qualifying levy is not charged and payable in any 16787
year after tax year 2010, "current expense TPP allocation" used to 16788
compute payments to be made under division (C)(12) of section 16789
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 16790
Revised Code in the tax years following the last year the levy is 16791
charged and payable shall be reduced to the extent that the 16792
payments are attributable to the fixed-rate levy loss of that levy 16793
as would be computed under divisions (C)(10) and (11) of section 16794
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 16795

(37) "TPP allocation" means the sum of payments received by a 16796
local taxing unit in calendar year 2010 pursuant to divisions 16797
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 16798
any such payments received for fixed-rate levy losses attributable 16799
to a tax levied under section 5705.23 of the Revised Code. If a 16800
fixed-rate levy that is a qualifying levy is not charged and 16801
payable in any year after tax year 2010, "TPP allocation" used to 16802
compute payments to be made under division (A)(1)(b) or (c) of 16803
section 5751.22 of the Revised Code in the tax years following the 16804
last year the levy is charged and payable shall be reduced to the 16805
extent that the payments are attributable to the fixed-rate levy 16806
loss of that levy as would be computed under division (A)(1) of 16807
that section. 16808

(38) "Total TPP allocation" means, in the case of a school 16809
district or joint vocational school district, the sum of the 16810
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 16811
and (11) and (D) of section 5751.21 of the Revised Code. In the 16812
case of a local taxing unit, "total TPP allocation" means the sum 16813
of payments received by the unit in calendar year 2010 pursuant to 16814
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 16815
Code. If a fixed-rate levy that is a qualifying levy is not 16816
charged and payable in any year after tax year 2010, "total TPP 16817

allocation" used to compute payments to be made under division 16818
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 16819
5751.22 of the Revised Code in the tax years following the last 16820
year the levy is charged and payable shall be reduced to the 16821
extent that the payments are attributable to the fixed-rate levy 16822
loss of that levy as would be computed under divisions (C)(10) and 16823
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 16824
the Revised Code. 16825

(39) "Non-current expense TPP allocation" means the 16826
difference of total TPP allocation minus the sum of current 16827
expense TPP allocation and the portion of total TPP allocation 16828
constituting reimbursement for debt levies, pursuant to division 16829
(D) of section 5751.21 of the Revised Code in the case of a school 16830
district or joint vocational school district and pursuant to 16831
division (A)(3) of section 5751.22 of the Revised Code in the case 16832
of a municipal corporation. 16833

(40) "TPP allocation for library purposes" means the sum of 16834
payments received by a county, municipal corporation, school 16835
district, or township public library in calendar year 2010 16836
pursuant to section 5751.22 of the Revised Code for fixed-rate 16837
levy losses attributable to a tax levied under section 5705.23 of 16838
the Revised Code. If a fixed-rate levy authorized under section 16839
5705.23 of the Revised Code that is a qualifying levy is not 16840
charged and payable in any year after tax year 2010, "TPP 16841
allocation for library purposes" used to compute payments to be 16842
made under division (A)(1)(d) of section 5751.22 of the Revised 16843
Code in the tax years following the last year the levy is charged 16844
and payable shall be reduced to the extent that the payments are 16845
attributable to the fixed-rate levy loss of that levy as would be 16846
computed under division (A)(1) of section 5751.22 of the Revised 16847
Code. 16848

(41) "Threshold per cent" means, in the case of a school 16849

district or joint vocational school district, two per cent for 16850
fiscal year 2012 and four per cent for fiscal years 2013 and 16851
thereafter. In the case of a local taxing unit or public library 16852
that receives the proceeds of a tax levied under section 5705.23 16853
of the Revised Code, "threshold per cent" means two per cent for 16854
tax year 2011, four per cent for tax year 2012, and six per cent 16855
for tax years 2013 and thereafter. 16856

(B)(1) The commercial activities tax receipts fund is hereby 16857
created in the state treasury and shall consist of money arising 16858
from the tax imposed under this chapter. Eighty-five 16859
one-hundredths of one per cent of the money credited to that fund 16860
shall be credited to the revenue enhancement fund and shall be 16861
used to defray the costs incurred by the department of taxation in 16862
administering the tax imposed by this chapter and in implementing 16863
tax reform measures. The remainder of the money in the commercial 16864
activities tax receipts fund shall first be credited ~~for each~~ 16865
~~fiscal year to the commercial activity tax motor fuel receipts~~ 16866
~~fund, pursuant to division (B)(2) of this section, and the~~ 16867
~~remainder shall be credited~~ in the following percentages each 16868
fiscal year to the general revenue fund, to the school district 16869
tangible property tax replacement fund, which is hereby created in 16870
the state treasury for the purpose of making the payments 16871
described in section 5751.21 of the Revised Code, and to the local 16872
government tangible property tax replacement fund, which is hereby 16873
created in the state treasury for the purpose of making the 16874
payments described in section 5751.22 of the Revised Code, in the 16875
following percentages: 16876

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%	16877 16878

2007	0%	70.0%	30.0%	16879
2008	0%	70.0%	30.0%	16880
2009	0%	70.0%	30.0%	16881
2010	0%	70.0%	30.0%	16882
2011	0%	70.0%	30.0%	16883
2012	25.0%	52.5%	22.5%	16884
2013 and thereafter	50.0%	35.0%	15.0%	16885

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(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;	16910
(d) For tax year 2009 and thereafter, one hundred per cent.	16911
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	16912 16913 16914
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	16915 16916 16917
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	16918 16919
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	16920 16921 16922
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	16923 16924 16925
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	16926 16927 16928
(a) For tax year 2006, twenty-five per cent;	16929
(b) For tax year 2007, fifty per cent;	16930
(c) For tax year 2008, seventy-five per cent;	16931
(d) For tax year 2009 and thereafter, one hundred per cent.	16932
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	16933 16934 16935 16936 16937 16938

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

(a) For tax year 2006, zero per cent;

(b) For tax year 2007, zero per cent;

(c) For tax year 2008, zero per cent;

(d) For tax year 2009, sixty per cent;

(e) For tax year 2010, eighty per cent;

(f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making

the computations under divisions (D)(1), (2), and (3) of this 16969
section, the tax year 2000 valuation is to be allocated to 16970
machinery and equipment, inventory, and furniture and fixtures 16971
property in the same proportions as the tax year 2004 values. For 16972
the purpose of the calculations in division (A) of section 5751.21 16973
of the Revised Code, the tax year 2004 taxable values shall be 16974
used. 16975

To facilitate the calculations required under division (C) of 16976
this section, the county auditor, upon request from the tax 16977
commissioner, shall provide by August 1, 2005, the values of 16978
machinery and equipment, inventory, and furniture and fixtures for 16979
all single-county personal property taxpayers for tax year 2004. 16980

(D) Not later than September 15, 2005, the tax commissioner 16981
shall determine for each tax year from 2006 through 2009 for each 16982
school district, joint vocational school district, and local 16983
taxing unit its machinery and equipment, inventory, and furniture 16984
and fixtures fixed-rate levy losses, and for each tax year from 16985
2006 through 2011 its telephone property fixed-rate levy loss. 16986
Except as provided in division (F) of this section, such losses 16987
are the applicable amounts described in divisions (D)(1), (2), 16988
(3), and (4) of this section: 16989

(1) The machinery and equipment fixed-rate levy loss is the 16990
machinery and equipment property tax value loss multiplied by the 16991
sum of the tax rates of fixed-rate qualifying levies. 16992

(2) The inventory fixed-rate loss is the inventory property 16993
tax value loss multiplied by the sum of the tax rates of 16994
fixed-rate qualifying levies. 16995

(3) The furniture and fixtures fixed-rate levy loss is the 16996
furniture and fixture property tax value loss multiplied by the 16997
sum of the tax rates of fixed-rate qualifying levies. 16998

(4) The telephone property fixed-rate levy loss is the 16999

telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies. 17000
17001

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section: 17002
17003
17004
17005
17006
17007

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy charged and payable under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy charged and payable under section 5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006. 17008
17009
17010
17011
17012
17013
17014
17015
17016
17017
17018
17019
17020
17021
17022
17023
17024
17025
17026
17027
17028
17029
17030

(2) The total taxable value in tax year 2004 less the sum of 17031

the machinery and equipment, inventory, furniture and fixtures, 17032
and telephone property tax value losses in each school district, 17033
joint vocational school district, and local taxing unit multiplied 17034
by one-half of one mill per dollar. 17035

(3) For the calculations in divisions (E)(1) and (2) of this 17036
section, the tax value losses are those that would be calculated 17037
for tax year 2009 under divisions (C)(1), (2), and (3) of this 17038
section and for tax year 2011 under division (C)(4) of this 17039
section. 17040

(4) To facilitate the calculation under divisions (D) and (E) 17041
of this section, not later than September 1, 2005, any school 17042
district, joint vocational school district, or local taxing unit 17043
that has a qualifying levy that was approved at an election 17044
conducted during 2005 before September 1, 2005, shall certify to 17045
the tax commissioner a copy of the county auditor's certificate of 17046
estimated property tax millage for such levy as required under 17047
division (B) of section 5705.03 of the Revised Code, which is the 17048
rate that shall be used in the calculations under such divisions. 17049

If the amount determined under division (E) of this section 17050
for any school district, joint vocational school district, or 17051
local taxing unit is greater than zero, that amount shall equal 17052
the reimbursement to be paid pursuant to division (E) of section 17053
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 17054
and the one-half of one mill that is subtracted under division 17055
(E)(2) of this section shall be apportioned among all contributing 17056
fixed-sum levies in the proportion that each levy bears to the sum 17057
of all fixed-sum levies within each school district, joint 17058
vocational school district, or local taxing unit. 17059

(F) If a school district levies a tax under section 5705.219 17060
of the Revised Code, the fixed-rate levy loss for qualifying 17061
levies, to the extent repealed under that section, shall equal the 17062
sum of the following amounts in lieu of the amounts computed for 17063

such levies under division (D) of this section: 17064

(1) The sum of the rates of qualifying levies to the extent 17065
so repealed multiplied by the sum of the machinery and equipment, 17066
inventory, and furniture and fixtures tax value losses for 2009 as 17067
determined under that division; 17068

(2) The sum of the rates of qualifying levies to the extent 17069
so repealed multiplied by the telephone property tax value loss 17070
for 2011 as determined under that division. 17071

The fixed-rate levy losses for qualifying levies to the 17072
extent not repealed under section 5705.219 of the Revised Code 17073
shall be as determined under division (D) of this section. The 17074
revised fixed-rate levy losses determined under this division and 17075
division (D) of this section first apply in the year following the 17076
first year the district levies the tax under section 5705.219 of 17077
the Revised Code. 17078

(G) Not later than October 1, 2005, the tax commissioner 17079
shall certify to the department of education for every school 17080
district and joint vocational school district the machinery and 17081
equipment, inventory, furniture and fixtures, and telephone 17082
property tax value losses determined under division (C) of this 17083
section, the machinery and equipment, inventory, furniture and 17084
fixtures, and telephone fixed-rate levy losses determined under 17085
division (D) of this section, and the fixed-sum levy losses 17086
calculated under division (E) of this section. The calculations 17087
under divisions (D) and (E) of this section shall separately 17088
display the levy loss for each levy eligible for reimbursement. 17089

(H) Not later than October 1, 2005, the tax commissioner 17090
shall certify the amount of the fixed-sum levy losses to the 17091
county auditor of each county in which a school district, joint 17092
vocational school district, or local taxing unit with a fixed-sum 17093
levy loss reimbursement has territory. 17094

(I) Not later than the twenty-eighth day of February each 17095
year beginning in 2011 and ending in 2014, the tax commissioner 17096
shall certify to the department of education for each school 17097
district first levying a tax under section 5705.219 of the Revised 17098
Code in the preceding year the revised fixed-rate levy losses 17099
determined under divisions (D) and (F) of this section. 17100

(J) There is hereby created in the state treasury the 17101
commercial activity tax motor fuel receipts fund. 17102

Section 101.02. That existing sections 9.33, 123.21, 126.06, 17103
126.503, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 17104
505.37, 505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 17105
2913.51, 2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 17106
3791.13, 3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 17107
4501.043, 4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 17108
4503.11, 4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 17109
4504.19, 4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 17110
4507.23, 4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 17111
4513.53, 4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 17112
4561.09, 4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 17113
4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 17114
4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 17115
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 17116
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 17117
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 17118
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 17119
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 17120
4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 17121
5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5503.31, 17122
5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 5533.121, 17123
5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 17124
5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 17125
5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 17126

5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 17127
5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 17128
5747.98, 5751.01, 5751.02, 5751.051, and 5751.20 and sections 17129
126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 17130
4766.02, 4766.20, 4981.36, 4981.361, and 5540.151 of the Revised 17131
Code are hereby repealed. 17132

Section 110.10. That the versions of sections 4501.01, 17133
4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that 17134
are scheduled to take effect January 1, 2017, be amended to read 17135
as follows: 17136

Sec. 4501.01. As used in this chapter and Chapters 4503., 17137
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 17138
Revised Code, and in the penal laws, except as otherwise provided: 17139

(A) "Vehicles" means everything on wheels or runners, 17140
including motorized bicycles, but does not mean electric personal 17141
assistive mobility devices, vehicles that are operated exclusively 17142
on rails or tracks or from overhead electric trolley wires, and 17143
vehicles that belong to any police department, municipal fire 17144
department, or volunteer fire department, or that are used by such 17145
a department in the discharge of its functions. 17146

(B) "Motor vehicle" means any vehicle, including mobile homes 17147
and recreational vehicles, that is propelled or drawn by power 17148
other than muscular power or power collected from overhead 17149
electric trolley wires. "Motor vehicle" does not include utility 17150
vehicles as defined in division (VV) of this section, under-speed 17151
vehicles as defined in division (XX) of this section, mini-trucks 17152
as defined in division (BBB) of this section, motorized bicycles, 17153
road rollers, traction engines, power shovels, power cranes, and 17154
other equipment used in construction work and not designed for or 17155
employed in general highway transportation, well-drilling 17156

machinery, ditch-digging machinery, farm machinery, and trailers 17157
that are designed and used exclusively to transport a boat between 17158
a place of storage and a marina, or in and around a marina, when 17159
drawn or towed on a public road or highway for a distance of no 17160
more than ten miles and at a speed of twenty-five miles per hour 17161
or less. 17162

(C) "Agricultural tractor" and "traction engine" mean any 17163
self-propelling vehicle that is designed or used for drawing other 17164
vehicles or wheeled machinery, but has no provisions for carrying 17165
loads independently of such other vehicles, and that is used 17166
principally for agricultural purposes. 17167

(D) "Commercial tractor," except as defined in division (C) 17168
of this section, means any motor vehicle that has motive power and 17169
either is designed or used for drawing other motor vehicles, or is 17170
designed or used for drawing another motor vehicle while carrying 17171
a portion of the other motor vehicle or its load, or both. 17172

(E) "Passenger car" means any motor vehicle that is designed 17173
and used for carrying not more than nine persons and includes any 17174
motor vehicle that is designed and used for carrying not more than 17175
fifteen persons in a ridesharing arrangement. 17176

(F) "Collector's vehicle" means any motor vehicle or 17177
agricultural tractor or traction engine that is of special 17178
interest, that has a fair market value of one hundred dollars or 17179
more, whether operable or not, and that is owned, operated, 17180
collected, preserved, restored, maintained, or used essentially as 17181
a collector's item, leisure pursuit, or investment, but not as the 17182
owner's principal means of transportation. "Licensed collector's 17183
vehicle" means a collector's vehicle, other than an agricultural 17184
tractor or traction engine, that displays current, valid license 17185
tags issued under section 4503.45 of the Revised Code, or a 17186
similar type of motor vehicle that displays current, valid license 17187
tags issued under substantially equivalent provisions in the laws 17188

of other states. 17189

(G) "Historical motor vehicle" means any motor vehicle that 17190
is over twenty-five years old and is owned solely as a collector's 17191
item and for participation in club activities, exhibitions, tours, 17192
parades, and similar uses, but that in no event is used for 17193
general transportation. 17194

(H) "Noncommercial motor vehicle" means any motor vehicle, 17195
including a farm truck as defined in section 4503.04 of the 17196
Revised Code, that is designed by the manufacturer to carry a load 17197
of no more than one ton and is used exclusively for purposes other 17198
than engaging in business for profit. 17199

(I) "Bus" means any motor vehicle that has motor power and is 17200
designed and used for carrying more than nine passengers, except 17201
any motor vehicle that is designed and used for carrying not more 17202
than fifteen passengers in a ridesharing arrangement. 17203

(J) "Commercial car" or "truck" means any motor vehicle that 17204
has motor power and is designed and used for carrying merchandise 17205
or freight, or that is used as a commercial tractor. 17206

(K) "Bicycle" means every device, other than a ~~tricycle~~ 17207
device that is designed solely for use as a play vehicle by a 17208
child, that is propelled solely by human power upon which ~~any~~ a 17209
person may ride, and that has two ~~tandem~~ or more wheels, ~~or one~~ 17210
~~wheel in front and two wheels in the rear, or two wheels in the~~ 17211
~~front and one wheel in the rear,~~ any of which is more than 17212
fourteen inches in diameter. 17213

(L) "Motorized bicycle" or "moped" means any vehicle that 17214
either has two tandem wheels or one wheel in the front and two 17215
wheels in the rear, that may be pedaled, and that is equipped with 17216
a helper motor of not more than fifty cubic centimeters piston 17217
displacement that produces no more than one brake horsepower and 17218
is capable of propelling the vehicle at a speed of no greater than 17219

twenty miles per hour on a level surface. 17220

(M) "Trailer" means any vehicle without motive power that is 17221
designed or used for carrying property or persons wholly on its 17222
own structure and for being drawn by a motor vehicle, and includes 17223
any such vehicle that is formed by or operated as a combination of 17224
a semitrailer and a vehicle of the dolly type such as that 17225
commonly known as a trailer dolly, a vehicle used to transport 17226
agricultural produce or agricultural production materials between 17227
a local place of storage or supply and the farm when drawn or 17228
towed on a public road or highway at a speed greater than 17229
twenty-five miles per hour, and a vehicle that is designed and 17230
used exclusively to transport a boat between a place of storage 17231
and a marina, or in and around a marina, when drawn or towed on a 17232
public road or highway for a distance of more than ten miles or at 17233
a speed of more than twenty-five miles per hour. "Trailer" does 17234
not include a manufactured home or travel trailer. 17235

(N) "Noncommercial trailer" means any trailer, except a 17236
travel trailer or trailer that is used to transport a boat as 17237
described in division (B) of this section, but, where applicable, 17238
includes a vehicle that is used to transport a boat as described 17239
in division (M) of this section, that has a gross weight of no 17240
more than ten thousand pounds, and that is used exclusively for 17241
purposes other than engaging in business for a profit, such as the 17242
transportation of personal items for personal or recreational 17243
purposes. 17244

(O) "Mobile home" means a building unit or assembly of closed 17245
construction that is fabricated in an off-site facility, is more 17246
than thirty-five body feet in length or, when erected on site, is 17247
three hundred twenty or more square feet, is built on a permanent 17248
chassis, is transportable in one or more sections, and does not 17249
qualify as a manufactured home as defined in division (C)(4) of 17250
section 3781.06 of the Revised Code or as an industrialized unit 17251

as defined in division (C)(3) of section 3781.06 of the Revised Code. 17252
17253

(P) "Semitrailer" means any vehicle of the trailer type that 17254
does not have motive power and is so designed or used with another 17255
and separate motor vehicle that in operation a part of its own 17256
weight or that of its load, or both, rests upon and is carried by 17257
the other vehicle furnishing the motive power for propelling 17258
itself and the vehicle referred to in this division, and includes, 17259
for the purpose only of registration and taxation under those 17260
chapters, any vehicle of the dolly type, such as a trailer dolly, 17261
that is designed or used for the conversion of a semitrailer into 17262
a trailer. 17263

(Q) "Recreational vehicle" means a vehicular portable 17264
structure that meets all of the following conditions: 17265

(1) It is designed for the sole purpose of recreational 17266
travel. 17267

(2) It is not used for the purpose of engaging in business 17268
for profit. 17269

(3) It is not used for the purpose of engaging in intrastate 17270
commerce. 17271

(4) It is not used for the purpose of commerce as defined in 17272
49 C.F.R. 383.5, as amended. 17273

(5) It is not regulated by the public utilities commission 17274
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 17275

(6) It is classed as one of the following: 17276

(a) "Travel trailer" or "house vehicle" means a 17277
nonsell-propelled recreational vehicle that does not exceed an 17278
overall length of forty feet, exclusive of bumper and tongue or 17279
coupling. "Travel trailer" includes a tent-type fold-out camping 17280
trailer as defined in section 4517.01 of the Revised Code. 17281

(b) "Motor home" means a self-propelled recreational vehicle 17282
that has no fifth wheel and is constructed with permanently 17283
installed facilities for cold storage, cooking and consuming of 17284
food, and for sleeping. 17285

(c) "Truck camper" means a nonself-propelled recreational 17286
vehicle that does not have wheels for road use and is designed to 17287
be placed upon and attached to a motor vehicle. "Truck camper" 17288
does not include truck covers that consist of walls and a roof, 17289
but do not have floors and facilities enabling them to be used as 17290
a dwelling. 17291

(d) "Fifth wheel trailer" means a vehicle that is of such 17292
size and weight as to be movable without a special highway permit, 17293
that is constructed with a raised forward section that allows a 17294
bi-level floor plan, and that is designed to be towed by a vehicle 17295
equipped with a fifth-wheel hitch ordinarily installed in the bed 17296
of a truck. 17297

(e) "Park trailer" means a vehicle that is commonly known as 17298
a park model recreational vehicle, meets the American national 17299
standard institute standard A119.5 (1988) for park trailers, is 17300
built on a single chassis, has a gross trailer area of four 17301
hundred square feet or less when set up, is designed for seasonal 17302
or temporary living quarters, and may be connected to utilities 17303
necessary for the operation of installed features and appliances. 17304

(R) "Pneumatic tires" means tires of rubber and fabric or 17305
tires of similar material, that are inflated with air. 17306

(S) "Solid tires" means tires of rubber or similar elastic 17307
material that are not dependent upon confined air for support of 17308
the load. 17309

(T) "Solid tire vehicle" means any vehicle that is equipped 17310
with two or more solid tires. 17311

(U) "Farm machinery" means all machines and tools that are 17312

used in the production, harvesting, and care of farm products, and 17313
includes trailers that are used to transport agricultural produce 17314
or agricultural production materials between a local place of 17315
storage or supply and the farm, agricultural tractors, threshing 17316
machinery, hay-baling machinery, corn shellers, hammermills, and 17317
machinery used in the production of horticultural, agricultural, 17318
and vegetable products. 17319

(V) "Owner" includes any person or firm, other than a 17320
manufacturer or dealer, that has title to a motor vehicle, except 17321
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 17322
includes in addition manufacturers and dealers. 17323

(W) "Manufacturer" and "dealer" include all persons and firms 17324
that are regularly engaged in the business of manufacturing, 17325
selling, displaying, offering for sale, or dealing in motor 17326
vehicles, at an established place of business that is used 17327
exclusively for the purpose of manufacturing, selling, displaying, 17328
offering for sale, or dealing in motor vehicles. A place of 17329
business that is used for manufacturing, selling, displaying, 17330
offering for sale, or dealing in motor vehicles shall be deemed to 17331
be used exclusively for those purposes even though snowmobiles or 17332
all-purpose vehicles are sold or displayed for sale thereat, even 17333
though farm machinery is sold or displayed for sale thereat, or 17334
even though repair, accessory, gasoline and oil, storage, parts, 17335
service, or paint departments are maintained thereat, or, in any 17336
county having a population of less than seventy-five thousand at 17337
the last federal census, even though a department in a place of 17338
business is used to dismantle, salvage, or rebuild motor vehicles 17339
by means of used parts, if such departments are operated for the 17340
purpose of furthering and assisting in the business of 17341
manufacturing, selling, displaying, offering for sale, or dealing 17342
in motor vehicles. Places of business or departments in a place of 17343
business used to dismantle, salvage, or rebuild motor vehicles by 17344

means of using used parts are not considered as being maintained 17345
for the purpose of assisting or furthering the manufacturing, 17346
selling, displaying, and offering for sale or dealing in motor 17347
vehicles. 17348

(X) "Operator" includes any person who drives or operates a 17349
motor vehicle upon the public highways. 17350

(Y) "Chauffeur" means any operator who operates a motor 17351
vehicle, other than a taxicab, as an employee for hire; or any 17352
operator whether or not the owner of a motor vehicle, other than a 17353
taxicab, who operates such vehicle for transporting, for gain, 17354
compensation, or profit, either persons or property owned by 17355
another. Any operator of a motor vehicle who is voluntarily 17356
involved in a ridesharing arrangement is not considered an 17357
employee for hire or operating such vehicle for gain, 17358
compensation, or profit. 17359

(Z) "State" includes the territories and federal districts of 17360
the United States, and the provinces of Canada. 17361

(AA) "Public roads and highways" for vehicles includes all 17362
public thoroughfares, bridges, and culverts. 17363

(BB) "Manufacturer's number" means the manufacturer's 17364
original serial number that is affixed to or imprinted upon the 17365
chassis or other part of the motor vehicle. 17366

(CC) "Motor number" means the manufacturer's original number 17367
that is affixed to or imprinted upon the engine or motor of the 17368
vehicle. 17369

(DD) "Distributor" means any person who is authorized by a 17370
motor vehicle manufacturer to distribute new motor vehicles to 17371
licensed motor vehicle dealers at an established place of business 17372
that is used exclusively for the purpose of distributing new motor 17373
vehicles to licensed motor vehicle dealers, except when the 17374
distributor also is a new motor vehicle dealer, in which case the 17375

distributor may distribute at the location of the distributor's 17376
licensed dealership. 17377

(EE) "Ridesharing arrangement" means the transportation of 17378
persons in a motor vehicle where the transportation is incidental 17379
to another purpose of a volunteer driver and includes ridesharing 17380
arrangements known as carpools, vanpools, and buspools. 17381

(FF) "Apportionable vehicle" means any vehicle that is used 17382
or intended for use in two or more international registration plan 17383
member jurisdictions that allocate or proportionally register 17384
vehicles, that is used for the transportation of persons for hire 17385
or designed, used, or maintained primarily for the transportation 17386
of property, and that meets any of the following qualifications: 17387

(1) Is a power unit having a gross vehicle weight in excess 17388
of twenty-six thousand pounds; 17389

(2) Is a power unit having three or more axles, regardless of 17390
the gross vehicle weight; 17391

(3) Is a combination vehicle with a gross vehicle weight in 17392
excess of twenty-six thousand pounds. 17393

"Apportionable vehicle" does not include recreational 17394
vehicles, vehicles displaying restricted plates, city pick-up and 17395
delivery vehicles, buses used for the transportation of chartered 17396
parties, or vehicles owned and operated by the United States, this 17397
state, or any political subdivisions thereof. 17398

(GG) "Chartered party" means a group of persons who contract 17399
as a group to acquire the exclusive use of a passenger-carrying 17400
motor vehicle at a fixed charge for the vehicle in accordance with 17401
the carrier's tariff, lawfully on file with the United States 17402
department of transportation, for the purpose of group travel to a 17403
specified destination or for a particular itinerary, either agreed 17404
upon in advance or modified by the chartered group after having 17405
left the place of origin. 17406

(HH) "International registration plan" means a reciprocal 17407
agreement of member jurisdictions that is endorsed by the American 17408
association of motor vehicle administrators, and that promotes and 17409
encourages the fullest possible use of the highway system by 17410
authorizing apportioned registration of fleets of vehicles and 17411
recognizing registration of vehicles apportioned in member 17412
jurisdictions. 17413

(II) "Restricted plate" means a license plate that has a 17414
restriction of time, geographic area, mileage, or commodity, and 17415
includes license plates issued to farm trucks under division (J) 17416
of section 4503.04 of the Revised Code. 17417

(JJ) "Gross vehicle weight," with regard to any commercial 17418
car, trailer, semitrailer, or bus that is taxed at the rates 17419
established under section 4503.042 or 4503.65 of the Revised Code, 17420
means the unladen weight of the vehicle fully equipped plus the 17421
maximum weight of the load to be carried on the vehicle. 17422

(KK) "Combined gross vehicle weight" with regard to any 17423
combination of a commercial car, trailer, and semitrailer, that is 17424
taxed at the rates established under section 4503.042 or 4503.65 17425
of the Revised Code, means the total unladen weight of the 17426
combination of vehicles fully equipped plus the maximum weight of 17427
the load to be carried on that combination of vehicles. 17428

(LL) "Chauffeured limousine" means a motor vehicle that is 17429
designed to carry nine or fewer passengers and is operated for 17430
hire on an hourly basis pursuant to a prearranged contract for the 17431
transportation of passengers on public roads and highways along a 17432
route under the control of the person hiring the vehicle and not 17433
over a defined and regular route. "Prearranged contract" means an 17434
agreement, made in advance of boarding, to provide transportation 17435
from a specific location in a chauffeured limousine at a fixed 17436
rate per hour or trip. "Chauffeured limousine" does not include 17437
any vehicle that is used exclusively in the business of funeral 17438

directing. 17439

(MM) "Manufactured home" has the same meaning as in division 17440
(C)(4) of section 3781.06 of the Revised Code. 17441

(NN) "Acquired situs," with respect to a manufactured home or 17442
a mobile home, means to become located in this state by the 17443
placement of the home on real property, but does not include the 17444
placement of a manufactured home or a mobile home in the inventory 17445
of a new motor vehicle dealer or the inventory of a manufacturer, 17446
remanufacturer, or distributor of manufactured or mobile homes. 17447

(OO) "Electronic" includes electrical, digital, magnetic, 17448
optical, electromagnetic, or any other form of technology that 17449
entails capabilities similar to these technologies. 17450

(PP) "Electronic record" means a record generated, 17451
communicated, received, or stored by electronic means for use in 17452
an information system or for transmission from one information 17453
system to another. 17454

(QQ) "Electronic signature" means a signature in electronic 17455
form attached to or logically associated with an electronic 17456
record. 17457

(RR) "Financial transaction device" has the same meaning as 17458
in division (A) of section 113.40 of the Revised Code. 17459

(SS) "Electronic motor vehicle dealer" means a motor vehicle 17460
dealer licensed under Chapter 4517. of the Revised Code whom the 17461
registrar of motor vehicles determines meets the criteria 17462
designated in section 4503.035 of the Revised Code for electronic 17463
motor vehicle dealers and designates as an electronic motor 17464
vehicle dealer under that section. 17465

(TT) "Electric personal assistive mobility device" means a 17466
self-balancing two non-tandem wheeled device that is designed to 17467
transport only one person, has an electric propulsion system of an 17468

average of seven hundred fifty watts, and when ridden on a paved 17469
level surface by an operator who weighs one hundred seventy pounds 17470
has a maximum speed of less than twenty miles per hour. 17471

(UU) "Limited driving privileges" means the privilege to 17472
operate a motor vehicle that a court grants under section 4510.021 17473
of the Revised Code to a person whose driver's or commercial 17474
driver's license or permit or nonresident operating privilege has 17475
been suspended. 17476

(VV) "Utility vehicle" means a self-propelled vehicle 17477
designed with a bed, principally for the purpose of transporting 17478
material or cargo in connection with construction, agricultural, 17479
forestry, grounds maintenance, lawn and garden, materials 17480
handling, or similar activities. 17481

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 17482
vehicle with an attainable speed in one mile on a paved level 17483
surface of more than twenty miles per hour but not more than 17484
twenty-five miles per hour and with a gross vehicle weight rating 17485
less than three thousand pounds. 17486

(XX) "Under-speed vehicle" means a three- or four-wheeled 17487
vehicle, including a vehicle commonly known as a golf cart, with 17488
an attainable speed on a paved level surface of not more than 17489
twenty miles per hour and with a gross vehicle weight rating less 17490
than three thousand pounds. 17491

(YY) "Motor-driven cycle or motor scooter" means any vehicle 17492
designed to travel on not more than three wheels in contact with 17493
the ground, with a seat for the driver and floor pad for the 17494
driver's feet, and is equipped with a motor with a piston 17495
displacement between fifty and one hundred fifty cubic centimeters 17496
piston displacement that produces not more than five brake 17497
horsepower and is capable of propelling the vehicle at a speed 17498
greater than twenty miles per hour on a level surface. 17499

(ZZ) "Motorcycle" means a motor vehicle with motive power 17500
having a seat or saddle for the use of the operator, designed to 17501
travel on not more than three wheels in contact with the ground, 17502
and having no occupant compartment top or occupant compartment top 17503
that can be installed or removed by the user. 17504

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 17505
motive power having a seat or saddle for the use of the operator, 17506
designed to travel on not more than three wheels in contact with 17507
the ground, and having an occupant compartment top or an occupant 17508
compartment top that can be installed or removed by the user. 17509

(BBB) "Mini-truck" means a vehicle that has four wheels, is 17510
propelled by an electric motor with a rated power of seven 17511
thousand five hundred watts or less or an internal combustion 17512
engine with a piston displacement capacity of six hundred sixty 17513
cubic centimeters or less, has a total dry weight of nine hundred 17514
to two thousand two hundred pounds, contains an enclosed cabin and 17515
a seat for the vehicle operator, resembles a pickup truck or van 17516
with a cargo area or bed located at the rear of the vehicle, and 17517
was not originally manufactured to meet federal motor vehicle 17518
safety standards. 17519

Sec. 4503.04. Except as provided in sections 4503.042 and 17520
4503.65 of the Revised Code for the registration of commercial 17521
cars, trailers, semitrailers, and certain buses, the rates of the 17522
taxes imposed by section 4503.02 of the Revised Code shall be as 17523
follows: 17524

(A)(1) For motor vehicles having three wheels or less, the 17525
license tax is: 17526

(a) For each motorized bicycle or moped, ten dollars; 17527

(b) For each motorcycle, cab-enclosed motorcycle, 17528
motor-driven cycle, or motor scooter, fourteen dollars. 17529

(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.	17530 17531
(B) For each passenger car, twenty dollars;	17532
(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;	17533 17534
(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;	17535 17536 17537 17538 17539 17540
(E) For each noncommercial trailer, the license tax is:	17541
(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;	17542 17543 17544
(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.	17545 17546 17547
(F) Notwithstanding its weight, twelve dollars for any:	17548
(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;	17549 17550 17551
(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;	17552 17553 17554 17555
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	17556 17557
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a	17558 17559

ridesharing arrangement. 17560

(H) For each transit bus having motor power the license tax 17561
is twelve dollars. 17562

"Transit bus" means either a motor vehicle having a seating 17563
capacity of more than seven persons which is operated and used by 17564
any person in the rendition of a public mass transportation 17565
service primarily in a municipal corporation or municipal 17566
corporations and provided at least seventy-five per cent of the 17567
annual mileage of such service and use is within such municipal 17568
corporation or municipal corporations or a motor vehicle having a 17569
seating capacity of more than seven persons which is operated 17570
solely for the transportation of persons associated with a 17571
charitable or nonprofit corporation, but does not mean any motor 17572
vehicle having a seating capacity of more than seven persons when 17573
such vehicle is used in a ridesharing capacity or any bus 17574
described by division (F)(3) of this section. 17575

The application for registration of such transit bus shall be 17576
accompanied by an affidavit prescribed by the registrar of motor 17577
vehicles and signed by the person or an agent of the firm or 17578
corporation operating such bus stating that the bus has a seating 17579
capacity of more than seven persons, and that it is either to be 17580
operated and used in the rendition of a public mass transportation 17581
service and that at least seventy-five per cent of the annual 17582
mileage of such operation and use shall be within one or more 17583
municipal corporations or that it is to be operated solely for the 17584
transportation of persons associated with a charitable or 17585
nonprofit corporation. 17586

The form of the license plate, and the manner of its 17587
attachment to the vehicle, shall be prescribed by the registrar of 17588
motor vehicles. 17589

(I) Except as otherwise provided in division (A) or (J) of 17590

this section, the minimum tax for any vehicle having motor power 17591
is ten dollars and eighty cents, and for each noncommercial 17592
trailer, five dollars. 17593

(J)(1) Except as otherwise provided in division (J) of this 17594
section, for each farm truck, except a noncommercial motor 17595
vehicle, that is owned, controlled, or operated by one or more 17596
farmers exclusively in farm use as defined in this section, and 17597
not for commercial purposes, and provided that at least 17598
seventy-five per cent of such farm use is by or for the one or 17599
more owners, controllers, or operators of the farm in the 17600
operation of which a farm truck is used, the license tax is five 17601
dollars plus: 17602

(a) Fifty cents per one hundred pounds or part thereof for 17603
the first three thousand pounds; 17604

(b) Seventy cents per one hundred pounds or part thereof in 17605
excess of three thousand pounds up to and including four thousand 17606
pounds; 17607

(c) Ninety cents per one hundred pounds or part thereof in 17608
excess of four thousand pounds up to and including six thousand 17609
pounds; 17610

(d) Two dollars for each one hundred pounds or part thereof 17611
in excess of six thousand pounds up to and including ten thousand 17612
pounds; 17613

(e) Two dollars and twenty-five cents for each one hundred 17614
pounds or part thereof in excess of ten thousand pounds; 17615

(f) The minimum license tax for any farm truck shall be 17616
twelve dollars. 17617

(2) The owner of a farm truck may register the truck for a 17618
period of one-half year by paying one-half the registration tax 17619
imposed on the truck under this chapter and one-half the amount of 17620

any tax imposed on the truck under Chapter 4504. of the Revised Code. 17621
17622

(3) A farm bus may be registered for a period of ~~ninety two~~ hundred ten days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than ~~any two ninety day periods~~ one such period in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products. 17623
17624
17625
17626
17627
17628
17629

(4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety. 17630
17631
17632

(5) Every person registering a farm truck or bus under this section shall furnish an affidavit certifying that the truck or bus licensed to that person is to be so used as to meet the requirements necessary for the farm truck or farm bus classification. 17633
17634
17635
17636
17637

Any farmer may use a truck owned by the farmer for commercial purposes by paying the difference between the commercial truck registration fee and the farm truck registration fee for the remaining part of the registration period for which the truck is registered. Such remainder shall be calculated from the beginning of the semiannual period in which application for such commercial license is made. 17638
17639
17640
17641
17642
17643
17644

Taxes at the rates provided in this section are in lieu of all taxes on or with respect to the ownership of such motor vehicles, except as provided in section 4503.042 and section 4503.06 of the Revised Code. 17645
17646
17647
17648

(K) Other than trucks registered under the international registration plan in another jurisdiction and for which this state has received an apportioned registration fee, the license tax for 17649
17650
17651

each truck which is owned, controlled, or operated by a 17652
nonresident, and licensed in another state, and which is used 17653
exclusively for the transportation of nonprocessed agricultural 17654
products intrastate, from the place of production to the place of 17655
processing, is twenty-four dollars. 17656

"Truck," as used in this division, means any pickup truck, 17657
straight truck, semitrailer, or trailer other than a travel 17658
trailer. Nonprocessed agricultural products, as used in this 17659
division, does not include livestock or grain. 17660

A license issued under this division shall be issued for a 17661
period of one hundred thirty days in the same manner in which all 17662
other licenses are issued under this section, provided that no 17663
truck shall be so licensed for more than one 17664
one-hundred-thirty-day period during any calendar year. 17665

The license issued pursuant to this division shall consist of 17666
a windshield decal to be designed by the director of public 17667
safety. 17668

Every person registering a truck under this division shall 17669
furnish an affidavit certifying that the truck licensed to the 17670
person is to be used exclusively for the purposes specified in 17671
this division. 17672

(L) Every person registering a motor vehicle as a 17673
noncommercial motor vehicle as defined in section 4501.01 of the 17674
Revised Code, or registering a trailer as a noncommercial trailer 17675
as defined in that section, shall furnish an affidavit certifying 17676
that the motor vehicle or trailer so licensed to the person is to 17677
be so used as to meet the requirements necessary for the 17678
noncommercial vehicle classification. 17679

(M) Every person registering a van or bus as provided in 17680
divisions (F)(2) and (3) of this section shall furnish a notarized 17681
statement certifying that the van or bus licensed to the person is 17682

to be used for the purposes specified in those divisions. The form 17683
of the license plate issued for such motor vehicles shall be 17684
prescribed by the registrar. 17685

(N) Every person registering as a passenger car a motor 17686
vehicle designed and used for carrying more than nine but not more 17687
than fifteen passengers, and every person registering a bus as 17688
provided in division (G) of this section, shall furnish an 17689
affidavit certifying that the vehicle so licensed to the person is 17690
to be used in a ridesharing arrangement and that the person will 17691
have in effect whenever the vehicle is used in a ridesharing 17692
arrangement a policy of liability insurance with respect to the 17693
motor vehicle in amounts and coverages no less than those required 17694
by section 4509.79 of the Revised Code. The form of the license 17695
plate issued for such a motor vehicle shall be prescribed by the 17696
registrar. 17697

(O)(1) Commencing on October 1, 2009, if an application for 17698
registration renewal is not applied for prior to the expiration 17699
date of the registration or within ~~seven~~ thirty days after that 17700
date, the registrar or deputy registrar shall collect a fee of 17701
~~twenty~~ ten dollars for the issuance of the vehicle registration. 17702
For any motor vehicle that is used on a seasonal basis, whether 17703
used for general transportation or not, and that has not been used 17704
on the public roads or highways since the expiration of the 17705
registration, the registrar or deputy registrar shall waive the 17706
fee established under this division if the application is 17707
accompanied by supporting evidence of seasonal use as the 17708
registrar may require. The registrar or deputy registrar may waive 17709
the fee for other good cause shown if the application is 17710
accompanied by supporting evidence as the registrar may require. 17711
The fee shall be in addition to all other fees established by this 17712
section. A deputy registrar shall retain fifty cents of the fee 17713
and shall transmit the remaining amount to the registrar at the 17714

time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

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

(P) As used in this section:

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

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

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

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

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

Sec. 4503.22. The identification license plate shall consist

of a placard upon the face of which shall appear the distinctive 17745
number assigned to the motor vehicle as provided in section 17746
4503.19 of the Revised Code, in Arabic numerals or letters, or 17747
both. The dimensions of the numerals or letters and of each stroke 17748
shall be determined by the director of public safety. The license 17749
placard also shall contain the name of this state and the slogan 17750
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 17751
aluminum, plastic, or any other suitable material, and the 17752
background shall be treated with a reflective material that shall 17753
provide effective and dependable reflective brightness during the 17754
service period required of the placard. Specifications for the 17755
reflective and other materials and the design of the placard, the 17756
county identification stickers as provided by section 4503.19 of 17757
the Revised Code, and validation stickers as provided by section 17758
4503.191 of the Revised Code, shall be adopted by the director as 17759
rules under sections 119.01 to 119.13 of the Revised Code. The 17760
identification license plate of motorized bicycles or mopeds, 17761
motor-driven cycles or motor scooters, cab-enclosed motorcycles, 17762
and motorcycles shall consist of a single placard, the size of 17763
which shall be prescribed by the director. The identification 17764
plate of a vehicle registered in accordance with the international 17765
registration plan shall contain the word "apportioned." The 17766
director may prescribe the type of placard, or means of fastening 17767
the placard, or both; the placard or means of fastening may be so 17768
designed and constructed as to render difficult the removal of the 17769
placard after it has been fastened to a motor vehicle. 17770

Sec. 4507.05. (A) The registrar of motor vehicles, or a 17771
deputy registrar, upon receiving an application for a temporary 17772
instruction permit and a temporary instruction permit 17773
identification card for a driver's license from any person who is 17774
at least fifteen years six months of age, may issue such a permit 17775
and identification card entitling the applicant to drive a motor 17776

vehicle, other than a commercial motor vehicle, upon the highways 17777
under the following conditions: 17778

(1) If the permit is issued to a person who is at least 17779
fifteen years six months of age, but less than sixteen years of 17780
age: 17781

(a) The permit and identification card are in the holder's 17782
immediate possession; 17783

(b) The holder is accompanied by an eligible adult who 17784
actually occupies the seat beside the permit holder and does not 17785
have a prohibited concentration of alcohol in the whole blood, 17786
blood serum or plasma, breath, or urine as provided in division 17787
(A) of section 4511.19 of the Revised Code; 17788

(c) The total number of occupants of the vehicle does not 17789
exceed the total number of occupant restraining devices originally 17790
installed in the motor vehicle by its manufacturer, and each 17791
occupant of the vehicle is wearing all of the available elements 17792
of a properly adjusted occupant restraining device. 17793

(2) If the permit is issued to a person who is at least 17794
sixteen years of age: 17795

(a) The permit and identification card are in the holder's 17796
immediate possession; 17797

(b) The holder is accompanied by a licensed operator who is 17798
at least twenty-one years of age, is actually occupying a seat 17799
beside the driver, and does not have a prohibited concentration of 17800
alcohol in the whole blood, blood serum or plasma, breath, or 17801
urine as provided in division (A) of section 4511.19 of the 17802
Revised Code; 17803

(c) The total number of occupants of the vehicle does not 17804
exceed the total number of occupant restraining devices originally 17805
installed in the motor vehicle by its manufacturer, and each 17806

occupant of the vehicle is wearing all of the available elements 17807
of a properly adjusted occupant restraining device. 17808

(B) The registrar or a deputy registrar, upon receiving from 17809
any person an application for a temporary instruction permit and 17810
temporary instruction permit identification card to operate a 17811
motorcycle, motor-driven cycle or motor scooter, or motorized 17812
bicycle, may issue such a permit and identification card entitling 17813
the applicant, while having the permit and identification card in 17814
the applicant's immediate possession, to drive a motorcycle or 17815
motor-driven cycle or motor scooter, under the restrictions 17816
prescribed in section 4511.53 of the Revised Code, or to drive a 17817
motorized bicycle under restrictions determined by the registrar. 17818
A temporary instruction permit and temporary instruction permit 17819
identification card to operate a motorized bicycle may be issued 17820
to a person fourteen or fifteen years old. 17821

(C) Any permit and identification card issued under this 17822
section shall be issued in the same manner as a driver's license, 17823
upon a form to be furnished by the registrar. A temporary 17824
instruction permit to drive a motor vehicle other than a 17825
commercial motor vehicle shall be valid for a period of one year. 17826

(D) Any person having in the person's possession a valid and 17827
current driver's license or motorcycle operator's license or 17828
endorsement issued to the person by another jurisdiction 17829
recognized by this state is exempt from obtaining a temporary 17830
instruction permit for a driver's license, ~~but shall submit and~~ 17831
from submitting to the examination for a temporary instruction 17832
permit and the regular examination in for obtaining a driver's 17833
license or motorcycle operator's endorsement in this state if the 17834
person does all of the following: 17835

(1) Submits to and passes vision screening as provided in 17836
section 4507.12 of the Revised Code; 17837

(2) Surrenders to the registrar or deputy registrar the person's driver's license issued by the other jurisdiction; and 17838
17839

(3) Complies with all other applicable requirements for issuance by this state of a driver's license, driver's license with a motorcycle operator's endorsement, or restricted license to operate a motorcycle. 17840
17841
17842
17843

If the person does not comply with all the requirements of this division, the person shall submit to the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state in order to obtain such a license or endorsement. 17844
17845
17846
17847
17848

(E) The registrar may adopt rules governing the use of temporary instruction permits and temporary instruction permit identification cards. 17849
17850
17851

(F)(1) No holder of a permit issued under division (A) of this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section. 17852
17853
17854
17855
17856

(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. 17857
17858
17859
17860
17861
17862
17863

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 17864
17865
17866
17867
17868

a.m. if, at the time of such operation, the holder is accompanied 17869
by the holder's parent, guardian, or custodian, and the parent, 17870
guardian, or custodian holds a current valid driver's or 17871
commercial driver's license issued by this state, is actually 17872
occupying a seat beside the permit holder, and does not have a 17873
prohibited concentration of alcohol in the whole blood, blood 17874
serum or plasma, breath, or urine as provided in division (A) of 17875
section 4511.19 of the Revised Code. 17876

(G)(1) Notwithstanding any other provision of law to the 17877
contrary, no law enforcement officer shall cause the operator of a 17878
motor vehicle being operated on any street or highway to stop the 17879
motor vehicle for the sole purpose of determining whether each 17880
occupant of the motor vehicle is wearing all of the available 17881
elements of a properly adjusted occupant restraining device as 17882
required by division (A) of this section, or for the sole purpose 17883
of issuing a ticket, citation, or summons if the requirement in 17884
that division has been or is being violated, or for causing the 17885
arrest of or commencing a prosecution of a person for a violation 17886
of that requirement. 17887

(2) Notwithstanding any other provision of law to the 17888
contrary, no law enforcement officer shall cause the operator of a 17889
motor vehicle being operated on any street or highway to stop the 17890
motor vehicle for the sole purpose of determining whether a 17891
violation of division (F)(2) of this section has been or is being 17892
committed or for the sole purpose of issuing a ticket, citation, 17893
or summons for such a violation or for causing the arrest of or 17894
commencing a prosecution of a person for such violation. 17895

(H) As used in this section: 17896

(1) "Eligible adult" means any of the following: 17897

(a) An instructor of a driver training course approved by the 17898
department of public safety; 17899

(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state: 17900
17901

(i) A parent, guardian, or custodian of the permit holder; 17902

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder. 17903
17904

(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code. 17905
17906

(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor. 17907
17908

Sec. 4511.01. As used in this chapter and in Chapter 4513. of the Revised Code: 17909
17910

(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. 17911
17912
17913
17914
17915
17916
17917
17918

(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 of no more than ten miles and at a speed of twenty-five miles per 17919
17920
17921
17922
17923
17924
17925
17926
17927
17928
17929

hour or less. 17930

(C) "Motorcycle" means every motor vehicle, other than a 17931
tractor, having a seat or saddle for the use of the operator and 17932
designed to travel on not more than three wheels in contact with 17933
the ground, including, but not limited to, motor vehicles known as 17934
"motor-driven cycle," "motor scooter," "cab-enclosed motorcycle," 17935
or "motorcycle" without regard to weight or brake horsepower. 17936

(D) "Emergency vehicle" means emergency vehicles of 17937
municipal, township, or county departments or public utility 17938
corporations when identified as such as required by law, the 17939
director of public safety, or local authorities, and motor 17940
vehicles when commandeered by a police officer. 17941

(E) "Public safety vehicle" means any of the following: 17942

(1) Ambulances, including private ambulance companies under 17943
contract to a municipal corporation, township, or county, and 17944
private ambulances and nontransport vehicles bearing license 17945
plates issued under section 4503.49 of the Revised Code; 17946

(2) Motor vehicles used by public law enforcement officers or 17947
other persons sworn to enforce the criminal and traffic laws of 17948
the state; 17949

(3) Any motor vehicle when properly identified as required by 17950
the director of public safety, when used in response to fire 17951
emergency calls or to provide emergency medical service to ill or 17952
injured persons, and when operated by a duly qualified person who 17953
is a member of a volunteer rescue service or a volunteer fire 17954
department, and who is on duty pursuant to the rules or directives 17955
of that service. The state fire marshal shall be designated by the 17956
director of public safety as the certifying agency for all public 17957
safety vehicles described in division (E)(3) of this section. 17958

(4) Vehicles used by fire departments, including motor 17959
vehicles when used by volunteer fire fighters responding to 17960

emergency calls in the fire department service when identified as 17961
required by the director of public safety. 17962

Any vehicle used to transport or provide emergency medical 17963
service to an ill or injured person, when certified as a public 17964
safety vehicle, shall be considered a public safety vehicle when 17965
transporting an ill or injured person to a hospital regardless of 17966
whether such vehicle has already passed a hospital. 17967

(5) Vehicles used by the motor carrier enforcement unit for 17968
the enforcement of orders and rules of the public utilities 17969
commission as specified in section 5503.34 of the Revised Code. 17970

(F) "School bus" means every bus designed for carrying more 17971
than nine passengers that is owned by a public, private, or 17972
governmental agency or institution of learning and operated for 17973
the transportation of children to or from a school session or a 17974
school function, or owned by a private person and operated for 17975
compensation for the transportation of children to or from a 17976
school session or a school function, provided "school bus" does 17977
not include a bus operated by a municipally owned transportation 17978
system, a mass transit company operating exclusively within the 17979
territorial limits of a municipal corporation, or within such 17980
limits and the territorial limits of municipal corporations 17981
immediately contiguous to such municipal corporation, nor a common 17982
passenger carrier certified by the public utilities commission 17983
unless such bus is devoted exclusively to the transportation of 17984
children to and from a school session or a school function, and 17985
"school bus" does not include a van or bus used by a licensed 17986
child day-care center or type A family day-care home to transport 17987
children from the child day-care center or type A family day-care 17988
home to a school if the van or bus does not have more than fifteen 17989
children in the van or bus at any time. 17990

(G) "Bicycle" means every device, other than a ~~tricycle~~ 17991
device that is designed solely for use as a play vehicle by a 17992

child, that is propelled solely by human power upon which ~~any a~~ 17993
person may ride having, and that has two ~~tandem or more~~ wheels, ~~or~~ 17994
~~one wheel in the front and two wheels in the rear, or two wheels~~ 17995
~~in the front and one wheel in the rear,~~ any of which is more than 17996
fourteen inches in diameter. 17997

(H) "Motorized bicycle" or "moped" means any vehicle having 17998
either two tandem wheels or one wheel in the front and two wheels 17999
in the rear, that may be pedaled, and that is equipped with a 18000
helper motor of not more than fifty cubic centimeters piston 18001
displacement that produces no more than one brake horsepower and 18002
is capable of propelling the vehicle at a speed of no greater than 18003
twenty miles per hour on a level surface. 18004

(I) "Commercial tractor" means every motor vehicle having 18005
motive power designed or used for drawing other vehicles and not 18006
so constructed as to carry any load thereon, or designed or used 18007
for drawing other vehicles while carrying a portion of such other 18008
vehicles, or load thereon, or both. 18009

(J) "Agricultural tractor" means every self-propelling 18010
vehicle designed or used for drawing other vehicles or wheeled 18011
machinery but having no provision for carrying loads independently 18012
of such other vehicles, and used principally for agricultural 18013
purposes. 18014

(K) "Truck" means every motor vehicle, except trailers and 18015
semitrailers, designed and used to carry property. 18016

(L) "Bus" means every motor vehicle designed for carrying 18017
more than nine passengers and used for the transportation of 18018
persons other than in a ridesharing arrangement, and every motor 18019
vehicle, automobile for hire, or funeral car, other than a taxicab 18020
or motor vehicle used in a ridesharing arrangement, designed and 18021
used for the transportation of persons for compensation. 18022

(M) "Trailer" means every vehicle designed or used for 18023

carrying persons or property wholly on its own structure and for 18024
being drawn by a motor vehicle, including any such vehicle when 18025
formed by or operated as a combination of a "semitrailer" and a 18026
vehicle of the dolly type, such as that commonly known as a 18027
"trailer dolly," a vehicle used to transport agricultural produce 18028
or agricultural production materials between a local place of 18029
storage or supply and the farm when drawn or towed on a street or 18030
highway at a speed greater than twenty-five miles per hour, and a 18031
vehicle designed and used exclusively to transport a boat between 18032
a place of storage and a marina, or in and around a marina, when 18033
drawn or towed on a street or highway for a distance of more than 18034
ten miles or at a speed of more than twenty-five miles per hour. 18035

(N) "Semitrailer" means every vehicle designed or used for 18036
carrying persons or property with another and separate motor 18037
vehicle so that in operation a part of its own weight or that of 18038
its load, or both, rests upon and is carried by another vehicle. 18039

(O) "Pole trailer" means every trailer or semitrailer 18040
attached to the towing vehicle by means of a reach, pole, or by 18041
being boomed or otherwise secured to the towing vehicle, and 18042
ordinarily used for transporting long or irregular shaped loads 18043
such as poles, pipes, or structural members capable, generally, of 18044
sustaining themselves as beams between the supporting connections. 18045

(P) "Railroad" means a carrier of persons or property 18046
operating upon rails placed principally on a private right-of-way. 18047

(Q) "Railroad train" means a steam engine or an electric or 18048
other motor, with or without cars coupled thereto, operated by a 18049
railroad. 18050

(R) "Streetcar" means a car, other than a railroad train, for 18051
transporting persons or property, operated upon rails principally 18052
within a street or highway. 18053

(S) "Trackless trolley" means every car that collects its 18054

power from overhead electric trolley wires and that is not 18055
operated upon rails or tracks. 18056

(T) "Explosives" means any chemical compound or mechanical 18057
mixture that is intended for the purpose of producing an explosion 18058
that contains any oxidizing and combustible units or other 18059
ingredients in such proportions, quantities, or packing that an 18060
ignition by fire, by friction, by concussion, by percussion, or by 18061
a detonator of any part of the compound or mixture may cause such 18062
a sudden generation of highly heated gases that the resultant 18063
gaseous pressures are capable of producing destructive effects on 18064
contiguous objects, or of destroying life or limb. Manufactured 18065
articles shall not be held to be explosives when the individual 18066
units contain explosives in such limited quantities, of such 18067
nature, or in such packing, that it is impossible to procure a 18068
simultaneous or a destructive explosion of such units, to the 18069
injury of life, limb, or property by fire, by friction, by 18070
concussion, by percussion, or by a detonator, such as fixed 18071
ammunition for small arms, firecrackers, or safety fuse matches. 18072

(U) "Flammable liquid" means any liquid that has a flash 18073
point of seventy degrees fahrenheit, or less, as determined by a 18074
tagliabue or equivalent closed cup test device. 18075

(V) "Gross weight" means the weight of a vehicle plus the 18076
weight of any load thereon. 18077

(W) "Person" means every natural person, firm, 18078
co-partnership, association, or corporation. 18079

(X) "Pedestrian" means any natural person afoot. 18080

(Y) "Driver or operator" means every person who drives or is 18081
in actual physical control of a vehicle, trackless trolley, or 18082
streetcar. 18083

(Z) "Police officer" means every officer authorized to direct 18084
or regulate traffic, or to make arrests for violations of traffic 18085

regulations. 18086

(AA) "Local authorities" means every county, municipal, and 18087
other local board or body having authority to adopt police 18088
regulations under the constitution and laws of this state. 18089

(BB) "Street" or "highway" means the entire width between the 18090
boundary lines of every way open to the use of the public as a 18091
thoroughfare for purposes of vehicular travel. 18092

(CC) "Controlled-access highway" means every street or 18093
highway in respect to which owners or occupants of abutting lands 18094
and other persons have no legal right of access to or from the 18095
same except at such points only and in such manner as may be 18096
determined by the public authority having jurisdiction over such 18097
street or highway. 18098

(DD) "Private road or driveway" means every way or place in 18099
private ownership used for vehicular travel by the owner and those 18100
having express or implied permission from the owner but not by 18101
other persons. 18102

(EE) "Roadway" means that portion of a highway improved, 18103
designed, or ordinarily used for vehicular travel, except the berm 18104
or shoulder. If a highway includes two or more separate roadways 18105
the term "roadway" means any such roadway separately but not all 18106
such roadways collectively. 18107

(FF) "Sidewalk" means that portion of a street between the 18108
curb lines, or the lateral lines of a roadway, and the adjacent 18109
property lines, intended for the use of pedestrians. 18110

(GG) "Laned highway" means a highway the roadway of which is 18111
divided into two or more clearly marked lanes for vehicular 18112
traffic. 18113

(HH) "Through highway" means every street or highway as 18114
provided in section 4511.65 of the Revised Code. 18115

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

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

(KK) "Intersection" means:

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

(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. 18147

(b) Where a stop line, yield line, or crosswalk line is 18148
designated on the roadway on the intersection approach, the area 18149
within the crosswalk and any area beyond the designated stop line 18150
or yield line constitute part of the intersection. 18151

(c) Where a crosswalk is designated on a roadway on the 18152
departure from the intersection, the intersection includes the 18153
area that extends to the far side of the crosswalk. 18154

(LL) "Crosswalk" means: 18155

(1) That part of a roadway at intersections ordinarily 18156
included within the real or projected prolongation of property 18157
lines and curb lines or, in the absence of curbs, the edges of the 18158
traversable roadway; 18159

(2) Any portion of a roadway at an intersection or elsewhere, 18160
distinctly indicated for pedestrian crossing by lines or other 18161
markings on the surface; 18162

(3) Notwithstanding divisions (LL)(1) and (2) of this 18163
section, there shall not be a crosswalk where local authorities 18164
have placed signs indicating no crossing. 18165

(MM) "Safety zone" means the area or space officially set 18166
apart within a roadway for the exclusive use of pedestrians and 18167
protected or marked or indicated by adequate signs as to be 18168
plainly visible at all times. 18169

(NN) "Business district" means the territory fronting upon a 18170
street or highway, including the street or highway, between 18171
successive intersections within municipal corporations where fifty 18172
per cent or more of the frontage between such successive 18173
intersections is occupied by buildings in use for business, or 18174
within or outside municipal corporations where fifty per cent or 18175
more of the frontage for a distance of three hundred feet or more 18176

is occupied by buildings in use for business, and the character of 18177
such territory is indicated by official traffic control devices. 18178

(OO) "Residence district" means the territory, not comprising 18179
a business district, fronting on a street or highway, including 18180
the street or highway, where, for a distance of three hundred feet 18181
or more, the frontage is improved with residences or residences 18182
and buildings in use for business. 18183

(PP) "Urban district" means the territory contiguous to and 18184
including any street or highway which is built up with structures 18185
devoted to business, industry, or dwelling houses situated at 18186
intervals of less than one hundred feet for a distance of a 18187
quarter of a mile or more, and the character of such territory is 18188
indicated by official traffic control devices. 18189

(QQ) "Traffic control device" means a flagger, sign, signal, 18190
marking, or other device used to regulate, warn, or guide traffic, 18191
placed on, over, or adjacent to a street, highway, private road 18192
open to public travel, pedestrian facility, or shared-use path by 18193
authority of a public agency or official having jurisdiction, or, 18194
in the case of a private road open to public travel, by authority 18195
of the private owner or private official having jurisdiction. 18196

(RR) "Traffic control signal" means any highway traffic 18197
signal by which traffic is alternately directed to stop and 18198
permitted to proceed. 18199

(SS) "Railroad sign or signal" means any sign, signal, or 18200
device erected by authority of a public body or official or by a 18201
railroad and intended to give notice of the presence of railroad 18202
tracks or the approach of a railroad train. 18203

(TT) "Traffic" means pedestrians, ridden or herded animals, 18204
vehicles, streetcars, trackless trolleys, and other devices, 18205
either singly or together, while using for purposes of travel any 18206
highway or private road open to public travel. 18207

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

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

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

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

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

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

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

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

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

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

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

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

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

(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.

(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.

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

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

(1) A violation of section 4511.03, 4511.051, 4511.12, 18269
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 18270
4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 18271
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 18272
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 18273
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 18274
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 18275
4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 18276
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 18277
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 18278
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 18279
Code; 18280

(2) A violation of division (A)(2) of section 4511.17, 18281
divisions (A) to (D) of section 4511.51, or division (A) of 18282
section 4511.74 of the Revised Code; 18283

(3) A violation of any provision of sections 4511.01 to 18284
4511.76 of the Revised Code for which no penalty otherwise is 18285
provided in the section that contains the provision violated; 18286

(4) A violation of a municipal ordinance that is 18287
substantially similar to any section or provision set forth or 18288
described in division (III)(1), (2), or (3) of this section. 18289

(JJJ) "Road service vehicle" means wreckers, utility repair 18290
vehicles, and state, county, and municipal service vehicles 18291
equipped with visual signals by means of flashing, rotating, or 18292
oscillating lights. 18293

(KKK) "Beacon" means a highway traffic signal with one or 18294
more signal sections that operate in a flashing mode. 18295

(LLL) "Hybrid beacon" means a type of beacon that is 18296
intentionally placed in a dark mode between periods of operation 18297
where no indications are displayed and, when in operation, 18298
displays both steady and flashing traffic control signal 18299

indications. 18300

(MMM) "Highway traffic signal" means a power-operated traffic 18301
control device by which traffic is warned or directed to take some 18302
specific action. "Highway traffic signal" does not include a 18303
power-operated sign, steadily illuminated pavement marker, warning 18304
light, or steady burning electric lamp. 18305

(NNN) "Median" means the area between two roadways of a 18306
divided highway, measured from edge of traveled way to edge of 18307
traveled way, but excluding turn lanes. The width of a median may 18308
be different between intersections, between interchanges, and at 18309
opposite approaches of the same intersection. 18310

(OOO) "Private road open to public travel" means a private 18311
toll road or road, including any adjacent sidewalks that generally 18312
run parallel to the road, within a shopping center, airport, 18313
sports arena, or other similar business or recreation facility 18314
that is privately owned but where the public is allowed to travel 18315
without access restrictions. "Private road open to public travel" 18316
includes a gated toll road but does not include a road within a 18317
private gated property where access is restricted at all times, a 18318
parking area, a driving aisle within a parking area, or a private 18319
grade crossing. 18320

(PPP) "Shared-use path" means a bikeway outside the traveled 18321
way and physically separated from motorized vehicular traffic by 18322
an open space or barrier and either within the highway 18323
right-of-way or within an independent alignment. A shared-use path 18324
also may be used by pedestrians, including skaters, joggers, users 18325
of manual and motorized wheelchairs, and other authorized 18326
motorized and non-motorized users. 18327

Section 110.11. That the existing versions of sections 18328
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised 18329
Code that are scheduled to take effect January 1, 2017, are hereby 18330

repealed. 18331

Section 110.12. Sections 110.10 and 110.11 of this act take 18332
effect January 1, 2017. 18333

Section 201.10. Except as otherwise provided in this act, all 18334
appropriation items in this act are appropriated out of any moneys 18335
in the state treasury to the credit of the designated fund that 18336
are not otherwise appropriated. For all appropriations made in 18337
this act, the amounts in the first column are for fiscal year 2014 18338
and the amounts in the second column are for fiscal year 2015. 18339
18340

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 18341

FUND	TITLE	FY 2014	FY 2015	
	Highway Operating Fund Group			18342
2120 772426	Highway Infrastructure Bank - Federal	\$ 5,000,000	\$ 5,000,000	18344
2120 772427	Highway Infrastructure Bank - State	\$ 10,350,000	\$ 10,350,000	18345
2120 772430	Infrastructure Debt Reserve Title 23-49	\$ 525,000	\$ 525,000	18346
2130 772431	Roadway Infrastructure Bank - State	\$ 2,475,000	\$ 2,475,000	18347
2130 772433	Infrastructure Debt Reserve - State	\$ 650,000	\$ 650,000	18348
2130 777477	Aviation Infrastructure Bank - State	\$ 1,000,000	\$ 1,000,000	18349
7002 771411	Planning and Research	\$ 21,144,581	\$ 21,738,277	18350

		- State				
7002	771412	Planning and Research	\$	28,835,906	\$	28,959,514 18351
		- Federal				
7002	772421	Highway Construction	\$	603,246,763	\$	605,240,020 18352
		- State				
7002	772422	Highway Construction	\$	1,065,253,182	\$	1,063,145,274 18353
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 18354
		- Other				
7002	772425	Highway Construction	\$	200,000,000	\$	300,000,000 18355
		- Turnpike				
7002	772437	GARVEE Debt Service -	\$	31,139,500	\$	31,635,300 18356
		State				
7002	772438	GARVEE Debt Service -	\$	136,039,500	\$	138,027,800 18357
		Federal				
7002	773431	Highway Maintenance -	\$	457,665,521	\$	470,006,152 18358
		State				
7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748 18359
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 18360
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 18361
		Special Equipment				
7002	776462	Grade Crossings -	\$	14,136,500	\$	14,129,500 18362
		Federal				
7002	776669	Grade Crossings -	\$	7,500,000	\$	7,500,000 18363
		Maintenance				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 18364
		- Federal				
7002	777475	Aviation	\$	4,875,000	\$	4,935,000 18365
		Administration				
7002	779491	Administration -	\$	91,218,054	\$	92,543,982 18366
		State				

TOTAL HOF Highway Operating				18367
Fund Group		\$ 2,795,280,255	\$ 2,912,086,567	18368
State Special Revenue Fund Group				18369
4N40 776664 Rail Transportation -	\$	2,875,800	\$ 2,875,800	18370
Other				
5W90 777615 County Airport	\$	620,000	\$ 620,000	18371
Maintenance				
TOTAL SSR State Special Revenue				18372
Fund Group	\$	3,495,800	\$ 3,495,800	18373
Infrastructure Bank Obligations Fund Group				18374
7045 772428 Highway	\$	96,092,215	\$ 97,000,000	18375
Infrastructure Bank -				
Bonds				
TOTAL 045 Infrastructure Bank				18376
Obligations Fund Group	\$	96,092,215	\$ 97,000,000	18377
Highway Capital Improvement Fund Group				18378
7042 772723 Highway Construction	\$	100,294,652	\$ 119,617,631	18379
- Bonds				
TOTAL 042 Highway Capital				18380
Improvement Fund Group	\$	100,294,652	\$ 119,617,631	18381
TOTAL ALL BUDGET FUND GROUPS	\$	2,995,162,922	\$ 3,132,199,998	18382

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 18384

Of the foregoing appropriation item 772421, Highway 18385
Construction - State, \$5,000,000 shall be used in each fiscal year 18386
for the construction, reconstruction, or maintenance of public 18387
access roads, including support features, to and within state 18388
facilities owned or operated by the Department of Natural 18389
Resources. 18390

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 18391
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 18392

Notwithstanding section 5511.06 of the Revised Code, of the 18393
foregoing appropriation item 772421, Highway Construction - State, 18394
\$2,228,000 in each fiscal year shall be used for the construction, 18395
reconstruction, or maintenance of park drives or park roads within 18396
the boundaries of metropolitan parks. 18397

The Department of Transportation may use the foregoing 18398
appropriation item 772421, Highway Construction - State, to 18399
perform related road work on behalf of the Ohio Expositions 18400
Commission at the state fairgrounds, including reconstruction or 18401
maintenance of public access roads and support features to and 18402
within fairgrounds facilities, as requested by the Commission and 18403
approved by the Director of Transportation. 18404

The Department of Transportation may use the foregoing 18405
appropriation item 772421, Highway Construction - State, to 18406
perform related road work on behalf of the Ohio Historical 18407
Society, including reconstruction or maintenance of public access 18408
roads and support features to and within Historical Society 18409
facilities, as requested by the Society and approved by the 18410
Director of Transportation. 18411

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 18412

(A) Of the foregoing appropriation item 772421, Highway 18413
Construction - State, \$3,500,000 in each fiscal year shall be made 18414
available for distribution by the Director of Transportation to 18415
Transportation Improvement Districts that have facilitated funding 18416
for the cost of a project or projects in conjunction with and 18417
through other governmental agencies. 18418

(B) A Transportation Improvement District shall submit 18419
requests for project funding to the Ohio Department of 18420
Transportation not later than the first day of September in each 18421
fiscal year. The Ohio Department of Transportation shall notify 18422
the Transportation Improvement District whether the Department has 18423

approved or disapproved the project funding request within 90 days 18424
after the day the request was submitted by the Transportation 18425
Improvement District. 18426

(C) Any funding provided to a Transportation Improvement 18427
District specified in this section shall not be used for the 18428
purposes of administrative costs or administrative staffing and 18429
must be used to fund a specific project or projects within that 18430
District's area. The total amount of a specific project's cost 18431
shall not be fully funded by the amount of funds provided under 18432
this section. The total amount of funding provided for each 18433
project is limited to 10% of total project costs or \$250,000 per 18434
fiscal year, whichever is greater. Transportation Improvement 18435
Districts that are co-sponsoring a specific project may 18436
individually apply for up to \$250,000 for that project. However, 18437
not more than 10% of a project's total costs per biennium shall be 18438
funded through moneys provided under this section. 18439

(D) Funds provided under this section may be used for 18440
preliminary engineering, detailed design, right-of-way 18441
acquisition, and construction of the specific project and such 18442
other project costs that are defined in section 5540.01 of the 18443
Revised Code and approved by the Director of Transportation. Upon 18444
receipt of a copy of an invoice for work performed on the specific 18445
project, the Director of Transportation shall reimburse a 18446
Transportation Improvement District for the expenditures described 18447
above, subject to the requirements of this section. 18448

(E) Any Transportation Improvement District that is 18449
requesting funds under this section shall register with the 18450
Director of Transportation. The Director of Transportation shall 18451
register a Transportation Improvement District only if the 18452
district has a specific, eligible project and may cancel the 18453
registration of a Transportation Improvement District that is not 18454
eligible to receive funds under this section. The Director shall 18455

not provide funds to any Transportation Improvement District under 18456
this section if the district is not registered. The Director of 18457
Transportation shall not register a Transportation Improvement 18458
District and shall cancel the registration of a currently 18459
registered Transportation Improvement District unless at least one 18460
of the following applies: 18461

(1) The Transportation Improvement District, by a resolution 18462
or resolutions, designated a project or program of projects and 18463
facilitated, including in conjunction with and through other 18464
governmental agencies, funding for costs of a project or program 18465
of projects in an aggregate amount of not less than \$10,000,000 18466
within the eight-year period commencing January 1, 2005. 18467

(2) The Transportation Improvement District, by a resolution 18468
or resolutions, designated a project or program of projects and 18469
facilitated, including in conjunction with and through other 18470
governmental agencies, funding for costs of a project or program 18471
of projects in an aggregate amount of not less than \$15,000,000 18472
from the commencement date of the project or program of projects. 18473

(3) The Transportation Improvement District has designated, 18474
by a resolution or resolutions, a project or program of projects 18475
that has estimated aggregate costs in excess of \$10,000,000 and 18476
the County Engineer of the county in which the Transportation 18477
Improvement District is located has attested by a sworn affidavit 18478
that the costs of the project or program of projects exceeds 18479
\$10,000,000 and that the Transportation Improvement District is 18480
facilitating a portion of funding for that project or program of 18481
projects. 18482

(F) For purposes of this section: 18483

(1) "Project" shall have the same meaning as in division (D) 18484
of section 5540.01 of the Revised Code. 18485

(2) "Governmental agency" shall have the same meaning as in 18486

division (B) of section 5540.01 of the Revised Code. 18487

(3) "Cost" shall have the same meaning as in division (C) of 18488
section 5540.01 of the Revised Code. 18489

Section 203.40.10. GRADE CROSSINGS - MAINTENANCE 18490

The foregoing appropriation item 776669, Grade Crossings - 18491
Maintenance, shall be used for the maintenance of at-grade 18492
railroad highway crossings. Funds shall be used to reimburse 18493
operating railroads for grade crossing maintenance expenses in 18494
proportion to their share of at-grade railroad highway crossings 18495
in Ohio based on the Railroad Information System maintained by the 18496
Public Utilities Commission. Prior to making any expenditures from 18497
the appropriation item, the Director of Transportation, in 18498
conjunction with the Ohio Rail Development Commission, shall adopt 18499
rules under Chapter 119. of the Revised Code governing the use of 18500
moneys in the appropriation item. 18501

Section 203.50. ISSUANCE OF BONDS 18502

The Treasurer of State, upon the request of the Director of 18503
Transportation, is authorized to issue and sell, in accordance 18504
with Section 2m of Article VIII, Ohio Constitution, and Chapter 18505
151. and particularly sections 151.01 and 151.06 of the Revised 18506
Code, obligations, including bonds and notes, in the aggregate 18507
amount of \$220,000,000 in addition to the original issuance of 18508
obligations authorized by prior acts of the General Assembly. 18509

The obligations shall be issued and sold from time to time in 18510
amounts necessary to provide sufficient moneys to the credit of 18511
the Highway Capital Improvement Fund (Fund 7042) created by 18512
section 5528.53 of the Revised Code to pay costs charged to the 18513
fund when due as estimated by the Director of Transportation, 18514
provided, however, that such obligations shall be issued and sold 18515
at such time or times so that not more than \$220,000,000 original 18516

principal amount of obligations, plus the principal amount of 18517
obligations that in prior fiscal years could have been, but were 18518
not, issued within the \$220,000,000 limit, may be issued in any 18519
fiscal year, and not more than \$1,200,000,000 original principal 18520
amount of such obligations are outstanding at any one time. 18521

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 18522
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 18523
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 18524
ADMINISTRATION 18525

The Director of Budget and Management may approve requests 18526
from the Director of Transportation for transfer of Highway 18527
Operating Fund (Fund 7002) appropriations for planning and 18528
research (appropriation items 771411 and 771412), highway 18529
construction and debt service (appropriation items 772421, 772422, 18530
772424, 772425, 772437, and 772438), highway maintenance 18531
(appropriation item 773431), public transportation - federal 18532
(appropriation item 775452), elderly and disabled special 18533
equipment (appropriation item 775459), rail grade crossings 18534
(appropriation item 776462), aviation (appropriation item 777475), 18535
and administration (appropriation item 779491). The Director of 18536
Budget and Management may not make transfers out of debt service 18537
appropriation items unless the Director determines that the 18538
appropriated amounts exceed the actual and projected debt service 18539
requirements. Transfers of appropriations may be made upon the 18540
written request of the Director of Transportation and with the 18541
approval of the Director of Budget and Management. The transfers 18542
shall be reported to the Controlling Board at the next regularly 18543
scheduled meeting of the board. 18544

This transfer authority is intended to provide for emergency 18545
situations and flexibility to meet unforeseen conditions that 18546
could arise during the budget period. It also is intended to allow 18547

the department to optimize the use of available resources and 18548
adjust to circumstances affecting the obligation and expenditure 18549
of federal funds. 18550

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 18551
AVIATION, AND RAIL AND LOCAL TRANSIT 18552

The Director of Budget and Management may approve written 18553
requests from the Director of Transportation for the transfer of 18554
appropriations between appropriation items 772422, Highway 18555
Construction - Federal, 775452, Public Transportation - Federal, 18556
775454, Public Transportation - Other, 775459, Elderly and 18557
Disabled Special Equipment, 776475, Federal Rail Administration, 18558
and 777472, Airport Improvements - Federal. The transfers shall be 18559
reported to the Controlling Board at its next regularly scheduled 18560
meeting. 18561

TRANSFER OF APPROPRIATIONS - ARRA 18562

The Director of Budget and Management may approve written 18563
requests from the Director of Transportation for the transfer of 18564
appropriations between appropriation items 771412, Planning and 18565
Research - Federal, 772422, Highway Construction - Federal, 18566
772424, Highway Construction - Other, 775452, Public 18567
Transportation - Federal, 776462, Grade Crossing - Federal, and 18568
777472, Airport Improvements - Federal, based upon the 18569
requirements of the American Recovery and Reinvestment Act of 2009 18570
that apply to the money appropriated. The transfers shall be 18571
reported to the Controlling Board at its next regularly scheduled 18572
meeting. 18573

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 18574
BANK 18575

The Director of Budget and Management may approve requests 18576
from the Director of Transportation for transfer of appropriations 18577
and cash of the Infrastructure Bank funds created in section 18578

5531.09 of the Revised Code, including transfers between fiscal 18579
years 2014 and 2015. The transfers shall be reported to the 18580
Controlling Board at its next regularly scheduled meeting. 18581

The Director of Budget and Management may approve requests 18582
from the Director of Transportation for transfer of appropriations 18583
and cash from the Highway Operating Fund (Fund 7002) to the 18584
Infrastructure Bank funds created in section 5531.09 of the 18585
Revised Code. The Director of Budget and Management may transfer 18586
from the Infrastructure Bank funds to the Highway Operating Fund 18587
up to the amounts originally transferred to the Infrastructure 18588
Bank funds under this section. However, the Director may not make 18589
transfers between modes or transfers between different funding 18590
sources. The transfers shall be reported to the Controlling Board 18591
at its next regularly scheduled meeting. 18592

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 18593

The Director of Budget and Management may approve requests 18594
from the Director of Transportation for transfer of appropriations 18595
and cash of the Ohio Toll Fund and any subaccounts created in 18596
section 5531.14 of the Revised Code, including transfers between 18597
fiscal years 2014 and 2015. The transfers shall be reported to the 18598
Controlling Board at its next regularly scheduled meeting. 18599

INCREASING APPROPRIATIONS: STATE FUNDS 18600

In the event that receipts or unexpended balances credited to 18601
the Highway Operating Fund (Fund 7002) exceed the estimates upon 18602
which the appropriations have been made in this act, upon the 18603
request of the Director of Transportation, the Controlling Board 18604
may increase those appropriations in the manner prescribed in 18605
section 131.35 of the Revised Code. 18606

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 18607

In the event that receipts or unexpended balances credited to 18608
the Highway Operating Fund (Fund 7002) or apportionments or 18609

allocations made available from the federal and local government 18610
exceed the estimates upon which the appropriations have been made 18611
in this act, upon the request of the Director of Transportation, 18612
the Controlling Board may increase those appropriations in the 18613
manner prescribed in section 131.35 of the Revised Code. 18614

REAPPROPRIATIONS 18615

In each fiscal year of the biennium ending June 30, 2015, the 18616
Director of Transportation may request that the Director of Budget 18617
and Management transfer any remaining unencumbered balances of 18618
prior years' appropriations to the Highway Operating Fund (Fund 18619
7002), the Highway Capital Improvement Fund (Fund 7042), and the 18620
Infrastructure Bank funds created in section 5531.09 of the 18621
Revised Code for the same purpose in the following fiscal year. In 18622
the request, the Director of Transportation shall identify the 18623
appropriate fund and appropriation item of the transfer, the 18624
requested transfer amount. The Director of Budget and Management 18625
may request additional information necessary for evaluating the 18626
transfer request, and the Director of Transportation shall provide 18627
the requested information to the Director of Budget and 18628
Management. Based on the information provided by the Director of 18629
Transportation, the Director of Budget and Management shall 18630
determine the amount to be transferred by fund and appropriation 18631
item, and those amounts are hereby reappropriated. The Director of 18632
Transportation shall report the reappropriations to the 18633
Controlling Board. 18634

Any balances of prior years' unencumbered appropriations to 18635
the Highway Operating Fund (Fund 7002), the Highway Capital 18636
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 18637
created in section 5531.09 of the Revised Code for which the 18638
Director of Transportation requests reappropriations, and for 18639
which reappropriations are approved by the Director of Budget and 18640
Management, are subject to the availability of revenue as 18641

determined by the Director of Transportation. 18642

LIQUIDATION OF UNFORESEEN LIABILITIES 18643

Any appropriation made from the Highway Operating Fund (Fund 18644
7002) not otherwise restricted by law is available to liquidate 18645
unforeseen liabilities arising from contractual agreements of 18646
prior years when the prior year encumbrance is insufficient. 18647

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 18648

The Director of Transportation may remove snow and ice and 18649
maintain, repair, improve, or provide lighting upon interstate 18650
highways that are located within the boundaries of municipal 18651
corporations, adequate to meet the requirements of federal law. 18652
When agreed in writing by the Director of Transportation and the 18653
legislative authority of a municipal corporation and 18654
notwithstanding sections 125.01 and 125.11 of the Revised Code, 18655
the Department of Transportation may reimburse a municipal 18656
corporation for all or any part of the costs, as provided by such 18657
agreement, incurred by the municipal corporation in maintaining, 18658
repairing, lighting, and removing snow and ice from the interstate 18659
system. 18660

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 18661

The Director of Transportation may use revenues from the 18662
state motor vehicle fuel tax to match approved federal grants 18663
awarded to the Department of Transportation, regional transit 18664
authorities, or eligible public transportation systems, for public 18665
transportation highway purposes, or to support local or state 18666
funded projects for public transportation highway purposes. Public 18667
transportation highway purposes include: the construction or 18668
repair of high-occupancy vehicle traffic lanes, the acquisition or 18669
construction of park-and-ride facilities, the acquisition or 18670
construction of public transportation vehicle loops, the 18671

construction or repair of bridges used by public transportation 18672
vehicles or that are the responsibility of a regional transit 18673
authority or other public transportation system, or other similar 18674
construction that is designated as an eligible public 18675
transportation highway purpose. Motor vehicle fuel tax revenues 18676
may not be used for operating assistance or for the purchase of 18677
vehicles, equipment, or maintenance facilities. 18678

Section 203.90. The federal payments made to the state for 18679
highway infrastructure or for transit agencies under Title XII of 18680
Division A of the American Recovery and Reinvestment Act of 2009 18681
shall be deposited to the credit of the Highway Operating Fund 18682
(Fund 7002), which is created in section 5735.291 of the Revised 18683
Code. 18684

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 18685

State Highway Safety Fund Group 18686

4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957 18687
BMV

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 18688
Contribution

7036 761321 Operating Expense - \$ 6,805,066 \$ 6,749,331 18689
Information and
Education

7036 761401 Lease Rental Payments \$ 2,472,300 \$ 2,473,100 18690

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 18691

7036 764321 Operating Expense - \$ 268,232,602 \$ 270,232,602 18692
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 18693
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 18694
Administration

8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	18695
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	18696
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	18697
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	18698
8310	765610	EMS - Federal	\$	225,000	\$	225,000	18699
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	18700
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	18701
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	18702
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	18703
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	18704
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	18705
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	18706
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	18707
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	18708
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	18709
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	18710
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	18711
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	18712
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	18713
8400	764617	Security and	\$	8,793,865	\$	9,514,236	18714

		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	18715
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	18716
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	18717
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	18718
		Education					
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293	18719
		Processing Board					
TOTAL HSF		State Highway Safety Fund	\$	515,200,460	\$	517,184,364	18720
Group							
General Services Fund Group							18721
4P60	768601	Justice Program	\$	900,000	\$	875,000	18722
		Services					
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	18723
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	18724
		Services Law					
		Enforcement Support					
TOTAL GSF		General Services Fund	\$	6,290,946	\$	6,265,946	18725
Group							
Federal Special Revenue Fund Group							18726
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	18727
		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	18728
		Relief					
3390	763647	Emergency Management	\$	70,934,765	\$	70,934,765	18729
		Assistance and					
		Training					
3CE0	768611	Justice Assistance	\$	400,000	\$	100,000	18730
		Grants - FFY09					

3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,000,000	\$	300,000	18731
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000	18732
3EU0	768614	Justice Assistance Grants - FFY10	\$	830,000	\$	500,000	18733
3FK0	768615	Justice Assistance Grants - FFY11	\$	900,000	\$	900,000	18734
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	18735
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000	18736
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000	18737
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000	18738
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	18739
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	18740
TOTAL FED	Federal Special Revenue		\$	133,322,715	\$	133,767,715	18741
Fund Group							
State Special Revenue Fund Group							18742
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	18743
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000	18744
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	18745
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	18746
5BK0	768689	Family Violence	\$	750,000	\$	750,000	18747

		Shelter Programs					
5BP0	764609	DPS Wireless 911 Administration	\$	290,000	\$	290,000	18748
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000	18749
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	18750
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	18751
5FL0	769634	Investigations	\$	899,300	\$	899,300	18752
5ML0	769635	Infrastructure Protection	\$	400,000	\$	400,000	18753
6220	767615	Investigative Contraband and Forfeiture	\$	325,000	\$	325,000	18754
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	18755
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	18756
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	18757
TOTAL SSR		State Special Revenue	\$	15,049,767	\$	15,039,767	18758
Fund Group							
Agency Fund Group							18759
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	18760
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	18761
Holding Account Redistribution Fund Group							18762
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	18763
R052	762623	Security Deposits	\$	350,000	\$	350,000	18764
TOTAL 090		Holding Account	\$	2,235,000	\$	2,235,000	18765
Redistribution Fund Group							

TOTAL ALL BUDGET FUND GROUPS	\$ 673,308,888	\$ 675,702,792	18766
MOTOR VEHICLE REGISTRATION			18767
The Registrar of Motor Vehicles may deposit revenues to meet			18768
the cash needs of the State Bureau of Motor Vehicles Fund (Fund			18769
4W40) established in section 4501.25 of the Revised Code, obtained			18770
under sections 4503.02 and 4504.02 of the Revised Code, less all			18771
other available cash. Revenue deposited pursuant to this paragraph			18772
shall support, in part, appropriations for operating expenses and			18773
defray the cost of manufacturing and distributing license plates			18774
and license plate stickers and enforcing the law relative to the			18775
operation and registration of motor vehicles. Notwithstanding			18776
section 4501.03 of the Revised Code, the revenues shall be paid			18777
into Fund 4W40 before any revenues obtained pursuant to sections			18778
4503.02 and 4504.02 of the Revised Code are paid into any other			18779
fund. The deposit of revenues to meet the aforementioned cash			18780
needs shall be in approximately equal amounts on a monthly basis			18781
or as otherwise determined by the Director of Budget and			18782
Management pursuant to a plan submitted by the Registrar of Motor			18783
Vehicles.			18784
OPERATING EXPENSE - BMV			18785
Of the foregoing appropriation item 762321, Operating Expense			18786
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for			18787
costs associated with improvements to the program to accept			18788
applications for registration transactions of apportionable			18789
vehicles electronically over the internet.			18790
LEASE RENTAL PAYMENTS			18791
The foregoing appropriation item 761401, Lease Rental			18792
Payments, shall be used for payments to the Treasurer of State for			18793
the period July 1, 2013, through June 30, 2015, under the primary			18794
leases and agreements for public safety related buildings. The			18795
appropriations are the source of funds pledged for bond service			18796

charges on obligations pursuant to Chapters 152. and 154. of the Revised Code. 18797
18798

CASH TRANSFERS BETWEEN FUNDS 18799

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, upon the written request of the Director of Public Safety, may transfer cash between the following six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Justice Program Services Fund (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 4W40). 18800
18801
18802
18803
18804
18805
18806
18807
18808

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE PLATE CONTRIBUTION FUND 18809
18810

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer the cash balance in the Teen Driver Education Fund (Fund 5JS0) to the License Plate Contribution Fund (Fund 5V10). Upon completion of the transfer, Fund 5JS0 is hereby abolished. 18811
18812
18813
18814
18815

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO STATE HIGHWAY SAFETY FUND 18816
18817

Not later than January 1, 2014, the Director of Budget and Management may transfer the cash balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby abolished. The Director shall cancel any existing encumbrances against appropriation item 766661, Hilltop Utility Reimbursement, and reestablish them against appropriation item 761321, Operating Expense - Information and Education. The reestablished encumbrance amounts are hereby appropriated. 18818
18819
18820
18821
18822
18823
18824
18825
18826

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 18827

SAFETY FUND	18828
On July 1, 2013, or as soon as possible thereafter, the	18829
Director of Budget and Management shall transfer the cash balance	18830
in the Registrar Rental Fund (Fund 8380) to the State Bureau of	18831
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer,	18832
Fund 8380 is abolished.	18833
STATE DISASTER RELIEF	18834
The State Disaster Relief Fund (Fund 5330) may accept	18835
transfers of cash and appropriations from Controlling Board	18836
appropriation items for Ohio Emergency Management Agency disaster	18837
response costs and disaster program management costs, and may also	18838
be used for the following purposes:	18839
(A) To accept transfers of cash and appropriations from	18840
Controlling Board appropriation items for Ohio Emergency	18841
Management Agency public assistance and mitigation program match	18842
costs to reimburse eligible local governments and private	18843
nonprofit organizations for costs related to disasters;	18844
(B) To accept and transfer cash to reimburse the costs	18845
associated with Emergency Management Assistance Compact (EMAC)	18846
deployments;	18847
(C) To accept disaster related reimbursement from federal,	18848
state, and local governments. The Director of Budget and	18849
Management may transfer cash from reimbursements received by this	18850
fund to other funds of the state from which transfers were	18851
originally approved by the Controlling Board.	18852
(D) To accept transfers of cash and appropriations from	18853
Controlling Board appropriation items to fund the State Disaster	18854
Relief Program, for disasters that qualify for the program by	18855
written authorization of the Governor, and the State Individual	18856
Assistance Program for disasters that have been declared by the	18857
federal Small Business Administration and that qualify for the	18858

program by written authorization of the Governor. The Ohio 18859
Emergency Management Agency shall publish and make available 18860
application packets outlining procedures for the State Disaster 18861
Relief Program and the State Individual Assistance Program. 18862

JUSTICE ASSISTANCE GRANT FUND 18863

The federal payments made to the state for the Byrne Justice 18864
Assistance Grants Program under Title II of Division A of the 18865
American Recovery and Reinvestment Act of 2009 shall be deposited 18866
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 18867
which is hereby created in the state treasury. All investment 18868
earnings of the fund shall be credited to the fund. 18869

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 18870
AGENCY SERVICE AND REIMBURSEMENT FUND 18871

On July 1 of each fiscal year, or as soon as possible 18872
thereafter, the Director of Budget and Management shall transfer 18873
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 18874
Emergency Management Agency Service and Reimbursement Fund (Fund 18875
4V30) to be distributed to the Ohio Task Force One - Urban Search 18876
and Rescue Unit, other similar urban search and rescue units 18877
around the state, and for the maintenance of the statewide fire 18878
emergency response plan by an entity recognized by the Ohio 18879
Emergency Management Agency. 18880

FAMILY VIOLENCE PREVENTION FUND 18881

Notwithstanding any provision of law to the contrary, in each 18882
of fiscal years 2014 and 2015, the first \$750,000 received to the 18883
credit of the Family Violence Prevention Fund (Fund 5BK0) is 18884
appropriated to appropriation item 768689, Family Violence Shelter 18885
Programs, and the next \$400,000 received to the credit of Fund 18886
5BK0 in each of those fiscal years is appropriated to 18887
appropriation item 768687, Criminal Justice Services - Operating. 18888
Any moneys received to the credit of Fund 5BK0 in excess of the 18889

aforementioned appropriated amounts in each fiscal year shall, 18890
upon the approval of the Controlling Board, be used to provide 18891
grants to family violence shelters in Ohio. 18892

SARA TITLE III HAZMAT PLANNING 18893

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 18894
entitled to receive grant funds from the Emergency Response 18895
Commission to implement the Emergency Management Agency's 18896
responsibilities under Chapter 3750. of the Revised Code. 18897

COLLECTIVE BARGAINING INCREASES 18898

Notwithstanding division (D) of section 127.14 and division 18899
(B) of section 131.35 of the Revised Code, except for the General 18900
Revenue Fund, the Controlling Board may, upon the request of 18901
either the Director of Budget and Management, or the Department of 18902
Public Safety with the approval of the Director of Budget and 18903
Management, authorize expenditures in excess of appropriations and 18904
transfer appropriations, as necessary, for any fund used by the 18905
Department of Public Safety, to assist in paying the costs of 18906
increases in employee compensation that have occurred pursuant to 18907
collective bargaining agreements under Chapter 4117. of the 18908
Revised Code and, for exempt employees, under section 124.152 of 18909
the Revised Code. Any money approved for expenditure under this 18910
paragraph is hereby appropriated. 18911

CASH BALANCE FUND REVIEW 18912

Not later than the first day of April in each fiscal year of 18913
the biennium, the Director of Budget and Management shall review 18914
the cash balances for each fund, except the State Highway Safety 18915
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 18916
4W40), in the State Highway Safety Fund Group, and shall recommend 18917
to the Controlling Board an amount to be transferred to the credit 18918
of Fund 7036 or Fund 4W40, as appropriate. 18919

AUTO REGISTRATION DISTRIBUTION FUND 18920

Notwithstanding the amendment by this act to section 4501.03 18921
of the Revised Code and the enactment by this act of section 18922
4501.031 of the Revised Code, any license tax assessed under 18923
Chapters 4503. or 4504. of the Revised Code, and derived from 18924
registrations processed on business days prior to July 1, 2013, 18925
shall be deposited to the state treasury to the credit of the Auto 18926
Registration Distribution Fund (Fund 7051) created by section 18927
4501.03 of the Revised Code, even if such deposit does not occur 18928
until on or after July 1, 2013. All license tax assessed on 18929
registrations under Chapters 4503. or 4504. of the Revised Code 18930
prior to July 1, 2013, shall be deposited, and distributed, in 18931
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 18932
4501.043 of the Revised Code as they existed prior to the 18933
amendments to those sections by this act. 18934

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 18935

State Special Revenue Fund Group 18936
4W00 195629 Roadwork Development \$ 15,199,900 \$ 15,199,900 18937
TOTAL SSR State Special Revenue 18938
Fund Group \$ 15,199,900 \$ 15,199,900 18939
TOTAL ALL BUDGET FUND GROUPS \$ 15,199,900 \$ 15,199,900 18940

ROADWORK DEVELOPMENT FUND 18941

The Roadwork Development Fund shall be used for road 18942
improvements associated with economic development opportunities 18943
that will retain or attract businesses for Ohio. "Road 18944
improvements" are improvements to public roadway facilities 18945
located on, or serving or capable of serving, a project site. 18946

The Department of Transportation, under the direction of the 18947
Development Services Agency, shall provide these funds in 18948
accordance with all guidelines and requirements established for 18949
Development Services Agency appropriation item 195623, Business 18950
Incentive Grants, including Controlling Board review and approval 18951

as well as the requirements for usage of gas tax revenue 18952
prescribed in Section 5a of Article XII, Ohio Constitution. Should 18953
the Development Services Agency require the assistance of the 18954
Department of Transportation to bring a project to completion, the 18955
Department of Transportation shall use its authority under Title 18956
LV of the Revised Code to provide such assistance and may enter 18957
into contracts on behalf of the Development Services Agency. In 18958
addition, these funds may be used in conjunction with 18959
appropriation item 195623, Business Incentive Grants, or any other 18960
state funds appropriated for infrastructure improvements. 18961

The Director of Budget and Management, pursuant to a plan 18962
submitted by the Director of Development Services or as otherwise 18963
determined by the Director of Budget and Management, shall set a 18964
cash transfer schedule to meet the cash needs of the Development 18965
Services Agency Roadwork Development Fund (Fund 4W00), less any 18966
other available cash. The Director shall transfer to the Roadwork 18967
Development Fund from the Highway Operating Fund (Fund 7002), 18968
established in section 5735.291 of the Revised Code, such amounts 18969
at such times as determined by the transfer schedule. 18970

Section 209.10. PWC PUBLIC WORKS COMMISSION 18971

Local Transportation Improvements Fund Group				18972
7052 150402 Local Transportation	\$	292,526	\$ 296,555	18973
Improvement Program -				
Operating				
7052 150701 Local Transportation	\$	52,000,000	\$ 52,000,000	18974
Improvement Program				
TOTAL 052 Local Transportation				18975
Improvements Fund Group	\$	52,292,526	\$ 52,296,555	18976
Local Infrastructure Improvements Fund Group				18977
7038 150321 State Capital	\$	902,579	\$ 909,665	18978
Improvements Program				

- Operating Expenses

TOTAL LIF Local Infrastructure				18979	
Improvements Fund Group	\$	902,579	\$	909,665	18980
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$	53,206,220	18981

PUBLIC WORKS OPERATING EXPENSES 18982

The forgoing appropriation item 150321, State Capital 18983
Improvements Program-Operating Expenses, shall be used by the Ohio 18984
Public Works Commission to administer the State Capital 18985
Improvement Program under sections 164.01 to 164.16 of the Revised 18986
Code. 18987

DISTRICT ADMINISTRATION COSTS 18988

The Director of the Public Works Commission is authorized to 18989
create a District Administration Costs Program from interest 18990
earnings of the Capital Improvements Fund and Local Transportation 18991
Improvement Program Fund proceeds. The program shall be used to 18992
provide for the direct costs of district administration of the 18993
nineteen public works districts. Districts choosing to participate 18994
in the program shall only expend State Capital Improvements Fund 18995
moneys for State Capital Improvements Fund costs and Local 18996
Transportation Improvement Program Fund moneys for Local 18997
Transportation Improvement Program Fund costs. The account shall 18998
not exceed \$1,235,000 per fiscal year. Each public works district 18999
may be eligible for up to \$65,000 per fiscal year from its 19000
district allocation as provided in sections 164.08 and 164.14 of 19001
the Revised Code. 19002

The Director, by rule, shall define allowable and 19003
nonallowable costs for the purpose of the District Administration 19004
Costs Program. Nonallowable costs include indirect costs, elected 19005
official salaries and benefits, and project-specific costs. No 19006
district public works committee may participate in the District 19007
Administration Costs Program without the approval of those costs 19008
by the district public works committee under section 164.04 of the 19009

Revised Code.	19010
REAPPROPRIATIONS	19011
All capital appropriations from the Local Transportation Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 129th General Assembly remaining unencumbered as of June 30, 2013, are reappropriated for use during the period July 1, 2013, through June 30, 2014, for the same purpose.	19012 19013 19014 19015 19016
Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 7052) in this act remaining unencumbered as of June 30, 2014, are reappropriated for use during the period July 1, 2014, through June 30, 2015, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.	19017 19018 19019 19020 19021 19022 19023
TEMPORARY TRANSFERS	19024
Notwithstanding section 127.14 of the Revised Code, the Director of the Public Works Commission may request the Director of Budget and Management to transfer moneys from the Local Transportation Improvement Fund (Fund 7052) to the State Capital Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund (Fund 7056). The Director of Budget and Management may approve temporary transfers if such transfers are needed for capital outlays for which notes or bonds will be issued. Any transfers executed under this section shall be reported to the Controlling Board by June 30 of the fiscal year in which the transfer occurred.	19025 19026 19027 19028 19029 19030 19031 19032 19033 19034 19035
Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION	19036
There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent	19037 19038 19039

the portion of investment income to be rebated or amounts in lieu 19040
of or in addition to any rebate amount to be paid to the federal 19041
government in order to maintain the exclusion from gross income 19042
for federal income tax purposes of interest on those state 19043
obligations under section 148(f) of the Internal Revenue Code. 19044

Rebate payments shall be approved and vouchered by the Office 19045
of Budget and Management. 19046

Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 19047
PURPOSES 19048

Appropriation item 725509, Parks Special Purposes, is hereby 19049
established in the General Revenue Fund with an appropriation of 19050
\$14,000,000 in fiscal year 2013. The appropriation item shall be 19051
used by the Department of Natural Resources to facilitate the 19052
mutual termination of a lease agreement between the City of 19053
Cleveland and the Department of Natural Resources for Cleveland 19054
Lakefront Parks and to operate and conduct necessary upgrades 19055
solely and exclusively to (1) Edgewater Park; (2) East 55th/Gordon 19056
Park North of Interstate 90 and including the East 55th Street 19057
Department of Natural Resources Headquarters and the East 72nd 19058
Street Maintenance Facility; (3) Euclid Beach Park; and (4) Villa 19059
Angela/Wildwood Park. Any unexpended and unencumbered portion of 19060
the foregoing appropriation item remaining at the end of fiscal 19061
year 2013 shall be reappropriated for the same purposes in fiscal 19062
year 2014. 19063

Section 506.10. Notwithstanding division (A)(3) of section 19064
4501.044 and division (A)(1) of section 4501.045 of the Revised 19065
Code, commencing July 1, 2013, and extending through June 30, 19066
2014, the Director of Public Safety shall deposit the money 19067
otherwise deposited and distributed in accordance with those 19068
divisions into the State Highway Safety Fund (Fund 7036) created 19069

by section 4501.06 of the Revised Code until such time as the 19070
deposits equal a cumulative total of \$35,000,000. At that point, 19071
the Director shall cease depositing any such money into Fund 7036 19072
and shall deposit and distribute that money as prescribed in 19073
division (A)(3) of section 4501.044 and division (A)(1) of section 19074
4501.045 of the Revised Code. 19075

Notwithstanding division (A)(3) of section 4501.044 and 19076
division (A)(1) of section 4501.045 of the Revised Code, 19077
commencing July 1, 2014, and extending through June 30, 2015, the 19078
Director of Public Safety shall deposit the money otherwise 19079
deposited and distributed in accordance with those divisions into 19080
the State Highway Safety Fund (Fund 7036) created by section 19081
4501.06 of the Revised Code until such time as the deposits equal 19082
a cumulative total of \$35,000,000. At that point, the Director 19083
shall cease depositing any such money into Fund 7036 and shall 19084
deposit and distribute that money as prescribed in division (A)(3) 19085
of section 4501.044 and division (A)(1) of section 4501.045 of the 19086
Revised Code. 19087

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 19088
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 19089

The Director of Budget and Management shall initiate and 19090
process payments from lease rental payment appropriation items 19091
during the period from July 1, 2013, to June 30, 2015, pursuant to 19092
the lease agreements for bonds or notes issued under Section 2i of 19093
Article VIII of the Ohio Constitution and Chapters 152. and 154. 19094
of the Revised Code. Payments shall be made upon certification by 19095
the Treasurer of State of the dates and amounts due on those 19096
dates. 19097

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 19098

Certain appropriations are in this act for the purpose of 19099

lease rental and other payments under leases and agreements 19100
relating to bonds or notes issued under the Ohio Constitution and 19101
acts of the General Assembly. If it is determined that additional 19102
appropriations are necessary for this purpose, such amounts are 19103
hereby appropriated. 19104

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 19105
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 19106

Upon the request of the Director of Transportation, the 19107
Director of Budget and Management may transfer cash from the 19108
Highway Operating Fund (Fund 7002) to the Highway Capital 19109
Improvement Fund (Fund 7042) created in section 5528.53 of the 19110
Revised Code. The Director of Budget and Management may transfer 19111
cash from Fund 7042 to Fund 7002 up to the amount of cash 19112
previously transferred to Fund 7042 under this section. 19113

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 19114

The Director of Budget and Management shall transfer cash in 19115
equal monthly increments totaling \$171,724,944 in fiscal year 2014 19116
and in equal monthly increments totaling \$173,884,776 in fiscal 19117
year 2015 from the Highway Operating Fund (Fund 7002), created in 19118
section 5735.291 of the Revised Code, to the Gasoline Excise Tax 19119
Fund (Fund 7060) created in division (A) of section 5735.27 of the 19120
Revised Code. The monthly amounts transferred under this section 19121
shall be distributed as follows: 42.86 per cent shall be 19122
distributed among the municipal corporations within the state 19123
under division (A)(2) of section 5735.27 of the Revised Code; 19124
37.14 per cent shall be distributed among the counties within the 19125
state under division (A)(3) of section 5735.27 of the Revised 19126
Code; and 20 per cent shall be distributed among the townships 19127
within the state under division (A)(5)(b) of section 5735.27 of 19128
the Revised Code. 19129

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 19130

On July 1, 2013, and on January 1, 2014, or as soon as 19131
possible thereafter, respectively, the Director of Budget and 19132
Management shall transfer \$200,000 in cash, for each period, from 19133
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 19134
General for ODOT Fund (Fund 5FA0). 19135

On July 1, 2014, and on January 1, 2015, or as soon as 19136
possible thereafter, respectively, the Director of Budget and 19137
Management shall transfer \$200,000 in cash, for each period, from 19138
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 19139
General for ODOT Fund (Fund 5FA0). 19140

Should additional amounts be necessary, the Inspector 19141
General, with the consent of the Director of Budget and 19142
Management, may seek Controlling Board approval for additional 19143
transfers of cash and to increase the amount appropriated from 19144
appropriation item 965603, Deputy Inspector General for ODOT, in 19145
the amount of the additional transfers. 19146

Section 601.10. That Section 10 of Am. Sub. H.B. 386 of the 19147
129th General Assembly be amended to read as follows: 19148

Sec. 10. The To the extent that sufficient cash is available, 19149
within three months after the receipt of moneys into the Casino 19150
Operator Settlement Fund created in section 3772.34 of the Revised 19151
Code, the Director of Budget and Management shall pay one million 19152
dollars ~~by December 31, 2012,~~ to the municipal corporation or 19153
township in which each commercial racetrack is located, including 19154
a municipal corporation or township to which a racetrack is to 19155
relocate as specified in the memorandum of understanding of 19156
February 17, 2012, between the Office of the Governor, State of 19157
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 19158
transfers, but excluding the previous municipal corporation or 19159

township of each moved track and excluding a municipal corporation 19160
or township in a county with a population between 1,100,000 and 19161
1,200,000 in the most recent federal decennial census. ~~The~~ 19162
~~Director shall transfer these payments, totaling six million~~ 19163
~~dollars, from the Casino Operator Settlement Fund created in~~ 19164
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 19165
within six months after the first payments made under this 19166
section, the Director of Budget and Management shall pay an 19167
additional one million dollars ~~by June 30, 2013,~~ to each of these 19168
municipal corporations and townships, ~~and shall transfer these~~ 19169
~~payments, totaling six million dollars, from the Casino Operator~~ 19170
~~Settlement Fund. These expenditures are hereby appropriated. Each~~ 19171
municipal corporation or township receiving such a payment shall 19172
use at least fifty per cent of the funds received for 19173
infrastructure or capital improvements. If after either of the 19174
payments referenced in this section, a municipal corporation or 19175
township loses a racetrack as a result of the racetrack permit 19176
holder's decision to relocate to another municipal corporation or 19177
township, the municipal corporation or township losing the 19178
racetrack becomes eligible for a payment from the Racetrack 19179
Facility Community Economic Redevelopment Fund provided for in 19180
Sections 7 and 8 of H.B. 386 of the 129th General Assembly after 19181
all of the communities that have already lost a racetrack permit 19182
holder's racetrack at the time the first payments referenced in 19183
this section are made have each been awarded up to \$3 million for 19184
the initial loss of such racetracks. Such a municipal corporation 19185
or township shall not receive more than the sum of \$3 million 19186
minus any payments made by the Director of Budget and Management 19187
in accordance with this section. The Director of Budget and 19188
Management is also authorized to establish any necessary 19189
appropriation items in the appropriate funds and agencies in order 19190
to make any payments required under this section. Any funds in 19191

such items are hereby appropriated. 19192

Section 601.11. That existing Section 10 of Am. Sub. H.B. 386 19193
of the 129th General Assembly is hereby repealed. 19194

Section 601.20. That Sections 203.80 and 203.83 of Sub. H.B. 19195
482 of the 129th General Assembly be amended to read as follows: 19196

Sec. 203.80. The items set forth in this section are hereby 19197
appropriated out of any moneys in the state treasury to the credit 19198
of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 19199
not otherwise appropriated. 19200

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		19201
C72549	ODNR Facilities Development	\$ 500,000	19202
C725B7	Underground Fuel Storage Tank Removal/Replacement - Department	\$ 250,000	19203
C725E1	NatureWorks Local Park Grants	\$ 4,790,000	19204
C725E5	Project Planning	\$ 400,000	19205
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	19206
		<u>40,000,000</u>	
C725N5	Wastewater/Water Systems Upgrade - Department	\$ 8,000,000	19207
Total Department of Natural Resources		\$ 23,940,000	19208
		<u>53,940,000</u>	
TOTAL Ohio Parks and Natural Resources Fund		\$ 23,940,000	19209
		<u>53,940,000</u>	

Sec. 203.83. The Ohio Public Facilities Commission is hereby 19211
authorized to issue and sell, in accordance with Section 21 of 19212
Article VIII, Ohio Constitution, and Chapter 151. and particularly 19213
sections 151.01 and 151.05 of the Revised Code, original 19214
obligations in an aggregate principal amount not to exceed 19215

~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 19216
obligations heretofore authorized by prior acts of the General 19217
Assembly. These authorized obligations shall be issued, subject to 19218
applicable constitutional and statutory limitations, as needed to 19219
provide sufficient moneys to the credit of the Ohio Parks and 19220
Natural Resources Fund (Fund 7031) to pay costs of capital 19221
facilities as defined in sections 151.01 and 151.05 of the Revised 19222
Code. 19223

Section 601.21. That existing Sections 203.80 and 203.83 of 19224
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 19225

Section 701.20. To the extent permitted by federal law, 19226
federal money received by the state for fiscal stabilization and 19227
recovery purposes shall be used in accordance with the preferences 19228
for products and services made or performed in the United States 19229
and Ohio established in section 125.09 of the Revised Code. 19230

Section 737.10. Notwithstanding any provision of Chapter 19231
3769. of the Revised Code and through December 31, 2013, the State 19232
Racing Commission may issue a temporary permit to conduct live 19233
horse-racing meetings at a location where other permits to conduct 19234
live horse-racing meetings have been issued. Such permits shall be 19235
issued to a permit holder for a period not to aggregate more than 19236
one year from the first date of issuance. The Commission may adopt 19237
rules under Chapter 119. of the Revised Code to effectuate this 19238
section and to establish the procedures and conditions to apply 19239
for a temporary permit under this section. 19240

A holder of a temporary permit issued under this section 19241
during calendar year 2013 that is otherwise eligible to become a 19242
video lottery sales agent may apply to the State Lottery 19243
Commission for a video lottery sales agent license at the location 19244

where the temporary permit holder was previously issued a permit 19245
to conduct live horse racing meetings. A holder of a temporary 19246
permit issued under this section during calendar year 2013 may 19247
electronically televise simulcasts of horse races at the location 19248
where the temporary permit holder was previously issued a permit 19249
to conduct live horse racing meetings. 19250

Section 747.10. On the effective date of the amendments made 19251
to section 4765.02 of the Revised Code by this act, the member of 19252
the renamed State Board of Emergency Medical, Fire, and 19253
Transportation Services who is an administrator of an adult or 19254
pediatric trauma center shall cease to be a member of the Board. 19255
On the effective date of the amendments made to section 4765.02 of 19256
the Revised Code by this act, the member of the renamed State 19257
Board of Emergency Medical, Fire, and Transportation Services who 19258
is a member of the Ohio Ambulance Association shall cease to be a 19259
member of the Board. On the effective date of the amendments made 19260
to section 4765.02 of the Revised Code by this act, the member of 19261
the renamed State Board of Emergency Medical, Fire, and 19262
Transportation Services who is a physician certified by the 19263
American board of surgery, American board of osteopathic surgery, 19264
American osteopathic board of emergency medicine, or American 19265
board of emergency medicine, is chief medical officer of an air 19266
medical agency, and is currently active in providing emergency 19267
medical services shall cease to be a member of the Board. On the 19268
effective date of the amendments made to section 4765.02 of the 19269
Revised Code by this act, of the members of the renamed State 19270
Board of Emergency Medical, Fire, and Transportation Services who 19271
were EMTs, AEMTs, or paramedics and were appointed to the Board in 19272
that capacity, only the members who are designated by the Governor 19273
to continue to be members of the Board shall continue to be so; 19274
the other persons shall cease to be members of the Board. On the 19275
effective date of the amendments made to section 4765.02 of the 19276

Revised Code by this act, the member of the renamed State Board of
Emergency Medical, Fire, and Transportation Services who is a
registered nurse and is in the active practice of emergency
nursing shall cease to be a member of the Board. Not later than
sixty days after the effective date of those amendments, the
Governor shall appoint to the renamed State Board of Emergency
Medical, Fire, and Transportation Services an adult or pediatric
trauma program manager or trauma program director who is involved
in the daily management of a verified trauma center. The Governor
shall appoint this member from among three persons nominated by
the Ohio Nurses Association, three persons nominated by the Ohio
Society of Trauma Nurse Leaders, and three persons nominated by
the Ohio State Council of the Emergency Nurses Association.

On the effective date of the amendments made to section
4765.02 of the Revised Code by this act, all members of the former
State Board of Emergency Medical Services who do not cease to be
members of the renamed State Board of Emergency Medical, Fire, and
Transportation Services by the terms of this act shall continue to
be members of the renamed State Board of Emergency Medical, Fire,
and Transportation Services, and the dates on which the terms of
the continuing members expire shall be the dates on which their
terms as members of the former State Board of Emergency Medical
Services expired. On the effective date of the amendments made to
section 4765.02 of the Revised Code by this act, the following
members of the former Ohio Medical Transportation Board shall
become members of the State Board of Emergency Medical, Fire, and
Transportation Services, and the dates on which those members'
terms on the State Board of Emergency Medical, Fire, and
Transportation Services expire shall be as follows:

The person who owns or operates a private emergency medical
service organization operating in this state, as designated by the
Governor, term ends November 12, 2014;

The person who owns or operates a nonemergency medical service organization that provides only ambulance services, term ends November 12, 2014; 19309
19310
19311

The person who is a member of the Ohio Association of Critical Care Transport and represents air-based services, term ends November 12, 2015; 19312
19313
19314

The person who is a member of the Ohio Association of Critical Care Transport and represents a ground-based mobile intensive care unit organization, term ends November 12, 2015. 19315
19316
19317

All subsequent terms of office for these four positions on the State Board of Emergency Medical, Fire, and Transportation Services shall be for three years as provided in section 4765.02 of the Revised Code. 19318
19319
19320
19321

On July 1, 2013, the Medical Transportation Board and all of its functions are transferred to the Department of Public Safety. As of such date, the Medical Transportation Board shall operate under the Department of Public Safety, which shall assume all of the Board's functions. All assets, liabilities, any capital spending authority related thereto, and equipment and records, regardless of form or medium, related to the Medical Transportation Board's functions are transferred to the Department of Public Safety on July 1, 2013. 19322
19323
19324
19325
19326
19327
19328
19329
19330

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer. All of the Medical Transportation Board's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Public Safety until modified or rescinded by the Department of Public Safety. 19331
19332
19333
19334
19335
19336

No action or proceeding pending on July 1, 2013, is affected by the transfer and any action or proceeding pending on July 1, 2013, shall be prosecuted or defended in the name of the 19337
19338
19339

Department of Public Safety or its director. In all such actions 19340
and proceedings, the Department of Public Safety or its director, 19341
upon application to the court, shall be substituted as a party. 19342

On or after July 1, 2013, notwithstanding any provision of 19343
law to the contrary, the Director of Budget and Management shall 19344
take any action with respect to budget changes made necessary by 19345
the transfer. The Director may transfer cash balances between 19346
funds. The Director may cancel encumbrances in 915604, Operating 19347
Expenses, and reestablish encumbrances or parts of encumbrances in 19348
765624, Operating - EMS, as needed in the fiscal year in the 19349
appropriate fund and appropriation item for the same purpose and 19350
to the same vendor. As determined by the Director, encumbrances 19351
reestablished in the fiscal year in a different fund or 19352
appropriation item used by an agency or between agencies are 19353
appropriated. The Director shall reduce each year's appropriation 19354
balances by the amount of the encumbrance canceled in their 19355
respective funds and appropriation item. Any unencumbered or 19356
unallocated appropriation balances from the previous fiscal year 19357
may be transferred to the appropriate appropriation item to be 19358
used for the same purposes, as determined by the Director. Any 19359
such transfers are hereby appropriated. 19360

This section is exempt from the referendum under Ohio 19361
Constitution, Article II, Section 1d and section 1.471 of the 19362
Revised Code and therefore takes effect immediately when this act 19363
becomes law. 19364

Section 755.10. The Director of Transportation may enter into 19365
agreements as provided in this section with the United States or 19366
any department or agency of the United States, including, but not 19367
limited to, the United States Army Corps of Engineers, the United 19368
States Forest Service, the United States Environmental Protection 19369
Agency, and the United States Fish and Wildlife Service. An 19370

agreement entered into pursuant to this section shall be solely 19371
for the purpose of dedicating staff to the expeditious and timely 19372
review of environmentally related documents submitted by the 19373
Director of Transportation, as necessary for the approval of 19374
federal permits. The agreements may include provisions for advance 19375
payment by the Director of Transportation for labor and all other 19376
identifiable costs of the United States or any department or 19377
agency of the United States providing the services, as may be 19378
estimated by the United States, or the department or agency of the 19379
United States. The Director shall submit a request to the 19380
Controlling Board indicating the amount of the agreement, the 19381
services to be performed by the United States or the department or 19382
agency of the United States, and the circumstances giving rise to 19383
the agreement. 19384

Section 755.20. There is hereby created the Joint Legislative 19385
Task Force on Department of Transportation Funding. The Task Force 19386
shall consist of three members of the House Finance and 19387
Appropriations Committee, two of whom shall be appointed by the 19388
Speaker of the House of Representatives and one of whom shall be 19389
appointed by the Minority Leader of the House of Representatives, 19390
and three members of the Senate Transportation Committee, two of 19391
whom shall be appointed by the President of the Senate and one of 19392
whom shall be appointed by the Minority Leader of the Senate. 19393

The Task Force shall examine the funding needs of the Ohio 19394
Department of Transportation. The Task Force also shall study 19395
specifically the issue of the elimination of the Ohio motor fuel 19396
tax. Not later than December 15, 2014, the Task Force shall issue 19397
a report containing its findings and recommendations to the 19398
President of the Senate, the Minority Leader of the Senate, the 19399
Speaker of the House of Representatives, and the Minority Leader 19400
of the House of Representatives. At that time, the Task Force 19401

shall cease to exist. 19402

Section 755.30. On July 1, 2013, and on the first day of the 19403
month for each month thereafter, the Treasurer of State, before 19404
making any of the distributions specified in sections 5735.23, 19405
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 19406
the first two per cent of the amount of motor fuel tax received 19407
for the preceding calendar month to the credit of the Highway 19408
Operating Fund (Fund 7002). 19409

Section 755.40. It is the intent of the General Assembly that 19410
the amendments to section 4511.21 of the Revised Code contained in 19411
Section 101.01 of this act are not to result in any decrease of 19412
any speed limit on any freeway that is in effect on the effective 19413
date of those amendments. 19414

Section 755.50. Not later than July 1, 2013, the Director of 19415
Transportation shall establish a turnpike mitigation program to 19416
assist political subdivisions through which a portion of the Ohio 19417
Turnpike passes and address concerns resulting from the proximity 19418
of the Ohio Turnpike. The program may provide monetary and other 19419
resources, and shall address conditions including noise 19420
mitigation, bridge embankments, drainage, bridge repair, grade 19421
separations, and other related conditions. 19422

The Director may consult with affected political subdivisions 19423
in assessing needs and in developing the program. Upon 19424
establishing the program, the Director shall notify affected 19425
subdivisions in an appropriate manner of the availability of the 19426
program. 19427

As used in this section, "Ohio turnpike" has the same meaning 19428
as in section 5537.26 of the Revised Code. 19429

Section 755.60. (A) The Energy Industry Infrastructure Task 19430

Force is hereby established to do both of the following: 19431

(1) Study and make recommendations to the Director of 19432
Transportation on future infrastructure projects in districts 19433
established by the Department of Transportation that are affected 19434
by the energy industry; 19435

(2) Make recommendations to the Director on infrastructure 19436
projects in those districts that support the economic development 19437
activities in the districts. 19438

(B) The Governor, with the advice and consent of the Senate, 19439
shall appoint the following members to the Task Force not later 19440
than thirty days after the effective date of this section: 19441

(1) Three representatives of the energy industry; 19442

(2) One representative of the County Commissioners 19443
Association of Ohio; 19444

(3) One representative of the Ohio Township Association; 19445

(4) One representative of the County Engineers Association of 19446
Ohio; 19447

(5) One representative of the Department; 19448

(6) One representative of the public nominated by the 19449
Director; 19450

(7) At least one representative of a district established by 19451
the Department. 19452

(C) The Task Force shall submit its recommendations to the 19453
Director by January 31, 2015. After submitting its 19454
recommendations, the Task Force ceases to exist. 19455

Section 757.10. Notwithstanding Chapter 5735. of the Revised 19456
Code, the following shall apply for the period of July 1, 2013, 19457
through June 30, 2015: 19458

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

(B) For the semiannual periods ending December 31, 2013, June 30, 2014, December 31, 2014, and June 30, 2015, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be one-half of one per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

Section 757.20. (A) The Department of Taxation shall notify taxpayers of the requirement to separately identify taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways as distinguished from other taxable gross receipts. The Department shall collect data from taxpayers affected by the amendments to sections 5751.02, 5751.051, and 5751.20 of the Revised Code to determine which of such taxpayers' receipts received between December 7, 2012, and June 30, 2013, were attributable to motor fuel used for propelling vehicles on public highways.

(B)(1) On or before June 25, 2013, the Tax Commissioner shall certify to the Director of Budget and Management an estimated amount of commercial activity tax revenue received between December 7, 2012, and June 30, 2013, derived from taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways. On or before June 30, 2013, the Director shall transfer the amount so certified from the General Revenue Fund to

the Commercial Activity Tax Motor Fuel Receipts Fund. 19490

(2) Before the Director of Budget and Management completes 19491
the transfer required under division (B)(2) of section 5751.20 of 19492
the Revised Code on or before November 20, 2013, the Commissioner 19493
shall certify a reconciliation of the amount described in division 19494
(B)(1) of this section to the Director based on information the 19495
Commissioner receives from taxpayers affected by the amendment by 19496
this act of sections 5751.02, 5751.051, and 5751.20 of the Revised 19497
Code. The director shall use that certified, reconciled amount to 19498
offset or augment the transfer required to be made by the Director 19499
on or before November 20, 2013. 19500

(C) The Tax Commissioner shall make the first calculation and 19501
payment required under division (B)(2) of section 5751.20 of the 19502
Revised Code, as amended by this act, on or before November 20, 19503
2013, using, for the purpose of that calculation, taxable gross 19504
receipts attributed to motor fuel used for propelling vehicles on 19505
public highways as indicated by returns due by November 10, 2013. 19506

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 19507
APPROPRIATIONS 19508

Law contained in the main operating appropriations act of the 19509
130th General Assembly that is generally applicable to the 19510
appropriations made in the main operating appropriations act also 19511
is generally applicable to the appropriations made in this act. 19512

Section 801.20. As used in the uncodified law of this act, 19513
"American Recovery and Reinvestment Act of 2009" means the 19514
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 19515
111-5, 123 Stat. 115. 19516

Section 803.10. The repeal of section 3791.11 of the Revised 19517
Code does not cancel or otherwise terminate a bond that is in 19518

effect on the effective date of the repeal. Such a bond continues 19519
in effect and expires according to its terms. Upon expiration of 19520
the bond, the depositor is not required to renew the bond and any 19521
amount posted shall be returned to the depositor. 19522

Section 803.20. The amendment or enactment by this act of 19523
sections 5747.053, 5747.08, and 5747.98 of the Revised Code 19524
applies to taxable years ending on or after the effective date of 19525
this act. 19526

Section 806.10. The items of law contained in this act, and 19527
their applications, are severable. If any item of law contained in 19528
this act, or if any application of any item of law contained in 19529
this act, is held invalid, the invalidity does not affect other 19530
items of law contained in this act and their applications that can 19531
be given effect without the invalid item or application. 19532

Section 812.10. Except as otherwise provided in this act, the 19533
amendment, enactment, or repeal by this act of a section of law is 19534
subject to the referendum under Ohio Constitution, Article II, 19535
Section 1c and therefore takes effect on the ninety-first day 19536
after this act is filed with the Secretary of State or, if a later 19537
effective date is specified below, on that date. 19538

Section 812.20. In this section, an "appropriation" includes 19539
another provision of law in this act that relates to the subject 19540
of the appropriation. 19541

An appropriation of money made in this act is not subject to 19542
the referendum insofar as a contemplated expenditure authorized 19543
thereby is wholly to meet a current expense within the meaning of 19544
Ohio Constitution, Article II, Section 1d and section 1.471 of the 19545
Revised Code. To that extent, the appropriation takes effect 19546

immediately when this act becomes law. Conversely, the 19547
appropriation is subject to the referendum insofar as a 19548
contemplated expenditure authorized thereby is wholly or partly 19549
not to meet a current expense within the meaning of Ohio 19550
Constitution, Article II, Section 1d and section 1.471 of the 19551
Revised Code. To that extent, the appropriation takes effect on 19552
the ninety-first day after this act is filed with the Secretary of 19553
State. 19554

Section 812.20.10. The amendment or enactment by this act of 19555
division (A)(3) of section 5751.051 of the Revised Code, division 19556
(J) of section 5751.20 of the Revised Code, and Section 757.20 of 19557
this act is exempt from the referendum under Ohio Constitution, 19558
Article II, Section 1d and section 1.471 of the Revised Code, and 19559
therefore takes effect immediately when this act becomes law. 19560

Section 812.20.20. The amendment by this act of sections 19561
5751.02, 5751.051, except for division (A)(3) of that section, and 19562
5751.20 of the Revised Code, except for division (J) of that 19563
section, take effect on July 1, 2013. 19564

Section 812.30. The amendment by this act of Section 10 of 19565
Am. Sub. H.B. 386 of the 129th General Assembly goes into 19566
immediate effect. 19567

Section 815.10. The General Assembly, applying the principle 19568
stated in division (B) of section 1.52 of the Revised Code that 19569
amendments are to be harmonized if reasonably capable of 19570
simultaneous operation, finds that the following sections, 19571
presented in this act as composites of the sections as amended by 19572
the acts indicated, are the resulting versions of the sections in 19573
effect prior to the effective date of the sections as presented in 19574
this act: 19575

Section 5739.02 of the Revised Code as amended by both Am. 19576

Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	19577
Section 5747.01 of the Revised Code as amended by Am. H.B.	19578
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th	19579
General Assembly.	19580
Section 5747.98 of the Revised Code as amended by Am. Sub.	19581
H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly.	19582
Section 5751.01 of the Revised Code as amended by both Am.	19583
Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly.	19584
Section 5751.20 of the Revised Code as amended by both Am.	19585
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly.	19586